

**TOWN OF
WINDSOR
LOCAL
GOVERNMENT
HANDBOOK**

September 15, 2015

Introduction

This handbook is a compilation of bylaws that relate to Windsor based on my research of town meeting minutes, and verification of approved town bylaws from the Attorney General's office.

The current Zoning Bylaws are available separately.

This book includes duties and terms for all elected and appointed positions, a list of accepted town roads, and Mass. General Law acceptances.

As new bylaws or acts are approved by Town Meeting, this document will be updated.

Madeline W. Scully
Town Clerk

**Town of Windsor General Bylaws
And
MGL Accepted by the Town
Updated Aug 23, 2015**

Original General Bylaws

These foregoing bylaws are hereby approved. Henry C. Attwill, Attorney General

These town bylaws accepted at the annual town meeting held Feb 1, 1915

C.S. Galusha

W.C. estes

J.F. Leslie

H.A. Ford

A true copy attest C.S> Galusha Town Clerk

Article 1

All town meetings shall be notified by the officers or other persons to whom the warrant thereof shall be directed by posting attested copies of the warrant in two public places or more within the town seven days at least before the town meeting. The annual town meeting shall be held on the first Monday in February.

Article 1 Amended December 31, 1968

All town meetings shall be notified by the officers or other persons to whom the warrant thereof shall be directed by posting attested copies of the warrant in two public places or more within the town seven days at least before the town meeting. The annual town meeting shall be held on the first Monday in March.

The annual Town Election date shall be the second Monday in March each calendar year.

Approved by Attorney General December 31, 1968

Article 1 Amended January 25, 1974

The Annual Town Meeting amended to first Monday in April and Town election to second Monday in April

Approved by Attorney General January 29, 1974

Article 1 Amended February 14, 1977

All town meetings shall be notified by the officers or other persons to whom the warrant thereof shall be directed by posting attested copies of the warrant in two public places or more within the town at least fourteen days before the town meeting. The annual town meeting shall be held on the first Monday in May.

The annual Town Election date shall be the second Monday in May each calendar year.

Approved by Attorney General

Article 2

The selectmen shall meet at least one in each month for the transaction of business.

Article 3

No motion or resolve or an amendment thereof involving an appropriation or an expenditure of money shall be entertained by the business town meeting unless presented in writing. On all such motions or resolves, if adopted, the moderator shall choose to write across the face of them, "passed" before they are handed to the town clerk.

Article 3 Repealed December 31, 1968

Posting of the Minutes

The town Clerk shall post a typewritten copy of the minutes of the annual and all special town meetings in the Town Hall and cause to be delivered copies of the same to the Chairman of the following boards; selectmen, Assessors, Finance Committee, Planning Board and to the Treasurer and Chairman of the Capital outlay Committee.

May 1, 1978

Composition

The legislative body in the Town of Windsor 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 town meetings.

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).

Quorum Requirement

The Town of Windsor has no quorum requirement.

Fiscal Year

The Town voted to accept the provisions of MGL Ch105, of the ACTS of 2000, as it amends General Law Ch40 sec 49 as a local Bylaw. Makes legal the Town's fiscal year end June 30 and starts July 1

May 7, 2001

Procurement

The Town voted to accept the provisions of MGL Chapter 30B, the Uniform Procurement Act. Chapter 30B of the Massachusetts General Laws, the Uniform Procurement Act, establishes uniform procedures for local governments to use when contracting for supplies, services, and real property.

May 7, 1990

Permits and setting Fees

The Town voted to accept the provisions of M.G.L. Chapter 40, Section 22F empowering any municipal board or officer to issue a license, permit, certificate or to render a service and fix reasonable fees for all such licenses permits or certificates issued pursuant to statutes or regulations wherein the entire proceeds of such fee remain with the issuing town.

February 28, 2000

Town Official Indemnity

The Town voted to accept the provisions of Section thirteen of chapter two hundred fifty eight of the General Laws which provides that the town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and any, in an amount not to exceed one million dollars, arising out of any act or omission except an intentional violation of civil rights of any person under any law, if the official at the time of such act or omission was acting within the scope of his official duties or employment.

May 12, 1980

Term of Office

The term of office of any person elected to any town office pursuant to MGL, c 41 sec 1, shall commence on July 1. Next succeeding the date of the Annual Election or as soon thereafter as he is qualified, who shall hold office during the term fixed by law, which term shall commence on July 1 next succeeding the date of the Annual election, and until another person is qualified in his stead. This by-law shall not affect the term of office of any person elected to any town office at any special or annual election the purpose of which is to fill an unexpired term of any duly elected officer by reason of that officer's death, disability, resignation, failure of qualifications or any other reason.

October 19, 1992

Tax Delinquency

The Town voted to accept the provisions of MGL CH40 sec 57 as a local bylaw
Someone 12-13 months in arrears of their taxes could be denied a building permit or a liquor license by the Town.

May 1, 2000

Tax exemption

The Town voted to accept the provisions of MGL Chapter 59 Section 5 Clause 41C to begin July 1, 2008. This clause provides a real estate tax exemption of \$500 for elderly (over 70) property owners who meet the eligibility requirements annually.

May 5, 2008

The Town voted to accept the provisions of MGL Chapter 59 section 5 Clause 17D to begin July 1, 2008. This clause provides a real estate exemption of \$175.00 for elderly (over 70), Surviving Spouse or minor property owners who meet the eligibility requirements annually.

May 5, 2008

Vehicles Parked on Winter Roads

The Town voted to remove any vehicle parked on the Town Roads between November 1 and March 30. Removal shall be at the owner's expense

April 7, 1975

Plowing Snow into Town Roads

The Town voted to prohibit any person from plowing snow into Town Roads. Those in violation will be required to pay \$25.00 for removal of this snow.

April 7, 1975

Logging

No logging contractor shall cut or remove timber from land in Windsor until he posts a \$500 cash bond with the Windsor Town Treasurer as security for the payment of any and all damage caused by such activity to public land, bridges, roads and other improvements.

April 5, 1976

Recycling Bylaw

In order to implement a program of recycling in conjunction with ordinary waste disposal, residents shall separate waste material into the following categories, before depositing same for disposal:

Glass and cans

Paper

Other waste

Unsorted waste material will not be accepted at the disposal site. Anyone disposing of such waste material in any other location will be fined by a sum not to exceed \$300.

May 1, 1989

**Town of Windsor
Right-to-Farm Bylaw
Dated June 22, 2009**

1. Legislative Intent; Purposes:

- A. The Town of Windsor finds, declares and determines that agriculture, including forestry, is vital to the Town of Windsor, Massachusetts, because it is a livelihood and provides employment for agriservice; provides locally produced, fresh commodities; agricultural diversity promotes economic stability; agriculture maintains open space and promotes environmental quality; and agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the Town of Windsor, farmers must be afforded protection allowing them the right to farm. When nonagricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operation or are discouraged from making investments in agricultural improvements.
- B. This General Bylaw is intended to reduce the loss to the Town of Windsor of its agricultural resources by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction. Nothing in this Right-to-Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation which is properly the subject to state statute, regulation, or local zoning bylaw.

2. Definitions:

- A. As used in this Bylaw, the following terms shall have the meanings indicated.

Agricultural Practices - All activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm and the on-farm production, processing and marketing of agricultural products, including, but not limited to, the collection, transportation, distribution, storage and land application of animal wastes, storage, transportation and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and pesticide application; storage and use of legally permitted fertilizers, limes and pesticides all in accordance with local, state and federal law and regulations and in accordance with manufacturers' instructions and warnings; storage, use and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products, and livestock for the sale of agricultural products and for the use of farm labor as permitted by local and state building codes and regulations; including the construction and maintenance of fences.

Farm - The land, buildings and machinery used in the production, whether for profit or otherwise, of agricultural products.

Farmer - Any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock, poultry, fur-bearing animals, or fish, the harvesting of timber or the practicing of horticulture or apiculture.

- B. Unless specifically defined, the above words or phrases used in this Bylaw shall be interpreted so as to give them meanings they have in common usage, and to give this Bylaw its most reasonable application.

3. Right-To-Farm Declaration:

- A. Farmers, as well as those employed, retained or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Windsor at all such times and in all such locations as are reasonably necessary to conduct the business of agriculture. For any agriculture practice, in determining the reasonableness of the time, place and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.
- B. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:
1. Reasonable and necessary to the particular farm or farm operation;
 2. Conducted in a manner that is not negligent or reckless;
 3. Conducted in conformity with generally accepted agricultural practices;
 4. Conducted in conformity with all local, state, and federal laws and regulations;
 5. Conducted in a manner that does not constitute a threat to public health and safety or cause injury to health or safety of any person; and
 6. Conducted in a manner that does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

4. Effective Date:

5. Disclosure Notification to Real Estate Buyers:

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors, not later than 21 days after the purchase and sale contract is entered into, or before the sale or exchange of real property if no purchase and sale agreement exists, the landowner shall present written notice to prospective purchasers substantially as follows:

This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust

and odors. Purchasing, and henceforth occupying land within the Town of Windsor means that one should expect and accept such conditions as a normal and necessary aspect of living in a farming community.

A copy of the disclosure notification signed by the landowner shall be returned to the Windsor Agricultural Commission in a timely manner.

6. Informal Resolution of Disputes:

- A. Should a controversy arise regarding any inconveniences or discomforts occasioned by agricultural operation, including, but not limited to, noise, odors, fumes, dust, the operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties may submit the controversy to the Agricultural Commission as set forth below in an attempt to resolve the matter prior to the filing of any court action.

- B. Any controversy between the parties may be submitted to the Agricultural Commission, whose recommendations shall be advisory only, within 30 days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.

- C. The effectiveness of the Agricultural Commission as a forum for resolution of grievances is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

- D. The controversy shall be presented to the Agricultural Commission by written request of one of the parties within the time limits prescribed above. Thereafter, the Commission may investigate the facts of the controversy but must, within 30 days, hold a meeting to consider the merits of the matter and within 20 days of the meeting must render a written recommendation to the parties. At the time of the meeting, both parties shall have an opportunity to present what each party considers to be the pertinent facts.

7. Severability Clause:

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder to this Bylaw. The Town of Windsor hereby declares the provisions of this Bylaw to be severable.

Utility/Construction Company

“No public *or* private utility and/or construction company shall work on any public way within the town of Windsor without notifying the Police Chief or his/her appointed designee. All road details will be assigned by the Police Chief or his/her designee.

Accepted by Attorney General July 21, 2011

Traffic Regulations

The Town voted to accept the provisions of Chapter 40 Section 22D as amended of the Massachusetts General Law.

Section 22D. In a city or town which accepts this section, as hereinafter provided, the city council or board of selectmen, or if, in any city or town, some other board or commission is empowered to establish traffic regulations, such other board or commission, may adopt, amend, alter or repeal rules and regulations, with such limitations, if any, as may be deemed proper, authorizing the chief officer of the police department or such sergeants or other officers of higher rank in the police department as he may from time to time designate, to remove, to some convenient place through the agency of a person or persons in the employ of the police department or by an independent contractor selected in accordance with law, by-law, or ordinance, on the basis of competitive bids, any vehicle parked or standing on any part of any way under the control of the municipality in such a manner as to obstruct any curb ramp designed for use by handicapped persons as means of egress to a street or public way, or to occupy or obstruct any parking space reserved for a vehicle used by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate, or displays the special parking identification

plate authorized by section two of chapter ninety, or bears the official identification of a handicapped person issued by any other state, or any Canadian Province, or to impede in any way the removal or plowing of snow or ice or in violation of any rule or regulation which prohibits the parking or standing of all vehicles on such ways or portions thereof at such time and recites that whoever violates it shall be liable to charges for the removal and storage of the vehicles as well as subject to punishment by fine. Vehicles owned by the commonwealth or a political subdivision thereof or by the United States or any instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered, shall not, however, be subject to such removal. Regulations and such signs as may be necessary shall be subject to the provisions of section two of chapter eighty-five. Liability may be imposed for the reasonable cost of such removal, and for the storage charges, if any, resulting therefrom, upon the owner of such vehicle; provided, however, that the liability so imposed for removal shall not exceed the maximum rate established by the department of telecommunications and energy under authority of section six B of chapter one hundred and fifty-nine B, and that the liability so imposed for storage shall not exceed the maximum rate established under the provisions of section six B of chapter one hundred and fifty-nine B. Neither the removal

nor storage of a vehicle under the provisions of this section shall be deemed to be services rendered or work performed by the municipality or the police department of such municipality. The contractor shall be liable to the owner of such vehicle for any damage caused to it arising out of negligence in the course of such removal and storage. This section shall take effect in a city having a Plan D or Plan E charter by the affirmative vote of a majority of all the members of the city council, and, in the case of other cities by vote of the city council, subject to the provisions of the charter, and in a town by vote of a town meeting. Acceptance may be revoked in like manner at any time after the expiration of one year from the date of acceptance.

The provisions of this section shall not apply to the city of Boston.

May 2, 1977

Building Code

Town of Windsor General Bylaw Appendix A STRETCH ENERGY CODE

[Adopted at the May 4, 2015 town meeting, by warrant article ____.]

A.1 Definitions

A.2 Purpose

A.3 Applicability

A.4 Stretch Code

A.1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building August 2013 code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

A.2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for both new construction and existing buildings.

A.3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

A.4 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Windsor General Bylaws, Appendix A. The Stretch Code is enforceable by the inspector of buildings or building commissioner.

Dog Regulation

The Town voted to accept the provisions of MGL CH 140 sec 147A, empowering the town to enact bylaws relative to regulation of dogs and entitling the Town to retain all license fees and fines rather than turning over such license fees and fines to the county.

February 28, 2000.

Board of Health Bylaws

Bylaw on Dwellings

All dwellings or business places shall be provided with sewage disposal and maintained in a sanitary condition in compliance with Article XI of the Sanitary Code as adopted by the Massachusetts Department of public Health on January 9, 1962, in accordance with the provisions of section 5 of the Chapter III of General Laws as amended by Chapter 522 of the Acts of 1959, and Chapter 172 of the Acts of 1960, in accordance with the procedure required by Chapter 30A of the General Laws.

Passed June 28, 1965 Approved by Attorney General

Public Health

The Town voted to adopt a bylaw so as to permit the non-criminal disposition pursuant to the civil infraction procedure in Chapter 90 G of the following violations:

- A any violation of the order of the Board of Health relating to public health which is authorized by the General Laws, any special law applicable to the town, the provisions of the state sanitary code or any other state regulation, or any Town bylaw, rule or regulations;
- B Any violation of any provision of the zoning bylaw;
- C Any violation of a bylaw relative to the licensing or restraining of dogs.

And to fix for each violation of (a) and (b) a specific sum of money not exceeding \$300 as the civil assessment for such violation. The civil assessment for a violation of (c) is established by MGL Ch 90G, sec 2 and is currently \$50

May 2, 1994

ELECTED OFFICIALS

Cemetery Commissioners

Establishing the Cemetery Commission

The Town voted to adopt the provisions of MGL Ch 114, Sec 22 through 27, establishing the Town Cemetery Commission.

June 22, 1977

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)

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).

Finance Committee

a. Members: 5

b. Term of Office: 3 years

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).

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).

Establishing the Planning Board

The Planning Board shall have 5(five) members. At the first Annual Town Meeting for the election of such members, one candidate shall be elected for 5(five), one candidate for a term of 4(four) years, one candidate for a term of 3(three) years, one candidate for a term of 2(two) years, one candidate for a term of 1(one) year, and at each succeeding meeting one member shall be elected for a term of 5(five) years. Members shall serve without pay, shall choose their own officers, and shall be sworn to the faithful performance of their duties. Vacancies shall be filled by the Selectmen in accordance with chapter 41, section 11, GL (Ter. Ed.) which appointee shall serve until the next Annual Town Meeting, at which time the vacancy shall be filled by election for the remainder of the term.

Passed June 28, 1965 Approved by Attorney General

- a. 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 (MGL Chapter 41, sections 81A-G).

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 issues licenses and permits for a variety of activities (MGL Chapter 41, sections 20, 21, 22, 23).

The Town voted to authorize the Selectmen to make rules and regulations for the benefit of health and safety of the public on inland waters within the Town of Windsor
February 1, 1960

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 May 1, 1978)

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).

The Town voted to accept the provisions of section 19K and 108P of Chapter 41 of the General Laws, to allow additional compensation of 10 percent up to a maximum of \$1000.00 in addition to the regular salary of the Town Clerk, Tax Collector, and Treasurer for completing the necessary courses and becoming certified by their respective statewide associations.
May 5, 2003

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). 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).

b. Powers and Duties

The Library Trustees oversee the operation of the Windsor 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).

APPOINTMENTS MADE BY SELECTMEN

Assessors

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).

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)..
- 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).

Board of Health

The Windsor Board of Health (BOH) is a volunteer committee appointed by the Windsor Select Board and is responsible for disease prevention and control, health and environmental protection and promoting a healthy community.

The Windsor BOH serves as the representatives of both the MA Department of Public Health and the MA Department of Environmental protection, and also participates in Emergency Planning and Management for the Town of Windsor.

To fulfill their duties, the BOH develops, implements and enforces health policies, oversees inspections to maintain minimum standards for sanitation in housing and food service, assures that the basic health needs of the community are being met, and when necessary, takes action to protect the health of the community.

The Board oversees health policies for the

Town of Windsor including:

- Creating new policy
- Reviewing existing policies
- Holding public hearings on existing policies and regulations
- Reviewing and holding hearings regarding variance requests for existing policies and regulations

Composition of the board of health and term of office

The Board shall consist of three persons. In making appointments the select board shall attempt to ensure that at least one member has qualifications in the medical field (Md., RN, LPN etc.) The term of office shall be three years, with the terms so arranged that the term of one member shall expire each year. As soon as possible after appointment, but within one year, members shall participate in the free Board of Health member training provided in Berkshire County.

Powers and Duties

The board of health shall be responsible for the formulation and enforcement of policies and regulations affecting the environment and public health, and shall have the powers and duties that are given to boards of health under the constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be authorized by the town by-laws or by the vote of a town meeting.

The Windsor Board of Health shall perform all required duties of local boards of

health that pertain to the Town of Windsor as stipulated in the bulletin Required Duties of Local Boards of Health in Massachusetts disseminated by the Commonwealth of Massachusetts Executive Office of Health and Human Services and be guided by the Manual of Laws and Regulations Relating to Boards of Health provided by that department.

Oversight and reporting

The Board of Health shall be overseen by the Select Board and shall report to the select board on a bi-weekly basis. The Board of Health shall work with and maintain close communications with the Health Inspector.

Public Meetings and conflict of interest

As a public board, the Board of Health is subject to open meeting and conflict of interest laws and regulations of the Commonwealth of Massachusetts.

Enforcement

The Board of Health shall support the Health inspector in the enforcement of any and all policies and regulations pertaining to its mission.

September 21, 2015

Conservation Commission

The Town voted to accept the provisions of Chapter 40, section 8C of the General Laws of Massachusetts.

Section 8C. A city or town which accepts this section may establish a conservation commission, hereinafter called the commission, for the promotion and development of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land areas and shall seek to co-ordinate 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. Among such plans may be a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the town master plan and with any regional plans relating to the area. The commission may, from time to time, amend such plan. Such plan shall show open areas including marsh land, swamps and other wetlands, and shall show which areas are subject to restrictions or wetland zoning provisions and any other matters which may be shown on a plat index under section thirty-three of chapter one hundred and eighty-four. Acquisitions of interests in land under this section and other municipal open lands shall be shown thereon as well as lands owned by other entities kept open through any legal requirement. Such plan shall show other areas which public necessity requires to be retained for conservation and passive recreation use. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint a director, clerks, consultants and other employees, and may contract for materials and services within available funds insofar as the same are not supplied by other departments. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except

that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may receive gifts, bequests or devises of personal property or interests in real property of the kinds mentioned below in the name of the city or town, subject to the approval of the city council in a city or of the selectmen in a town. It may purchase interests in such land with sums available to it. If insufficient funds are available or other reasons so require, a city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the city or town by option, purchase, lease or otherwise the fee in such land or water rights, conservation restrictions, easements or other contractual rights including

conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within its city or town, and it shall manage and control the same. For the purposes of this section a city or town may, upon the written request of the commission, take by eminent domain under chapter seventy-nine, the fee or any lesser interest in any land or waters located in such city or town, provided such taking has first been approved by a two-thirds vote of the city council or a two-thirds vote of an annual or special town meeting, which land and waters shall thereupon be under the jurisdiction and control of the commission. Upon a like vote, a city or town may expend monies in the fund, if any, established under the provisions of this section for the purpose of paying, in whole or in part, any damages for which such city or town may be liable by reason of any such taking. The commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars, for any violation thereof. No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two, or restrict any established public access. Lands used for farming or agriculture, as defined in section one A of chapter one hundred and twenty-

eight, shall not be taken by eminent domain under the authority of this section.

A city or town may appropriate money in any year to a conservation fund of which the treasurer shall be the custodian. Prior to the adoption of any rule or regulation which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural or aqua cultural practice, the commission shall, no later than seven days prior to the commission's public hearing on the adoption of said rules and regulations, give notice of the said proposed rules and regulations to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one. He may deposit or invest the proceeds of said fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invest it in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth, and any income therefrom shall be credited to the fund. Money in said fund may be expended by said commission for any purpose authorized by this section; provided, however, that no expenditure for a taking by eminent domain shall be made unless such expenditure has been approved in accordance with this section.

April 5, 1976

Council on Aging

- a. Members & Term: 7 members appointed for 3 years, with one third appointed annually
- b. Responsibilities: The Council on Aging coordinates and carries out programs designed to meet the needs of the town's elders. (MGL Ch. 40, sec 85).

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).

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).

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).

Berkshire County Solid Waste Committee

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

Highway Superintendent

- a. Members & Term: 1 superintendent appointed annually
- b. Responsibilities: The Highway Superintendent oversees the construction and maintenance of approximately 65 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: 7 members appointed for 3 years each
- 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/Town Offices

- a. Members & Term: 2 people appointed annually
- b. Responsibilities: The janitor is responsible for building maintenance, repairs, and suggestions for same.

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).

Police Officers

- a. Members & Term: X 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. Responsibilities: The commission coordinates recreational events, afterschool sports activities, and maintains equipment they own for recreation purposes.

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).

Town Treasurer and Town Tax Collector

The Town voted to extend the term of office for the Treasurer from one year to three years, beginning in the year 1979

The Town voted to authorize the selectmen to petition the Great and General Court for legislation authorizing the board of selectmen to appoint the town treasurer and the town tax collector, beginning upon the expiration of the current terms of office.

May 3, 1993

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).

The Town voted to accept the provisions of section 19K and 108P of Chapter 41 of the General Laws, to allow additional compensation of 10 percent up to a maximum of \$1000.00 in addition to the regular salary of the Town Clerk, Tax Collector, and Treasurer for completing the necessary courses and becoming certified by their respective statewide associations.

May 5, 2003

The Town voted as a local by-law, as required by the MGL Chapter 60, Section 23 , that the collector of Taxes be allowed to retain all fees collected from the issuance of Lien Certificates.
December 4, 1989

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).

Town Accountant

- a. Members & Term: 1 person appointed annually
- b. Responsibilities: The Town Accountant works under the general supervision and administrative direction of the Board of Selectmen. Responsibilities include bi-weekly payroll and bi-weekly vendor warrants, financial monitoring of the budget, maintaining comprehensive financial records; generating required periodic reports and assisting with annual budget preparation. Thorough knowledge of UMAS and DOR regulations and applicable Massachusetts General Laws are necessary (MGL Ch. 41, sec 55).

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 Secretary

- a. Member & Term: 1 person appointed annually (established Annual Town Meeting, August 24, 2015).
- b. Responsibilities: The secretary records the minutes of the Select board meetings, compiles the Annual Town Report, and completes other projects as directed by the Select board or Town Coordinator. Position is under the authority and supervision of the Select board.

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).

Zoning Board of Appeals

- a. Members & Term: 5 members appointed for 5 year terms (MGL Ch. 40A, sec 12)
- b. Responsibilities: The ZBA is responsible for reviewing land and structure usage as stipulated in the Windsor Zoning By-laws. 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).

WINDSOR ROADS

Black Top Roads

Roads	Miles	Width
8-A	3	4 Rods
Peru Road	1	3 rods down to Crane then 4 Rods
North Street	3	4 Rods
Cheshire Road	1.7	4 Rods
Bates Road	0.4	4 Rods
Flintstone Road	2.2	3 Rods
Main Dalton Road	2.2	4 Rods
Patterson Road	0.1	3 Rods
Crane Road-Lower	0.1	3 Rods
Hinsdale Road	0.4	3 Rods
Pierce Road	0.7	4 Rods
East Windsor Road	3.4	3 Rods
Old Nine Road	2.9	
Worthington Road	1.2	4 Rods
High Street Hill Road	0.4	4 Rods
River Road	4.5	4 Rods
Shaw Road	1.5	4 Rods
Total	28.70	

Gravel Roads

TBA

Current Town of Windsor Permit Fees

Voted and Accepted at the August 24, 2015 Special Town Meeting

FEE SCHEDULE FOR WIRING PERMITS

RESIDENTIAL WORK

NEW SINGLE DWELLING		\$250.00
(includes temporary & permanent service)		

FEE SCHEDULE FOR WIRING PERMITS - continued

RENOVATIONS	Major	\$150.00
	Minor	\$100.00

MULTI-FAMILY DWELLING – each unit
\$150.00
(does not include service)

SERVICES	Temporary service	\$ 50.00
	up to and including 400 AMPS	
		\$ 75.00
	over 400 AMPS	\$200.00

MAJOR APPLIANCE (new or replacement)	\$ 50.00
For each of the following appliances: Range, built-in oven, counter tops, electric dryers, water heaters, disposal, dishwasher, oil burner, gas burner,	

air conditioner, gas pumps, island light, etc.

GARAGES & Sheds \$ 75.00

BRANCH CIRCUIT EXTENSIONS, LIGHTS, OR RECEPT'S OR
OTHER DEVICES \$ 50.00

COMMERCIAL WORK

(Commercial, industrial and mercantile)

- a. All commercial and industrial work less than \$1,000 and not specified below, use the residential fees.
- b. Minimum fee all Commercial & Industrial Installations over \$1,000
\$150.00
- c. All commercial and industrial work over \$25,000 shall be based on \$6.00 per \$1,000 or fraction thereof.
- d. Signs and Marquees \$ 50.00
- e. Carnivals, Concessions, Circuses and Fairs
1-20 activities \$200.00
Over 20 activities
\$400.00

REPAIR AND MAINTENANCE

For Industrial concerns and schools employing a licensed electrician for maintenance work only on their premises, the annual permit fee shall be set at \$500.

MISCELLANEOUS WORK

- A. Swimming Pools – Storable pools \$
50.00
Permanent pools \$
100.00
- B. * Smoke Detectors – per structure \$
50.00
- C. Fire Alarm Systems & Security Systems \$ 50.00
- D. Residential Solar Installation
\$100.00
- E. Generator installation W/Automatic transfer switch \$
75.00
W/Manual transfer switch 50.00

FEES FOR RE-INSPECTION

The fee for re-inspection of defective work, or if the site is inaccessible for scheduled inspection, shall be \$ 50.00

*Includes individual smoke detectors, tandem-wired systems and all Class II smoke and heat detector systems.

ALL PERMIT FEES ARE NON-REFUNDABLE

FEE SCHEDULE FOR WIRING PERMITS-continued

ALL APPLICATIONS FOR PERMITS TO DO WIRING SHALL BE ACCOMPANIED BY A CHECK MADE PAYABLE TO THE TOWN OF WINDSOR

UNDER NO CIRCUMSTANCES SHALL ANY INSPECTIONS BE LESS THAN \$50.00.
Permit fees waived for municipal work valued at less than \$5,000.00

FEE SCHEDULE FOR PLUMBING & GAS PERMITS

PLUMBING

All new residential dwelling units

\$250.00

(covers all fixtures & includes 3 inspections; any additional inspections will be \$15)

All residential remodel work

\$

75.00 per permit

(includes one fixture/appliance, plus \$15 per additional appliance)

All commercial work under 5,000 sq. ft.

\$175 per permit

(new or remodel; includes one fixture/appliance plus \$15 per additional fixture/appliance)

All commercial work over 5,000 sq. ft.

\$300 per permit

(new or remodel; includes one fixture/appliance plus \$15 per additional fixture/appliance)

All other work

\$

65.00 per inspection

(residential or commercial)

Solar Systems (includes domestic hot water storage, back flow prevention and domestic water supply)

\$ 80.00 per permit

GAS

All residential work

\$ 65.00

per permit

(includes one fixture/appliance; plus \$15 per additional fixture/appliance)

All commercial work under 5,000 sq. ft.

\$150.00 per permit

(new or remodel; includes one fixture/appliance; plus \$15 per additional fixture/appliance)

All commercial work over 5,000 sq. ft.

\$300.00 per permit

(new or remodel; includes one fixture/appliance; plus \$15 per additional fixture/appliance)

Gas Tank inspection \$

10.00 per tank

Water Heaters (new or replacement; residential or commercial)

\$ 65.00 per heater

All re-inspections will be \$50.00

All sections of the Massachusetts Plumbing & Fuel and Gas Code CMR248 will be strictly adhered to.

All applications for permits shall be accompanied by a check made payable to the Town of WINDSOR

Building Permit Fee Schedule

Minimum building permit fee for Contractors

\$ 50.00

Minimum building permit fee for Homeowners doing own work

\$ 25.00

For All new construction, additions or renovations, see chart on reverse side to determine cost of construction, for purpose of fee determination. Building Permit Fee is based on \$6.00 per \$1,000 of value of construction

Miscellaneous: fees for specific projects not listed below:

Roofing, siding or replacement windows: (ea. Category)

Homeowner \$25.00 Residential \$50.00 Commercial \$75.00

Swimming Pool: Above Ground \$50.00 In Ground \$100.00

Demolition: \$ 25.00

Chimney new/repair \$ 50.00

Fireplace \$ 50.00

Solid fuel burning appliances \$ 25.00

Amusement Devices and booths \$ 10.00/ unit

Building Permit Fee Schedule-continued

Fence (over 6 feet) Retaining wall (over 4 feet \$ 50.00

Special Purpose temporary tents and trailer \$ 50.00

Signs - plus \$1.00 per sq. ft. over 50 sq. ft. \$ 50.00

Solar Projects valued less than \$8,000 \$ 50.00

Solar Projects valued more than \$8,000 thousand	\$ 6.00/per
Re-inspection fee, (any inspection called for but not ready)	\$ 50.00
Submittal of new plans after plan review	\$100.00
Large commercial plan review	\$100.00
Exceptionally large or complicated projects, multi-family, commercial or industrial projects, additional review fees may be required.	
Inspection and Occupancy permit (when no bldg. permit is required)	\$ 50.00
ZONING	
Zoning clearance for Business Certificate	\$ 10.00
Written zoning determination	\$ 50.00

Fee Determination Schedule

VALUE OF PROJECT: In order to keep the fees equitable for all buildings, the cost of construction is determined as follows. This valuation procedure does not affect taxation by the Board of Assessor's.

The Town will consider an actual cost of construction if homeowner is performing the work themselves. Otherwise, For All new construction, addition, renovation, see chart below to determine cost of construction, for purpose of fee determination. If project is not related to new square feet the fee will be based upon a sound estimate of the cost of construction.

Building Permit Fee is based on \$6.00 per \$1,000 of value of construction

- All new construction for dwelling units/additions \$150/sq.ft.
- Sunrooms \$100/sq.ft.
- Basement renovations \$ 50/sq.ft.
- Res. accessory bldgs., non-living space, decks & unfinished basements, 30/sq.ft.
- Residential garages \$ 30/sq.ft.
- Mobile Homes \$ 50/sq.ft.
- Conversion of non-residential space to living space \$120/sq.ft.
- Agricultural barns \$ 30/sq.ft.
- Commercial A,B,E,H,I & M Use groups new construction/additions \$200/sq.ft.
- Commercial accessory buildings \$ 50/sq.ft.
- Industrial F,S & U Use groups new construction/additions buildings \$ 75/sq.ft.
- Conversion of non-commercial/non-industrial space to commercial/industrial space \$150/sq.ft.

If project is not related to new sq.ft., the fee will be based upon a sound estimate of the cost of construction.

FEES: Once the cost of construction is determined, the fee is based on \$6 per \$1,000 of value, e.g., copy of contract.

There is a minimum permit fee of \$50.

Municipal permit fees are waived

ALL FEES WILL BE DOUBLED IF CONSTRUCTION IS BEGUN WITHOUT A PERMIT

Health Department Inspection Fees TBA

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