

## **BY LAWS OF THE TOWN OF ASHFIELD**

### **INTRODUCTION:**

In accordance with Massachusetts General Laws, the Town of Ashfield is governed by an elected board of three persons, each serving a term of three years.

Town Meetings are called by warrant, which is prepared by the Select Board, in accordance with M.G. L. Chapter 39, Section 10. The warrant states the date, time and place of the meeting, as well as all of the articles to be considered. The warrant is signed by the members of the Board and posted by Town Constables in places designated by the By-Laws at least seven days prior to the meeting date (in the case of the Annual Town Meeting) and at least fourteen days prior to other town meetings.

The Annual Town Meeting is held on the first Saturday in May. Other meetings are called as needed.

A quorum is not needed for a Town Meeting to be held.

### **QUALIFIED VOTERS:**

According to M.G.L. Chapter 51, Section 1, a voter must be a citizen eighteen years of age or older, who is a resident of the town or city where he claims the right to vote at the time he registers. Persons wishing to serve in elected positions must be registered voters. (M.G.L., Chapter 41, Section 1.)

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### **TOWN MEETINGS AND ELECTIONS:**

- 03/04/1957 Voted to hold Annual Town Meeting and Elections of Officers on the First Saturday in March (page 389)
- 03/02/1974 Voted to change the date of Annual Town Meeting from the first Saturday in March to the first Saturday in April, meeting at ten o'clock in the forenoon. (page 154)
- 04/06/1985 Voted to change the date of the Annual Town Meeting and Election of Officers from the first Saturday in April to the first Saturday in May, meeting at ten o'clock in the forenoon. (page 288)

### **POSTING PLACES:**

- 07/16/1742 Voted to post notification of meetings at the dwelling of James Kellogg, Innholder in Hadley. (page 37 Proprietor's Book)
- 03/04/1782 Voted that the Constables have the liberty to warn the town of meetings by posting notification at the Congregational and Baptist meeting houses in Ashfield.
- 03/08/1790 The Selectmen are ordered to set up two public sign posts for the purpose of setting up notifications on. One of said posts to be set up near Chiliab Smith's where the roads cross, the other post to be set up near the Congregational meeting house near the horse block, where the Selectmen may direct. Voted that the Constable have liberty to notify the town meeting for the year ensuing by setting up notifications fourteen days before said meeting and to post the articles at large

in the said notifications to be set upon the public sign posts in Ashfield. (page 84, Book 1)

- 10/28/1968 Notice of Town Meetings to inhabitants voted to be at the Ashfield Post Office and the South Ashfield Library. (page 85)
- 05/01/1993 Voted to change the place of posting of Town Meetings from the Post Office and the South Ashfield Library to the Post Office and the Town Hall.

ABSENTEE BALLOTS:

- 03/03/1962 Voted to accept M.G.L. Chapter 54, Sections 86-103 permitting absent voting at Annual Town Meetings. (page 482)

CAUCUS:

- 01/10/1948 Voted to hold Town Caucus on the sixth Tuesday prior to the Annual Town Meeting and Election.
- 01/19/1983 Voted to change the day of holding the Town Caucus from the sixth Tuesday prior to the Annual Town Meeting and Election, to the seventh Tuesday prior to the Annual Town Meeting and Election in order to meet the requirements of Chapter 283, Acts of 1982.
- 05/03/2014 Voted to change the day of holding the Town Caucus from the seventh Tuesday prior to the Annual Town Meeting and Election as voted at the Special Town Meeting, January 19, 1983, to hold Town Caucus on a Tuesday, not later than the **forty-second** day preceding Town Elections in compliance with MGL C.53, Section 72A.

CONDUCT OF TOWN MEETINGS:

- 05/24/1849 Code of By-laws
1. All persons present at any Town meeting, shall, while the meeting is open, be seated when requested by the presiding officer, if there be sufficient seats therefore, if not they shall stand at the West end of the hall.
  2. When anyone addresses the Chair, he shall rise and stand uncovered during his speaking.
  3. No one shall stand in front of the Chair, or around the moderator's stand, when votes are being counted or given in, except they are called upon by the Chair.
  4. There shall be no talking about the house while business is being done, and all shall keep silence at the request of the Chair.
  5. No one shall speak on the same question more than twice, without leave of the meeting, or to explain or call to order.
  6. No one shall interrupt another while speaking, except to call him to order.
  7. When several motions are made in regard to the same subject, relating to sums of money, numbers or time, the question shall be first put upon the largest sum or number, and the longest time.
  8. In all other cases, no new motion shall be made while one is pending, except as an amendment, or to commit, or to adjourn.

9. When a vote, decided by the Moderator, is questioned, it shall be made certain by persons on either side rising and standing in their places, uncovered till counted by the Moderator, or tellers appointed by him.
10. The reports of all committees, relating to money or property, shall be in writing.
11. All motions and amendments shall be in writing, when required by the Chair, or any person.
12. No person shall be allowed to move the reconsideration of any vote, unless he has voted in the majority or not voted at all.
13. No peddling or smoking shall be allowed in the hall during the meeting.
14. This code of By-Laws shall be read by the presiding officer or Town Clerk, at each annual meeting.

NON-SUBSTANTIVE BYLAW CHANGES:

03/19/2018     Voted to authorize the Town Clerk, only after consultation with the Select Board  
Article 3     for purposes of clarity, to assign appropriate numbers or letters to bylaw sections, Subsections, paragraphs, and subparagraphs, and also to make non-substantive editorial revisions to the bylaws for the purpose of ensuring consistent, appropriate sequencing, numbering, and non-substantive edits, provided that such editorial revisions shall be identified by a footnote or other convention without Town Meeting Approval.

Passed by a Unanimous Vote  
Approved by Attorney General on June 20, 2018

ELECTION OF CERTAIN OFFICERS:

03/06/1893     Voted to amend the vote of 03/07/1892 to read that the Town accept the method provided in Chapter 386 of the Acts of 1890 for annual election of the following officers who shall serve for one year, or until their successors are chosen and qualified: Town Clerk, Town Treasurer, three Selectmen, three Assessors, three Overseers of the Poor, a Constable, a Collector of Taxes, two Auditors, three Fence Viewers, and a School Committee Member who shall serve for three years. (page 406, book 9)

05/05/2001     Voted that the position of elected Treasurer be changed to appointed Treasurer (Article 3), that the elected Tax Collector be an appointed Town Collector (Article 3A and 3B), and that the Town Clerk position be appointed (Article 3C). (page 194 & 195) (Town Collector M.G.L. Chapter 41, Section 38A)

PROTECTION OF PUBLIC OFFICIALS:

04/05/1980     Voted to accept the provisions of section 13 of Chapter 258 of the Massachusetts 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 costs, if any, in any claim, demand, suit or judgment by reason 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. (page 229)

MODERATOR POWER TO DECLARE:

03/19/2018 Voted that at any Special or Annual Town Meeting, on matters requiring a  
Article 2 two-thirds (2/3) vote, that a count of the vote need not be taken unless the vote, as declared by the Moderator, is immediately questioned by seven or more voters as provided in General Laws, Chapter 39, Section 15.

Passed by a Unanimous Vote  
Approved by Attorney General on June 20, 2018

ASHFIELD DOG BYLAW:

May 2003

Article 5a.

The Town will accept the provision of M.G.L. Chapter 140, Section 147A to empower the town to enact by-laws and ordinances relative to the regulation of dogs.

Article 5b.

The Town authorizes a revolving account pursuant to Chapter 44, Section 53E½ to account for fees or fines related to the licensing and care of dogs, such funds to be under the authority of the Town Clerk. Monies from the fund will be used to purchase dog tags, pay for various expenses in relation to licensing, care and other related dog control expenses, or take any action relative thereto. The Town Clerk is authorized to expend a sum not to exceed \$2,000 from the Revolving Fund during Fiscal Year 2004.

Article 5c.

The town establishes the following bylaw pursuant to M.G.L. Chapter 140, Section 140, but is in addition to.

Section 1

1.1 The registering, numbering, description and licensing, pursuant to the provisions of M.G.L. Chapter 140, of all dogs and kennels in the Town of Ashfield shall be conducted in the office of the Town Clerk. Said licensing period is from April 1 to March 31. All dogs six months of age or older shall be licensed and have a current rabies inoculation as required under M.G.L. Chapter 140, Sections 137 and 145B as amended.

1.2 The fees shall be as prescribed in M.G.L. Chapter 140, except that the annual fee for licenses shall be:

|                            |      |
|----------------------------|------|
| Male                       | \$10 |
| Female                     | \$10 |
| Neutered Male              | \$ 5 |
| Spayed Female              | \$ 5 |
| Kennel license             |      |
| a. Not more than four dogs | \$15 |
| b. Five to nine dogs       | \$30 |
| c. Ten or more dogs        | \$50 |

1.3 An additional late fee of \$35 (March 2007) for every dog shall be assessed to a dog owner who fails to properly license his dog by June 1 of any year.

- 1.4 The Select Board as deemed necessary will approve any future changes to the fee structure of the dog licensing program. Kennel fees shall be set from time to time by the Select Board and shall reflect the cost of boarding and care of a dog on a daily basis.
- 1.5 No fee shall be charge for a license for a service dog specifically trained and certified as such. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or neutering, removal from the Town or any other disposal of the dog.
- 1.6 All monies collected for licenses, fees or fines related to the licensing and care of dogs will be retained by the Town in a revolving fund pursuant to Chapter 44, section 53E½ to pay for the various expenses in relation to the licenses, the care and destruction of the dogs, and any payment for damages committed by dogs of no known owner.
- 1.7 Disbursement of revolving fund: Disbursements from the fund will include payments associated with the licensing program (tags, licenses) as well as payments to the Animal Control Officer as allowed in Chapter 140, Section 137 to 174D. Any payments made for damages are subject to Chapter 140, Section 161A and in no case shall exceed \$500.

### Section 2: Prohibited Activities

- 2.1 Any owner or keeper who allows his/her dog to do any of the following is in violation of the bylaw.
  - A. Run at large or go beyond the confines of his/her property unless the animal is held firmly on a leash or under the verbal control of the owner or keeper.
  - B. Bite, bark, howl or in any other manner disturb the peace or quiet of any neighborhood or endanger the safety of any person.
  - C. Run at large or unmuzzled in violation of any order of the Select Board or the Animal Control Officer.
  - D. Worry, kill, maim or otherwise injure another's fowl, livestock or domestic animal.
  - E. Chase another's vehicle, person, bicycle in any way open to public travel.
  - F. Be unlicensed or untagged in violation of state law.
  - G. Is in any other way a nuisance or danger to a person or the Town.

### Section 3: Complaints; Animal Control Officer and Town Kennel regulations

- A. Any person may complain to the Animal Control Officer of a violation of the preceding subsections. On receipt of such a complaint, the Officer shall investigate and may order the owner or keeper of the dog to restrain or muzzle it as the Officer deems necessary and pursuant to law. The Officer may file a report with the Select Board asking permanent restraint or destruction of the dog. The Select Board, in receipt of such report and after examination of the complaint under oath, may make such order to restrain, muzzle or dispose of such dogs, as they deem necessary.
- B. The Animal Control Officer may pick up nonconforming dogs as described in Section 2.1 if by licensee or other means the owner of a dog can be identified, the Animal Control Officer may return the dog to the owner and issue a citation; or he/she may confine the dog to the Town Kennel for not more than 10 days.
- C. No dog shall be released until it is licensed and all kennel fees and penalties are paid.
- D. Any dog not claimed after 10 days may become the property of a local nonprofit humane organization.

### Section 4: Violations and penalties

Penalties for violation of any section of this bylaw shall be \$15 for the first offense and \$30 for each subsequent offense in the calendar year.

Section 5: Liability for damage to person or property

If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper shall be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such a dog. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof thereof shall be upon the defendant of such action.

Section 6: Property damage: appraisal and reimbursement

- A. Whoever suffers loss by the worrying, maiming or killing of his livestock or fowls by a licensed or unlicensed dog or dogs, outside the premises of the owner or keeper of such dog or dogs, may inform the Animal Control Officer who shall proceed to the premises where the damage was done and determine whether the same was inflicted by the dogs and, if so appraise the amount thereof if it does not exceed \$50.
- B. If, in the opinion of said Animal Control Officer, the amount of said damage exceeds \$50, the damage shall be appraised, on oath, by three persons acting as appraisers. The appraisers shall be comprised of the Chairman of the Select Board, the Chief of Police or his designee and a person designated by the person alleged to be damaged. Said appraisers shall determine, if possible, the owner of the licensed or unlicensed dogs and present said dog owner, by certified mail, with such evidence and a certificate of damage to include the labor and time necessary expended in the finding and collecting of the livestock or fowl injured or separated and the value of the lost or otherwise damaged livestock or fowl. Awards shall in no case exceed the fair cash market value of such livestock or fowl. Said dog owner shall pay the aggrieved person for the damage within 30 days of the receipt of the certificate of damage. The aggrieved person shall have the right to take District Court action if said dog owner fails to comply with the required payment.
- C. If the appraisers cannot determine the owner of the licensed or unlicensed dog or dogs then payment shall be made from the Revolving Fund for Dog Licensing and Control In no case shall damages exceed \$500.

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Section 7: Reimbursement in certain cases

No owner of livestock or fowl shall be reimbursed for damages inflicted by his own dog or dogs, nor shall he be reimbursed for any damage by any dog or dogs if, at the time such damage was inflicted, he was himself the owner or keeper of an unlicensed dog of six months of age or older. No reimbursement shall be made on account of damage inflicted by a dog or dogs to a deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge or other livestock or fowl determined by the Department of Fish and Wildlife to be wild unless they are kept by a permit issued by said Department. No reimbursement shall be made for damage inflicted by a dog or dogs to dogs, cats or other household pets.

Section 8: Veterinarian costs

The Town will not be responsible for veterinarian bills incurred in the course of enforcing the animal control law. If the animal control officer has to seek veterinarian attention for an injured dog or cat, the owner will be responsible for the veterinarian bill. If the veterinarian bill remains

unpaid, and the town must pay said bill, the Town may collect the amount paid in addition to legal fees from the owner in an action in contract. The Town's liability for any veterinarian bill incurred in the course of enforcing the animal control law whose owner cannot be determined will be limited to the cost of a reasonable and customary examination fee in this area. (amended

May 04, 2004

Article 5d

The Town upon acceptance of the foregoing bylaws by the Town, upon approval of the same by the Attorney General and their publication as required by law, any by laws relevant to the regulation of dogs heretofore existing shall be annulled and repealed.

May 03, 2014

Article 10:

The Town adopted the following provision of Chapter 193 of the Acts of 2012 – An Act Further Regulating Animal Control, Section 11. (c) No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision.

May 02, 2015

Article 14:

Motion was made, and seconded that the Town adopt the following bylaw for the Town of Ashfield pursuant to M.G.L. c. 40, section 21 (13): The Collector shall pay all fees received by him/her by virtue of his/her office into the town treasury; and, all other officers who receive fees by virtue of their office shall report the amount thereof from time to time to the Select Board who shall publish them in the annual report.

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EXCESSIVE NOISE:

05/05/1990 It shall be unlawful for any person or persons between the hours of 11:00 p.m. and 7:00 a.m. occupying, having the charge of, or being present in or about any building, structure, premises, shelter, vehicle, boat, or conveyance, or any part thereof, in the Town of Ashfield (other than that section of any establishment licensed under Chapter 138 of the General Laws) at any time to cause, suffer, allow or countenance any unnecessary loud, excessive or unusual noise, including any such noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument or reproducing devices or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or making of loud and boisterous singing by any persons or group of persons or in the use of any device to amplify the aforesaid noise, where such noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, structure, premises, shelter, vehicle, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at said distance of one hundred and fifty (150) feet shall constitute prima facie evidence of a violation of this By-Law. Any person shall be deemed in violation of this By-Law who shall make, or aid and abet, or cause or suffer, or countenance, or assist in the making of such noise. Whoever violates any of the provisions or requirements of this By-Law shall be punished by a fine of not more than TWO HUNDRED DOLLARS for the offense. In addition, whoever violates any of the provisions or requirements of

this By-Law shall be subject to arrest. All prosecutions of any violation shall begin within six months from the date of the offense. Prosecutions may be entered by any citizen, and it shall be the duty of the Board of Selectmen, police officers and constables employed by the Town to prosecute violations of such By-Law which come to their attention.

UNREGISTERED MOTOR VECHICLES:

12/12/1967 Section 1. The keeping of more than one (1) unregistered motor vehicle, assembled or disassembled, except by a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted unless said motor vehicle is stored within an enclosed building.

Section 2. A special permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building, after a duly called public hearing to which all abutters to the premises have received notice, may be granted by the Board of Selectmen, if it finds that such keeping (1) is in harmony with the general purposes and intend of this By-Law; (2) will not adversely affect the neighborhood and (3) will not be a nuisance.

Section 3. All such special permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.

Section 4. This article shall not apply to motor vehicles which are designate and used for farming purposes, nor shall this article apply to landowners or tenants who store motor vehicles out of sight of both abutters and public ways.

Section 5. Whoever violates any provisions of this Article of the By-Laws shall be liable to a penalty of five dollars (\$5.00) per day for each day of violation, commencing ten days following date of receipt of written notice from the Board of Selectmen.

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ROAD DETAIL BY-LAW

05/07/1994 No public or private utility and/or construction company shall work on any public way within the Town without first notifying the Police Chief or his/her designee. All road details shall be assigned by the Police Chief or his/her designee.

RECYCLING BY-LAWS

05/07/1988 Section I: Recycling Program – There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by residents of the Town of Ashfield.

Section II: Definitions: Recyclables are hereby defined as discarded materials which may be reclaimed and which are considered saleable and recyclable by the Town of Ashfield. For the purposes of this By-Law, they are defined in the following categories:



- a. Aluminum: Cans made from aluminum, aluminum foil, aluminum wrappers and containers or trays used in 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, soda, ash, and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass excluding: 1. flat glass and glass commonly known as window glass; 2. dishes and crockery.
- 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 contain paint or petroleum based solvents and any pressurized aerosol cans.
- d. Clean and Unsoiled Newspaper: Including newsprint, all news paper advertisements, supplements, comics and enclosures, magazines 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 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 III. Separation of Recyclables

- a. Recyclable papers are to be deposited in the container so identified at the town Transfer Station. They need not be bundled nor separated as to type.
- b. Corrugated boxes and cardboard containers must be flattened and placed in the container so identified at the Town Transfer Station.
- c. All essentially empty containers of glass (any color) and metal cans must be placed in the container so identified at the Town Transfer Station.

Section IV. Ownership of recyclables – Once deposited in the proper container at the Town Transfer Station, all materials become property of the Town of Ashfield.

Section V. Enforcement

- a. Violation of any section of this By-Law, or any part thereof, shall be punishable by a fine not to exceed \$50.00.
- b. The Board of Selectmen will be charged with the responsibility of enforcing this By-Law

HAZARDOUS MATERIALS BY-LAW

05/04/1991 I. Authority – The Town of Ashfield adopts the following measures under its home rule powers, its police powers to protect the public health and welfare and its authority under M.G.L. Chapter 40, Section 21.

II. Purpose – To ensure the public health and safety of the residents of Ashfield, their air and water supplies. In particular, we seek to ensure that discharges of hazardous materials which may contaminate our environment and present health

risks do not occur, and that if they do, timely notice of such discharge is taken and remedial action pursued.

### III. Definitions:

**Discharge:** The spilling, leaking, pumping, emitting or dumping of toxic or hazardous materials upon or into any land or water of the Town of Ashfield.

**Hazardous Material:** Any chemical substance or mixture of substances which is listed in the Massachusetts substance list compiled in compliance with the provisions of the state Right to Know Law, M.G.L. Chapter 111F, Section 4, and which is manufactured, processed, used or stored in the workplace, but which shall not include alcoholic beverages in the workplace, or consumer articles packaged for distribution to, and used by, the general public, or articles sold or used in retail food establishments and all other retail trade establishments, exclusive of articles used in processing and repair areas, or substances being transported in interstate commerce.

IV. Prohibitions – The discharge of hazardous materials within the Town of Ashfield is prohibited.

V. Exceptions – The following discharges shall not be considered hazardous under this by-law:

- a. Application of fertilizers and pesticides in accordance with label recommendations and with regulations of the Massachusetts Pesticide Control Board.
- b. Application of road salts or other de-icing chemicals provided that such use is minimized and consistent with public highway safety standards.
- c. Proper disposal of acceptable materials at a facility or site which has received and maintained all legal approvals as specified in the Massachusetts Hazardous Waste Management Act, M.G.L. Chapter 21C, Section 7, or for household hazardous wastes and materials, disposal at a designated household hazardous waste collection site.
- d. Hazardous Material Registration Controls:
  1. All filings of Material Safety Data Sheets (MSDS) under the Massachusetts Right to Know Law shall also be filed with the Town Clerk within 15 days of such filings.
  2. Any person possessing more than twenty-five gallons of any one type of hazardous material in Ashfield for more than one week must notify the Town Clerk and disclose the type and amount of Hazardous material.
  3. The Fire Department may require an inventory of hazardous materials be maintained on the premises and be reconciled with purchase, use, sales, and disposal records on a monthly basis for businesses operating in Ashfield.
  4. Hazardous materials shall be stored in product-tight storage containers, where possible, and shall be removed and disposed of in accordance with the Massachusetts Hazardous Waste Management Act, M.G.L. Chapter 21C.
  5. Any container of more than twenty-five gallons of Hazardous material must be stored on an impervious, chemical-resistant surface and the storage area must be enclosed with an impermeable dike or within an impermeable

basement. The containers must be protected from weather, vandalism, corrosion and leakage.

VII. Reports of Leaks or Spills – Any person who is aware of any spill, leak or loss of a toxic or hazardous material shall report such spill, leak or loss immediately to the emergency phone number for the Fire Department.

VIII. Enforcement:

1. The Town, or its agents may, in compliance with the law, enter upon property for the purpose of performing their duties under this by-law.
2. Any person who violates any provision of this by-law shall be punished by a fine of not more than \$300.00. Each day or portion thereof during which the violation continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

IX. Costs – In every case the owner shall assume responsibility for costs incurred necessary to comply with this by-law. The Owner shall be responsible for all costs of recovering and properly disposing of any hazardous material that has discharges and for all costs of restoring the environment, including ground water and surface water to an acceptable condition.

X. Severability – In the event that any provision of this by-law shall be deemed invalid, unreasonable or unenforceable by any court of competent jurisdiction, such provision shall be stricken from the by-law or modified so as to render it reasonable, and the remaining provisions shall continue in full force and effect and be binding so long as such remaining or modified provisions reflect the intent of the parties and are valid under existing law.

STRIPPING LAND OF SOIL AND LOAM

12/12/1967 SECTION 1. No person, firm or corporation shall strip, sever, remove or convey away any soil, loam, sand or gravel from any land in the Town not in public use, unless and until such stripping, severance, removal or conveyance away, is first authorized by a permit issued by the Selectmen of Ashfield, except in conjunction with construction or a building on the parcel or except in conjunction with the development, improvement or landscaping of said land, or except for the continued operation of an existing sand and gravel pit. No such permit shall be issued unless and until an application therefore has been filed with the Board. Said Board shall then hold a public hearing on the application, and notice of the filing of the application and the date and time of the holding of the public hearing thereon, shall be advertised, forthwith, at the expense of the applicant, in a newspaper published in the County, seven days, at least, before the meeting.

SECTION 2. The penalty for violation of this By-Law shall be as follows; for the first offense, fifty dollars (\$50.00); for the second offense one hundred dollars (\$100.00) and for each subsequent offense, two hundred dollars (\$200.00).

## REVOLVING FUNDS

05/06/2017 Voted to establish department revolving funds bylaw as presented below:s

### Article 34 DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44 § 53E1/2;
2. Expenditure Limitations. An authorized department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers),
  - B. No liability shall be incurred in excess of the available balance of the fund, and
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by this by-law, or town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and Finance Committee;
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund;
4. Procedures and reports. Except as provided in General Laws Chapter 44 §53E½ and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use;
5. Authorized Revolving Funds. The Table establishes:
  - A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
  - B. The department or agency head, board, committee or officer authorized to spend from each fund,
  - C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
  - D. The expenses of the program or activity for which each fund may be used,
  - E. Any restrictions or conditions on expenditures from each fund,
  - F. Any reporting or other requirements that apply to each fund; and
  - G. The fiscal years each fund shall operate under this by-law.

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| <b>Revolving Fund</b>   | <b>Authorized to Spend</b> | <b>Revenue Source</b>          | <b>Use of funds</b>                             | <b>FY2018 Spending Limit</b> |
|-------------------------|----------------------------|--------------------------------|---|------------------------------|
| Dog License and Control | Town Clerk                 | Licenses, fines, and donations | Supplies, animal care, bylaw permitted expenses | <b>\$5,000</b>               |
| Park                    | Park Commission            | Program fees, donations        | Park Expenses                                   | <b>\$1,500</b>               |
| Library                 | Library Board of Trustees  | Fees, rental                   | Library Expenses                                | <b>\$2,500</b>               |

Passed by a Declared Unanimous Vote

Approved by Attorney General on August 10, 2017

**SOLICITATION BYLAW:**

05.04.2019 Vote to establish a Solicitation Bylaw, as presented below:

Article 10

**SOLICITATION BYLAW**

**1. Purpose**

This bylaw establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Ashfield in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

**2. Definitions**

For the purpose of this Bylaw, the following definitions shall apply:

I. "Soliciting" shall mean and include any one or more of the following door-to-door activities:

- a. Selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever,
- b. Selling, or seeking to obtain prospective customers for applications for purchase of insurance of any kind,
- c. Selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication,
- d. Seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation, or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venture for a charitable or other non-commercial organization, and
- e. Seeking to obtain information on the background occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

II, "Canvassing" shall mean and include any one or more of the following door-to-door activities:

- a. Person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dopping off printed materials on the premises,
  - b. Seeking to enlist membership in any organization for commercial purposes, and
  - c. Seeking to present, in person, organizational information for commercial purposes;
- III. "Residences" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons;
- IV. "Registered Solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this Bylaw;
- V. "Charitable Organization", "Professional Solicitor" and "Commercial Co-venturer" shall be defined as set forth in Chapter 68, Section 18, of the General Laws:
- a. "Charitable organization", any person whose purposes or actual operation are charitable in nature or one holding himself out to be a charitable organization in whole or in part, including any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal which could be reasonably interpreted to suggest that there is a charitable purpose to any such solicitation,
  - b. "Commercial co-venturer", any person who for profit or other commercial consideration, conducts, produces, promotes, underwrites, arranges or sponsors a performance, event, or sale to the public of a good or service which is advertised in conjunction with the name of any charitable organization or as benefiting to any extent any charitable purpose. Any such person who will benefit in good will only shall not be deemed a commercial co-venturer if the collection and distribution of the proceeds of the performance, event or sale are supervised and controlled by the benefiting charitable organization, and
  - c. "Professional solicitor", any person who is retained for a financial or other consideration by a charitable organization to solicit in this commonwealth contributions for charitable purposes directly or in the form of payment for goods or services, whether such solicitation is done individually or through other persons under the direction of the professional solicitor. A person who otherwise is a professional fund-raising counsel shall be deemed a professional solicitor if at any time he has custody or control of contributions. A bona fide salaried officer or regular, non-temporary employee of a charitable organization maintaining a permanent establishment within the commonwealth shall not be deemed to be a professional solicitor. No attorney, investment counselor or banker who advises an individual corporation or association to make a charitable contribution shall be deemed, as the result of such advice, to be a professional fund-raising counsel or a professional solicitor.

**3. Registration**

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Ashfield must first apply for a permit with the Chief of Police and must not engage in such activity until the permit is approved. Applications for individual and organizational registration shall be filed at least ten (10) business days in advance of the intended solicitation.

- I. Application for a certificate of registration for an organization shall include the following information:
  - a. The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a certification that the most recent Annual Registration

Statement required to be filed with the Attorney General's Division of Public Charities has been filed, 501(c)(3),

b. If the organization is a Professional Solicitor or a Commercial Co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with the application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon,

c. The name, title and phone number, and valid driver's license or other government photo identification of the persons filing the application form,

d. The name and addresses of the person(s), if any who will be directly supervising the solicitation or canvassing by the applicant,

e. A list of the names, addresses, dates of birth of all individuals who will be employed in soliciting or canvassing by the applicant,

f. Make, model and registration number of any vehicle to be used by the applicant(s) while soliciting or canvassing,

g. Valid driver's license or other government issued photo identification,

h. Period of time for which certificate of registration is needed. No certificate will be granted for longer than 60-days,

i. Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired, and

j. Insurance information and license, if applicable;

II. Individual registration forms shall be required for all individuals who are not affiliated with an organization:

a. Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years,

b. Date of birth,

c. Name, address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with the application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon,

d. Period of time for which certification of registration is needed. No certificate will be granted for longer than 60-days,

e. Name of last three communities (if any) in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date,

f. Valid driver's license or other government issued photo identification, and

g. Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

#### **4. Registration Fee**

There shall be an application fee of \$20.00 for an individual registration certificate. Each organizational applicant for registration or re-registration shall pay to the Town an application fee of \$50.00.

### **5. Registration Certificates**

I. The Chief of Police, after review, but in no event more than fourteen (14) business days after receipt of a fully-completed application, if approved, shall furnish the requestor with a registration certificate, which shall contain the following information:

- a. The name of the person,
- b. The name of the organization (if any) which the person represents,
- c. A statement that the individual has been registered with the Town of Ashfield, but that registration is not an endorsement of any individual or organization,
- d. Specific dates or period of time covered by the registration, and
- e. Signature of the Police Chief;

II. Persons engaged in solicitation or canvassing as defined in this Bylaw must have the registration certificate on them at all times during solicitation or canvassing and show such certificate to any person solicited or upon the request of any police officer;

III. Registration certificates are only valid for the specific dates or time-period specified thereon and in no case for longer than 60 days;

IV. The Police Department will keep a permanent record of all applications and issuances of certification of registrations.

### **6. Exceptions**

I. Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business;

II. Individual registration shall not be required for minors under the age of 18, except in connection with canvassing or soliciting on behalf of a non-profit organization;

III. Nothing in this Bylaw shall be construed to impose any restrictions upon or regulate in any way any activity for religious, political, or public policy purposes or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing:

a. Any organizations falling under this category are requested to provide the Police Department notice (verbal or in writing) of soliciting or canvassing activities, in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes

- i. General date and times of solicitation, and
- ii. Vehicle description and registration.

### **7. Duties of Persons Going Door-to-Door**

I. Upon going into any residential premises in the Town of Ashfield, every solicitor canvasser or other persons must first examine any notice that may be posted prohibiting solicitation or other activities. If such notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises; and

II. Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or no, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

### **8. Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities**

No person shall:



- I. Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
- II. Solicit or canvass or conduct any other activity at any residence where there is a sign posted prohibiting the same, without express prior permission of an occupant;
- III. Solicit, canvass, or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 am or after 9:00 pm, where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such activities;
- IV. Utilize any form of endorsement from any department head currently employed or serving the Town of Ashfield; and
- V. Solicit, canvass or conduct any other activity at any residence in a threatening, abusive or illegal fashion.

**9. Penalty**

- I. Any person or organization who shall violate any of the provisions of this Bylaw may be fined in the amount of \$300.00, which shall inure to the Town for each violation, all in accord with M.G.L. Chapter 40 Section 21D;
- II. Each separate solicitation, canvassing, or other door-to-door activity shall constitute a separate offense; and
- III. The Police Officers of the Town of Ashfield shall enforce this Bylaw.

Passed by a Simple Majority Vote

Approved by Attorney General on August 16, 2019 except for the bylaw text imposing a fine not to exceed \$300

12.02.2019 – Section 9 (I) Penalty amended to add in the amount of \$300.00

Approved by Attorney General on XXXX

**ACTS TO ESTABLISH BOARDS AND COMMISSIONS**

BOARD OF SELECTMEN

Before Ashfield incorporated as a Township in 1795, three officers were chosen as Selectmen to the Parish of Huntstown (also known as Huntstown Plantation) as recorded in the first Town Meeting records in 1763. The first article of meeting minutes for choosing Selectmen appears in 1765 with three being chosen every year until 1908, when one was elected each year for a three-year term. (Town Meeting Minutes, book 12, page 28)

03/07/1892 Voted that.... Three Selectmen who shall also be Assessors and Overseers of the Poor, who shall serve for one year...in accordance with the provisions of M.G.L. 386. (book 9, page 399)

05/05/1990 Voted: Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen, or the procurement officer designated pursuant to M.G.L., Chapter 30B, is authorized to enter into any contract for the exercise of the Town’s corporate powers, consistent with applicable provisions of any general or specific law.

05/04/1996 Voted that the Town create an Ashfield By-law renaming the Ashfield Board of Selectmen as the Ashfield Select Board, said board to have all the powers and duties usually conferred upon the Board of Selectmen.

BOARD OF ASSESSORS

03/04/1967 Voted to separate the office of Assessor from that of Selectmen, Assessor and member of the Board of Public Welfare. The change to be effected by electing an Assessor for a term of three years at the Town Meeting 1968 and thereafter annually electing one Assessor for a term of three years. The elected combination Selectmen, Assessors and Member of the Board of Public Welfare to complete their terms as Assessors. (book 14, page 70)

02/2000 Select Board approved the appointing of an Administrative Assessor to work under the direction of the Assessors.

COMMITTEE OF SAFETY

12/25/1776 Voted to establish a committee of safety to regulate the carrying of grain out of town.

CONSTABLE

01/06/1764 At this meeting Constables were appointed for a year.  
The Powers of Constables:  
To warn the people of the annual meeting by setting up two sign posts, one at each posting place.

04/15/1779 Voted that copies of the Selectmen's warrant be posted fourteen days before the time specified in the warrants for the March and December town meetings. (book 1, page 15, article 8)

COLLECTOR, TAX

Previous to the incorporation of Huntsville into the Town of Ashfield, and as early as January 6, 1764, a treasurer was appointed each year at the Proprietor's meeting to attach and collect taxes. (Proprietor's Book, page 72)

12/22/1945 Voted that the Collector of Taxes be elected for a three-year term.

05/03/1986 Voted that upon written application, the Tax Collector shall furnish a municipal lien certificate, so-called, under the provisions of Chapter 60, Section 23. The Tax Collector shall charge fee prescribed under Chapter 60, Section 23, for each certificate issued and may keep such certificate for his/her personal services.

05/05/2001 Voted to make the position of Tax Collector an appointed position.

## COLLECTOR, TOWN

05/05/2001 Voted to have the Tax Collector become the Town Collector in accordance with the provisions of M.G.L. Chapter 41, Section 38A, responsible for the collection of all accounts due the town.

## CONSERVATION COMMISSION

03/04/1966 Voted to establish a Town Conservation Commission of three members under the provisions of Chapter 223, Acts of 1957 (Chapter 40, Section 8C of M.G.L.) with all the duties thereof; said three members to be appointed by the Selectmen one for one year, one for two years, and one for three years and thereafter in accordance with the provisions of the statute. (page 56)

04/02/1977 Voted to increase the membership of the Ashfield Conservation Commission from three to five members under the provisions of Chapter 223, Acts of 1957 (Chapter 40, Section 8C of the General Laws) with all the powers and duties thereof and that said members shall be appointed by the Selectmen, one for two years and one for three years and thereafter in accordance with the provisions of the statute. (page 191)

Transfer of land given by Philip H. & Ester Steinmetz to the Inhabitants of the Town of Ashfield to be known as the Arthur-Brewer-Charles Tatro Memorial Park under care of the Conservation Commission by deed 1969 and again in 1977.

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## COUNCIL ON AGING

04/01/1978 Voted to establish a Council on Aging consisting of five (5) members under the provisions of Section 8B of Chapter 40 of the General Laws with all the powers and duties thereof and that five (5) members shall be appointed by the Selectmen, two members for three years, two members for two years and one member for one year, and thereafter in accordance with the provisions of said Section 8B.

Duties: The Council shall annually elect its chairman and other officers as it deems appropriate. Identify the total needs of the elderly population; educate the community and enlist support and participation of all citizens concerning these needs; design, promote or implement services to fill these needs, or coordinate present existing services in the community; promote and support any other programs designed to assist elderly programs in the community.

Said Council shall cooperate with the Commonwealth of Massachusetts, Department of Elder Affairs and shall be cognizant of all State and Federal legislation concerning funding, information exchange and program planning which exists for better community programming for the elderly.

Said Council on Aging shall give an Annual Report to the Board of Selectmen with a copy of that report directed to the Commonwealth, Department of Elder Affairs.

Note: The number of Council members can vary depending upon the community; anywhere from five to seventeen.

### CULTURAL COUNCIL

Chapter 10, section 35C of the General Laws provides for the provision of a local arts council, with the approval of the Massachusetts arts lottery council. The council may consist of at least five (5) and as many as twenty-two (22) members appointed for two-year terms. Any such member shall not be appointed for more than three (3) consecutive terms.

07/12/1982 Selectmen appointed four persons to serve on the Arts Council. (Selectmen's minutes)

10/24/1983 Selectmen increased the number of appointees to six. (Selectmen's minutes)

### ENERGY RESOURCES COMMISSION

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04/01/1978 Voted to establish an Energy Conservation Committee for the purpose of studying, and recommending energy conservation polices to the Town and its citizens; and further to authorize the Selectmen to appoint a committee of five (5) citizens, two members for three years, two members for two years, and one member for one year; and further, said committee to prepare a report and present the same at the next Annual Town Meeting. (page 205)

04/03/1982 Voted to accept M.G.L. Chapter 40, Section 81 as amended by Chapter 384 of the Acts of 1980, which would allow the Town to establish an Energy Resources Commission and to appoint the Energy Conservation Commission members to the Energy Resources Commission. (page 250)

11/15/1993 Select Board voted to change name to Resource Management Board, charged with making recommendations to the Select Board for the management of the recycling center.

### FENCE VIEWERS

03/04/1777 Voted to appoint two fence viewers for a term of one year.

### FINANCE COMMITTEE

- 02/10/1940 Voted to appoint the Selectmen to serve as the Finance Committee. (book 13, page 68)
- 04/05/1980 Voted to appoint the Selectmen and Assessors as the Finance Committee.
- 04/06/1981 Voted to amend the By-Laws with respect to the Finance Committee:  
The Finance Committee shall consist of six (6) members and shall have the powers and duties set forth in Massachusetts General Laws Chapter 39, Section The Town at the annual town meeting may appoint the Selectmen and Assessors to serve on the Finance Committee.
- 04/06/1985 Voted to amend the By-laws with respect to the Finance Committee as follows:  
The Town shall elect a five-member Finance Committee whose members shall be elected for three year terms and shall hold no other elected or compensated position while serving as members of the Finance Committee. The members of the Finance Committee shall serve without compensation and shall consider all articles for all town meetings and report its recommendations before each meeting or vote. The Finance Committee presently consists of the Board of Selectmen and the Board of Assessors. At each annual election held in 1986 and 1987, two persons shall be elected to the Finance Committee for a three-year term, thereby replacing the Selectmen and Assessor completing their terms in those years. At the annual election held in 1988, one person shall be elected to the Finance Committee for a three-year term, thereby replacing the Selectmen and Assessor completing their terms in that year. Thus, after the 1986 election, the Finance Committee shall consist of two elected members, two Selectmen and two Assessors. After the 1987 election, the Finance committee shall consist of four elected members, one Selectmen and one Assessor. After the 1988 election, the Finance Committee shall consist of five elected members.
- 05/07/2005 Voted to amend the By-Laws of the Town of Ashfield, Acts to Establish Boards and Commissions, Finance Committee to include the following:  
The Town Moderator shall be empowered to appoint qualified applicants to fill Vacancies on the Finance Committee for the full term of the unfilled position if the Annual Town Elections shall fail to produce a full board of five (5) members; and, at any such time during the year to fill any vacancies that arise until the next regularly scheduled elections.

#### HAZARDOUS WASTE COORDINATOR

- 01/09/1984 Select Board appointed a Hazardous Waste Coordinator.
- 09/24/1984 Select Board appointed the Hazardous Waste Coordinator to also serve as Municipal Right-to-Know Coordinator.

#### BOARD OF HEALTH

Selectmen serve as Board of Public Welfare

- 06/20/1983 Selectmen appointed a Health Agent in accordance with the provisions of M.G.L. Chapter 111, Section 30, as amended by Chapter 55 of the Acts of 1961.
- 05/30/1985 Voted to establish a Board of Health for the purposes and with the rights and duties provided by the General Laws of Massachusetts, to be composed of three (3) members to be elected for terms of three (3) years each, except that the initial elections shall be one (1) member for one year, one (1) member for two years, and one (1) member for three years, said initial elections to commence at the Annual Town Election held in 1986.
- 06/30/1983 Selectmen voted to accept the provisions of M.G.L. Chapter 111, Section 30, as amended providing for the appointing of a Health Agent to work under the jurisdiction of the Board of Health.
- 05/05/1990 Voted at Town Meeting: That the Town join the Foothills Health District for the purpose of the shared employment of a Health Officer. Such District is pursuant to Massachusetts General Laws, Chapter 111, Section 27A, and is operated under the provisions of Section 27A by a joint committee of the several towns comprising said District.

#### HISTORICAL COMMISSION

- 03/07/1958 Voted to appoint a committee of five to bring the Town History up to date and give them authority to prepare this revised History in time for publication in 1965. (book 13, page 425)
- 10/29/1984 Voted to establish, under the provisions of M.G.L. Chapter 40, Section 8D, an Historical Commission of the Town of Ashfield for the purposes and with the rights and duties provided by law, to be composed of five (5) members, appointed by the Board of Selectmen for terms of three (3) years except that the initial appointment shall be one (1) member for one year, two members for two (2) years and two members for three (3) years. (page 283)

#### INSPECTOR OF ANIMALS

- 03/06/1893 Voted to accept provisions of M.G.L. 195 of Acts of 1892 and appointed an Inspector of Provisions and Animals. (book 13, page 406)

#### HUMAN RELATIONS COMMISSION

- 12/13/1993 Select Board voted to create a board of five (5) members, charged with materials and organizing programs to enhance and broaden understanding of good community relations.

- 01/31/1994 Commission membership increased to seven (7) members.
- 05/07/1994 Town voted to create a Human Relations Commission. The Human Relations Commission shall consist of nine (9) persons. Members of said Commission shall be appointed by the Board of Selectmen and shall hold office for a period of three (3) years, except for that of the nine first appointed, three (3) shall be appointed for one (1) year, three shall be appointed for two (2) years, and three (3) shall be appointed for three (3) years. The terms of office expire on the first Saturday in May, unless otherwise specified by the Selectmen or unless such appointment is for an indefinite term.

All members of the Commission shall serve without compensation. In the event of the death or resignation of any member, a successor shall be appointed by the Selectmen to serve the unexpired period of the term for which such member has been appointed. A member may be removed by the Selectmen at any time when, in their judgement, the public interest so requires.

#### Powers and duties of the Commission

(a) The general duties of the Commission shall be:

- (1) Seek to encourage an atmosphere of harmony and good will.
- (2) The development of opportunities within Ashfield for those who are discriminated against and restricted by their sex, age, disability, race, color, religion, national origin, sexual orientation, or ancestry, and the elimination of all and any barriers to their choice of jobs, education and housing.
- (3) Efforts to increase communication across lines of diversity to destroy stereotypes, to halt polarization, to end distrust and hostility, and to create common ground for the maintenance of order and social justice.
- (4) Efforts to increase the capacity of public and private institutions to respond to the problems of devalued persons so as to augment their power to deal with the problems that affect their own lives.
- (5) Efforts to initiate, receive, secure the investigation of, and seek the satisfactory adjustment of complaints charging discrimination, failure or delay in taking appropriate action against discrimination, or abuse of authority in connection therewith by any Town agency, Town official, or Town employee which may be brought to the Commission's attention.
- (6) Efforts to support affirmative action guidelines to ensure that all employees of the Town of Ashfield are treated during their hiring and

employment without regard to their sex, age, disability, race, color, religion, national origin, sexual orientation, or ancestry.

- (7) Cooperation with Ashfield, Franklin County, and Massachusetts law authorities in the enforcement of county and state laws guaranteeing fair housing practices for all.
- (8) Development of educational programs for the Ashfield community, recommendation of legislation, issuance of publications and reports, conduct of research in the field of human relations, and cooperation with other private and public agencies in the promotion of equal rights and opportunities.

(b) Annual Report

The Commission shall submit an annual report to the Board of Selectmen detailing its activities; such report will be published in the annual report of the Town of Ashfield.

PARK COMMISSION

- 03/05/1928 Voted to elect a Board of Park Commissioners, one for one year, one for two years and one for three years. (book 13, page 385)
- 03/05/1928 Voted to accept deed for conveying lands in trust from Milo Belding for Public Park. (book 13, page 386)

PERSONNEL BOARD

- 05/03/2003 A. Pursuant to authority contained in MGL Chapter 41 Section 108C, there shall be established a five (5) person Personnel Board. Their responsibilities are the following:
  - 1. Describe the duties and responsibilities of all Municipal positions.
  - 2. Propose and review compensation plans for those positions.
  - 3. Propose working conditions and fringe benefits for all employees.
  - 4. Propose compilation and revision of employee handbook, job descriptions, employee benefits and compensation plans.
  - 5. Collect comparative personnel and salary data from other communities.
- B. Membership shall be as follows: One (1) member of the Select Board; one (1) member of the Finance Committee; and three (3) members at large to be appointed by the Select Board. All appointees shall be registered voters and not be a town employee. The term of office shall be for three (3) years, except for the first term, which shall be as follows in order to create staggered terms: Select Board one(1) year; Finance Committee two (2) years; and members at large, one



(1) for one year, one (1) for two years, and one (1) for three years. Town Administrator shall be a non-voting member.

C. Vacancies, other than by expirations of terms, shall be filled in the same manner and by the same authority for the balance of the unexpired term. In the event that such a vacancy is not filled within sixty (60) days of written notice, the remaining members shall fill the vacancy for the balance of the unexpired term.

D. A member may be appointed to succeed himself/herself, but the entire tenure shall not exceed three consecutive terms.

E. The Board shall be invested with all the powers and duties specified in MGL 41 Section 108C.

F. Within thirty (30) days after the Board has been appointed and annually, it shall convene and by majority vote elect a Chairperson and Secretary.

G. The Chairperson shall:

- (1) Call the Board together and preside at meetings
- (2) Represent the Board at Select Board meetings, town meetings and budget hearings.

The Secretary shall:

- (1) Publicly post Board meetings
- (2) Keep Board minutes and receive and deliver communications
- (3) Immediately notify in writing to the Municipal/Town Clerk of a vacancy on the Board
- (4) Be responsible for all its files and records
- (5) Prepare its annual report
- (6) Submit to the Municipal/Town Clerk one copy of the minutes of each meeting.

H. Any three (3) shall constitute a quorum for transaction of business.

I. The Board shall over see the administration of personnel policies and shall establish such procedures as it deems necessary for the proper administration thereof.

J. The Board shall maintain the Personnel Handbook

K. As part of its responsibilities the Board shall:

- (1) From time to time investigate the duties and rates of salaries or wages for any or all positions of this bylaw.
- (2) The Board shall assist the Select Board and departments by preparing and reviewing current information as to municipal salary and wage rates, fringe benefits and working conditions, acting in this capacity as the technical staff to the Select Board.

(3) The Board shall maintain written job descriptions for all town positions. Each description shall consist of a statement describing the essential nature of the work and the characteristic that distinguish each position. A job description is intended to generally describe the responsibilities pertaining to a particular position and is not meant to interfere with the ability of the immediate supervisor to assign duties.

L. The Board shall administer and enforce this bylaw. From time to time, by its own vote, it may issue, amend or revoke its policies, regulations and procedures. The Board may also recommend amendments to the bylaw and submit such amendments to the town meeting.

### PLANNING BOARD

03/04/1966 Voted to establish a Planning Board of five members under the provisions of Section 81A of Chapter 41 of the General Laws with all the duties and powers thereof said members to be appointed by the Moderator, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years and thereafter in accordance with the provision of the Statute. (page 56)

### SEWER COMMISSION

05/06/1995 Voted to authorize the Board of Selectmen to act as a duly authorized sewer committee pursuant to M.G.L. Chapter 83, Section 1; said committee to serve without compensation and to have all the power and authority usually conferred upon the Board of Sewer Commissioners and to set just and equitable annual charges for use of common sewers pursuant to M.G.L. Chapter 83, Section 16.

05/04/1996 Voted to authorize the creation of a Sewer Commission in accordance with the provisions of M.G.L. 41:63; said Commission to be comprised of three Sewer Commissioners, each to serve for a term of three years. Said Sewer Commissioners shall be chosen by ballot from the registered voters when the term of office of any incumbent expires; first election for offices to Sewer Commissioners to be held in the spring of 1997.

And further authorizing that for the initial terms of office only, one Commissioner shall be elected for a term of one year, one Commissioner shall be elected for a term of two years, and one Commissioner shall be elected for a term of three years, and upon expiration of these first terms of office and the subsequent terms for each office shall be for three years.

### TREE WARDEN

03/05/1900 Voted to appoint a Tree Warden with a budget. (book 9, page 451)

## YOUTH COMMISSION

- 03/22/1993 Selectmen voted to form a Community Activities Committee.
- 05/03/1993 Selectmen appointed 6 people to the Planning Committee for Youth and their Families.
- 05/01/2001 The Town voted to establish a Youth Commission in accordance with the provisions of M.G.L., Chapter 40, Section 8E; or act relative thereto.

The Youth Commission shall be composed of seven (7) members, appointed by the Select Board, for three (3) year terms. At least one (1) member shall be a young person under the age of seventeen (17). Any member may be removed by a vote of the Select Board, at any time when, in its judgement, the public interest so requires.

The mission of the Youth Commission shall be as follows:

- 1) To plan and carry out programs designed to meet the opportunities, challenges and problems of youth and their families.
- 2) To involve the greatest possible cross section of youth and families in activities it sponsors.
- 3) To provide a year-round program of activities open to any Ashfield youth, regardless of income.
- 4) To assist in developing a community of responsible citizens.

The powers and duties of the Youth Commission shall be:

- 1) The Commission shall annually elect a chairperson and other officers, as it deems appropriate.
- 2) The Commission may hire a paid director to implement the policies and programs authorized by it.
- 3) The Commission shall prepare an annual report to the Select Board, detailing its activities; such report will be published in the annual report to the Town of Ashfield.

## ZONING BOARD OF APPEALS

- 12/23/1974 Voted to authorize the Selectmen to appoint a Building Code Board of Appeals for the purpose of hearing appeals pertaining to a Building Inspector's actions in accordance with the provisions of the State Building Code, Section 126.8, which will become effective on January 1, 1975, said board to consist of five members, one member to be appointed for five years, one member for four years, one member for three years, one member for two years and one member for one year,

and thereafter each new member is to serve for five years or until his successor is appointed. (page 165)

## **ACTS TO CREATE DEPARTMENTS**

### AMBULANCE

- 03/02/1953 Voted to accept the gift of an Ambulance from Ashfield Post No. 245, American Legion; and to delegate authority for the operation, maintenance and administration of said ambulance into the hands of an Ambulance Maintenance Committee consisting of the Selectmen, the Fire Chief and members of the local American Legion, the latter to be appointed by the Chairman of the Selectmen.
- 03/02/1953 Voted to accept the Ambulance Fund held by the temporary Ambulance Committee and authorize the permanent Ambulance Committee to administer this fund to maintain, equip and eventually replace the Town Ambulance at their discretion and authorize the Town Treasurer to accept future cash gifts for this fund. (page 313)
- 03/21/2006 Voted to disband the Ambulance Maintenance Committee.
- 05/01/2004 Voted to authorize the Select Board to enter into a contract pursuant to M.G.L. C40, section 4A with Highland Ambulance Emergency Service Inc. for the purpose of providing emergency medical, rescue, and related services for the benefit of Ashfield residents; said contract shall be for a term not to exceed three years, this vote being contingent upon approval of the contract and appropriation by five other towns in the Service.

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### FIRE DEPARTMENT

- 08/09/1893 Selectmen swore in two men to serve as Fire wards. (Book 9, page 407)
- 03/01/1926 Voted a sum of money for the fire company. (Book 13, page 270)
- 03/06/1939 Voted a sum of money to buy fire equipment to be placed in the hands of the Selectmen. (Book 13, page 52)
- 03/03/1952 Voted to move back the present Hose House, to erect a two stall garage, on that site, for the housing of Fire Equipment and choose a committee of three and empower said committee to direct the moving and the building of said garage.
- 03/03/1952 Voted to accept from Peter D. Robinson and Dorothy C. Robinson the gift of land on which to build the above garage containing approximately 3620 sq. ft.
- 12/27/1953 Voted to accept cash donations which may be made for the purpose of building and equipping the New Fire Station... (page 303)

10/04/1967 Voted to accept Chapter 48, Sections 42 & 43 of MGL establishing a fire department and establishing the Fire Chief as Forest Warden. (page 71)

ASHFIELD LIBRARY ASSOCIATION

12/13/1882 A trust from Alonzo Lilly to maintain the library.

03/05/1883 Voted thanks for the gift of money (\$1,500) from Alonzo Lilly to the Ashfield Library Association. (Book 9, page 346)

11/02/1887 Voted that the Chair of Selectmen consult with the Library Association...on what terms the Library may be made free. (Book 9, Page 369)

11/08/1887 Voted to accept proposition of the Library Association to rent to the town free use of the library for \$150/year, provided that the Selectmen represent the town in acting with the Board of Directors in management of the library. (Book 9, page 375)

03/01/1920 Voted that as the Library Association had failed to maintain a library under its own control as required, the gift from Alonzo Lilly to the Ashfield Library Association be turned over to the trustees of the "Ashfield Library Association" established by Mr. Belding, as the Alonzo Lilly Book Fund to be used to purchase new and repair books. (Book 13, page 269)

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POLICE DEPARTMENT

06/03/1893 Note made that the Selectmen swore in a Special Police Officer for a term of one year. (Book 9, page 407)

07/27/1951 Special Officers sworn in. (Book 13, page 275)

03/02/1968 Voted to raise \$800 to be used for materials for the construction of a room in the basement of the Town Hall. Said room to be for the exclusive use of the Police Department. (Book 14, page 79)

03/17/1970 A Police Chief appointed.

08/31/1970 Voted to accept MGL Chapter 41, Section 99 of the Acts of 1965 permitting reciprocal Police services between towns. (Page 106)

03/06/1971 Voted to accept the provisions of MGL Chapter 41, Section 97A of the Acts of 1948, as revised and amended, providing for the establishment of a Police Department supervised by a Chief of Police who, along with the other officers as are deemed necessary, shall be appointed by and under the direction of the Selectmen and whose compensation shall not exceed the annual appropriation. (Page 119)

12/10/1984 Selectmen voted to appoint police officers as assistant to dog officers.

### BURIAL GROUND

11/08/1887 Voted to transfer land to be used as burial grounds to an association of citizens to be called the Burial Ground Association...which shall be duly organized and incorporated. (Book 9, page 375)

### HIGHWAY DEPARTMENT

09/03/1742 The Proprietors voted to establish a committee to repair the road already cut leading from Hatfield to Deerfield, to extend said road into the township as far as they think proper. (Proprietor's Book, page 40)

1900's Voted to leave the matter of repairing roads in the hands of the Selectmen.

### PARK DEPARTMENT

03/05/1928 Voted to elect a board of Park Commissioners consisting of three persons: one for one year, one for two years, and one for three years.

Voted to accept the donation of land for a public park in accordance with the terms of a trust deed from Milo M. and Annie Kirk Belding. (Book 13, page 385 and 386)