

# TOWN OF WALES BY-LAWS



**WALES, MASSACHUSETTS**  
November 2021

**TOWN OF WALES, MASSACHUSETTS**  
**BY-LAWS**  
**(AS OF APRIL 4, 2005)**

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## **CHAPTER ONE**

### **1.) GENERAL PROVISIONS**

- Sec. 1 The following provisions shall constitute the General By-Laws of the Town of Wales, which shall be in lieu of all by-laws heretofore in force.
- Sec. 2 The Selectmen shall cause these by-laws to be published every five (5) years as a part of the Annual Town Report, and additions or amendments thereto in the year in which they are adopted.
- Sec. 3 No Town Zoning by-law or portion thereof shall be adopted, amended, or repealed unless approved by at least a two-thirds (2/3) majority of the votes cast. (APPROVED 5/19/77)
- Sec. 4 The repeal of a by-law shall not revive any law not in force when the by-law was repealed.
- Sec. 5 Words and phrases specifying or naming any board, commission, committee or officer of the Town, shall be construed as including the lawful successor or the person or persons having the powers and performing the duties of such board, commission, committee, or officer of the Town.
- Sec. 6 Whenever publication of actions or by-laws is required by law or by-law is to be published in a town newspaper, it shall be sufficient when there is no such paper, that it be printed or published in a paper which has a general and substantial circulation therein.
- Sec. 7 When, in a by-law, anything is prohibited from being done without license or permission of a certain officer, board or committee, such officer, board or committee shall have the right to license or permit such thing to be done.
- Sec. 8 These by-laws shall take effect from and after their adoption by the Town, approval of the Attorney General and Publication as provided by law.
- Sec. 9 Whoever violates any of the provisions of these by-laws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding fifty dollars (\$50) for each offense. (APPROVED 8/22/73)
- Sec. 10 Upon the written complaint often (10) registered voters, it shall be the duty of the Selectmen to prosecute, and cause such neglect or violation of duty to be performed by persons appointed by them to fulfill such duties.
- Sec. 11 The Town Clerk is authorized to assign appropriate numbers to by-law sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, after informing the Board of Selectmen, to make non-substantive editorial revisions to ensure consistent and appropriate sequencing and numbering, provided such editorial revisions shall be identified by a footnote or other

convention, and any such changes shall be noted in the Town Clerk's Annual Report the following year. (Approved 8/2/15)

## **CHAPTER TWO**

### **1.) TOWN MEETINGS**

Sec. 1 The Annual Town Meeting shall be held the third (3rd) Wednesday in May each year, at which time all business of the Annual Town Meeting, except the election of officers and the determination of matters as are required by law to be elected or determined by ballot, shall be considered. (APPROVED 2/12/85)

Sec. 2 All matters concerning and relating to the election of officers and the determination of matters as are required by law to be elected or determined by ballot shall be considered at an adjournment of said meeting to take place on the fourth Wednesday in May. (APPROVED 7/21/2016)

Sec. 3 The polls shall be opened at 12 o'clock noon and shall remain open until 7 o'clock in the evening, but in no case shall be kept open after 8 o'clock in the evening.

Sec. 4 Annual Town Meetings and all other Town meetings, and meetings for elections under any of the provisions of the laws of the Commonwealth shall be warned by posting attested copies thereof on the Town's website and in at least three (3) conspicuous public places in the Town. (APPROVED 11/1/21)

Sec. 5A At least seven (7) days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall post Annual Town Meeting Warrant to the Town's website and make copies thereof available at the Town Office, Library, Senior Center and the Annual Town Meeting. (APPROVED 11/1/21)

Sec. 5B At least seven (7) days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall post the Annual Town Report on the Town's website and make copies thereof available at the Town Office, Library, Senior Center and the Annual Town Meeting. (APPROVED 11/1/21).

Sec. 6 At least fourteen (14) days before the day fixed in the warrant for any Special Town Meeting, the Selectmen shall post the Special Town Meeting Warrant on the Town's website and make copies thereof available at the Town Office, Library, Senior Center and the Special Town Meeting. (APPROVED 11/1/21)

Sec. 7 The necessary quorum for any Town Meeting shall be four percent (4%) of the registered voters, a quorum for a Special Town Meeting shall be Thirty (30) registered voters provided, however, that a number less than a quorum may from time to time adjourn the

same; at no time shall the quorum be less than the twenty-five (25) registered voters required for a caucus quorum. This section shall not apply to such parts of meetings as are devoted exclusively to the election of Town officers. (APPROVED 12/20/05)

Sec. 8 Articles of the warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting.

Sec. 9 All motions having to do with the expenditure of money for special appropriations shall be presented in writing; other motions shall be in writing if so directed by the Moderator.

Sec. 10 When a question is before the Meeting, the following namely: to adjourn, to lay on the table; for the previous questions; to postpone to a time certain; to commit; re-commit or refer; to amend; to postpone indefinitely; shall be received and shall have precedence in the foregoing order; and the first three (3) shall be decided without debate.

Sec. 11 On proposed amendments involving sums of money or time, the larger or largest amount or the longer or longest time shall be put to the question first, an affirmative vote thereon shall be a negative vote for any smaller amount or time element.

Sec. 12 Any person who is employed as an attorney by another individual in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereon.

Sec. 13 At any Special or Annual Town Meeting, if fifteen (15) voters present request a secret ballot on any question, said vote shall be taken accordingly. In addition, a ballot vote may be called for on any question by a majority of the voters present and voting. (APPROVED 7/15/75).

Sec. 14 At least 38 days before the election, the Town will hold a § 121 caucus for the nomination of two candidates for each office required to be filled. (Approved 8/2/15)

## **CHAPTER THREE**

### **1.) TOWN OFFICERS**

Sec. I The officers of the Town shall be elected at the Annual Town Meetings when the term of office of any incumbent expires, and except when other provision is made by law, shall be chosen by official ballot from its registered voters. (APPROVAL DATES)

- a. Their terms of office shall be: A Moderator for three years (5/21/2008), three (3) Selectmen (9/9/76) subject to the provisions of Chapter 41, Sec. 21 one (1) member shall be elected each year for a term of three (3) years; a Town Treasurer for three (3) years; a Collector of Taxes for three (3) years; a Town Clerk for three (3) years; three (3) Assessors for three (3) years each, one to be elected annually; five (5) members of the School Committee for three year terms, three (3) Constables for three (3) years, one to be elected annually; three (3) Library Trustees for three (3) years, one to be elected annually; three (3) members of the Cemetery Commission for three (3) years, one to be elected annually; a Road Commissioner (11/26/90) for three (3) years; three (3) members for three (3) years for the Board of Health (10/1/70) , one (1) to be elected annually; a five (5) member Planning Board (1/26/76) for three (3) year terms; and a five (5) member Council on Aging (1/26/76) to be appointed for one (1) year terms and a Tree Warden (6/30/78) to be appointed for a one (1) year term. (AG approval as of March 21, 2005)
- b. All other Town officials shall be appointed by the Selectmen unless other provision is made by law or by vote of the Town.
- c. In any case where three (3) or more members of a board are to be elected for terms of more than one (1) year, as nearly as one-third (1/3) as may be shall be elected annually.
- d. Vacancies shall be filled according to Chapter 41, Sec. 11.

### **2.) POWERS AND DUTIES**

Sec. I The **Selectmen** shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law, by-law or vote of the Town.

- a. They may from time to time make suitable rules and regulations concerning all departments of the Town under their jurisdiction.
- b. They shall have full authority as agents of the Town, acting upon the advice of the Town Counsel, to settle any claims or suits against the Town in which their judgment

cannot be successfully defended, when the sum to be paid does not exceed five hundred (\$500) dollars. Any settlement requiring a greater sum shall be authorized by the voters of the Town.

- c. All conveyances of land which may be hereafter authorized by vote of the Town, or otherwise, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by the law or by the Town; and shall be sealed with the Town Seal.
- d. The Selectmen shall request an annual audit of the financial books and accounts of the Town by the State Division of Accounts.
- e. The Selectmen shall cause to be printed in the Annual Town Report the summary report as submitted to the Town by the Director of Accounts if available to them in time for inclusion in the report.

Sec. 2 The ***Town Clerk*** shall be subject to provision in General Laws, Chapter 41, Sec. 12 through Sec. 19F wherein they pertain to towns and are applicable.

- a. The Town Clerk shall keep and cause to be permanently bound, one or more files of Town Reports and all original documents of the Town pertaining to vital statistics.
- b. It shall be the duty of the Town Clerk immediately after every Town Meeting to notify, in writing, all members of committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committees;
- c. also to notify all officers, boards and committees of all votes passed at such meeting in any way affecting them.
- d. Each Town board or committee shall organize within ten (10) days; choose a chairman and a clerk from within their membership; names of the chairman and clerk shall be given, in writing, to the Town Clerk for record and file.
- e. No committee elected or appointed in the Town shall receive compensation for their services, except as voted by the Town.
- f. The Town Clerk shall suitably index all reports and records which come into his/her custody in a manner convenient for references and examination.
- g. The Town Clerk shall cause to be entered upon the regular record of the meeting such portions of the report of any board or committee presented to the Town and adopted, as may be necessary for the understanding of the action taken by the Town.

Sec. 3 The ***Treasurer*** shall annually make a report showing:

- a. A classified statement showing the items of town debt, date when each was contracted, its amount, rate of interest, date on which it will be due, and purpose for which borrowed.
- b. A statement of all money borrowed by the Town during the year and for what purposes; the amount of increase or decrease in the Town debt, and the object for which it was increased.
- c. The relation of the Town debt to the percent limit of indebtedness, if relevant data supplied to him by the Commonwealth is available to him in time for insertion in the report.

Sec. 4 The ***Assessors*** are subject to General Law, Chapter 41, Sec. 24 through Sec. 30A.

- a. They shall annually make a summary statement, to the Town, of their doings as Assessors.
- b. They shall have printed Biannually their evaluation lists and cause them to be made available to the taxpayers at the Assessors' Office as soon as January after the assessment. (APPROVED 3/1/82)

Sec. 5 The ***Town Accountant***, appointed by the Selectmen, shall perform the duties and possess the powers of a town auditor;

- a. shall keep a complete set of books wherein shall be entered the amount of each specific appropriation; the amount and purposes of expenditures; the receipts from each source of income and all other duties prescribed in Sec. 55, through Sec. 61 of the General Laws;
- b. shall send monthly statements to the Selectmen, each board, committee, head of department or officer having the disbursement of an appropriation, a statement of the amount of orders approved and warrants drawn on behalf of said board, department or officer during the preceding month, and a statement of the balance of such appropriation remaining subject to draft;
- c. shall make an annual report, to be published as a Town document, arranged in accordance with the classifications prescribed by the Director of Accounts, such report shall contain a statement of any change in the amount of the Town debt during the year and a list of indebtedness incurred and unpaid at the end of the financial year.
- d. a tabulated statement showing the objects of each appropriation for the year, the amount appropriated, the money expended, the balance unexpended and the balance on hand at the end of the preceding year.



- e. The amount received outside of the appropriation from transfer from another appropriation, or otherwise; and a separate statement of transfer from one appropriation to the other.
- f. A classified statement of all expenditures and receipts of the Town so as to give a fair and full exhibit of the objects and methods of all expenditures. (APPROVED 8/22/73).

Sec. 6 The **Road Commissioner** shall annually:

- a. make a detailed report of all money spent during the year, properly classified under the different divisions of work;
- b. make a detailed and specific report of how and where expended; how much paid each person employed by him; what price per hour and how much taken for him for his own services.

Sec. 7 The **Cemetery Commissioner** shall annually:

- a. make a detailed report of all money spent during the year, properly classified for each of the cemeteries;
- b. A detailed and specific report of how much expended in each of the cemeteries; how much was paid to each person employed by them; price per hour and how much was taken for their own services;
- c. how much received for sale of lots, perpetual care fluids for the lots, and all other receipts and expenditures.

Sec. 8 The **Board of Health** shall annually make a report showing:

- a. the number of complaints made to them
- b. nuisances noted and dispositions made
- c. unusual illnesses or epidemics
- d. detailed report of all receipts and expenditures of the board

Sec. 9 **Fire Chief and Forest Fire Warden** shall annually make a report containing:

- a. a statement of the property and apparatus in possession of the Town, its condition, number of calls, estimated property loss and general facts relating to the department.
- b. A detailed report of the receipts and expenditures for the department.

- c. The Forest Fire Report shall contain a statement of all receipts and expenses for this department for the year past; the location of the fires and estimated property loss and cause, if known.

Sec. 10 The ***Inspector of Slaughtering*** shall annually report:

- a. All money received and expended in this department.
- b. Number of inspections made and facts of general interest.

Sec. 11 The ***School Committee*** report shall contain:

- a. A report of the year's work in the schools with such recommendations and suggestions as they deem fitting;
- b. The school calendar for the year;
- c. The tabulation of membership, attendance and truancy for each school.
- d. A detailed statement of their expenditures and receipts during the year;
- e. A list of the teachers and their salaries.

Sec. 12 The ***Library Trustees*** shall make an annual report:

- a. A detailed statement of their receipts and expenditures from Town appropriations and Trust Fund interest, sale of books and magazines, fees from overdue books and all other sources;
- b. Number of books circulated;
- c. Number of new memberships;
- d. Scheduled hours for library and Bookmobile visits;
- e. Circulation by number of school reference books;
- f. Number of books lent to Wales Elementary School; (APPROVED 8/22/73).

Sec. 13 The ***Tree Warden*** shall make an annual report giving:

- a. a detailed and specific report of how many trees removed and location prior to removal;
- b. How much was paid to each person employed by him, price per hour and how much was taken for his own services;

- c. An accurate and detailed report of all other money received from any and all sources in pursuit of his duties as Tree Warden.

Sec. 14 ***Outstanding Bills and Attendance:*** All other Town offices, boards, commissions and committees shall make annual reports as required by the General Laws; each department head, board or committee authorized to expend money shall furnish the Town Accountant at the close of the financial year, a list of bills remaining unpaid, showing to whom and for what is due and their amounts. All appointed committees shall keep a record of attendance. The members of any appointed committee who fail to attend any three consecutive meetings called by the committee shall have his or her name reported to the Town Clerk by the remaining committee members of the committee. The Town Clerk shall notify the said member and the appointing authority that a vacancy exists by reason of absence. (APPROVED 7/15/75).

Sec. 15 A ***Finance Committee*** of five (5) members and two (2) alternates shall be appointed by the Board of Selectmen for three (3) year overlapping terms. Members shall serve without compensation and no member shall hold any other elected or appointed Town position during his term of office unless Finance Committee representation on another committee is required by bylaw, vote of the Select Board, or vote of Town Meeting. In making appointments to the Committee, the Board of Selectmen shall take into consideration the demographic composition of the Town. (APPROVED 10/2/2019)

The Finance Committee shall consider all articles in the warrant for all Town Meetings and referenda and shall report its recommendations in print before each meeting or vote. It shall hold a public meeting with respect to the warrant at least seven (7) days prior to Town Meetings. The Department heads, Executive Secretary, and Selectmen shall file a proposed budget for the ensuing fiscal year with a summary budget message and supporting documents. The summary budget message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies

of the Town for the ensuing year and shall indicate any major changes from the current year in financial policies, expenditures, and revenues. The budget shall indicate proposed expenditures for both current operations and capital projects during the succeeding fiscal year, detailed by purpose, offices, departments, commissions and committees. The Board of

Selectmen may rescind an appointment to the Committee if the appointee has failed to attend three (3) or more consecutive meetings and may fill any vacancy for the unexpired term. The Committee shall annually choose a Chairman, a Secretary, and other officers as necessary. (APPROVED 10/7/88)

Sec. 16 A **Council On Aging** consisting of five (5) members, who are residents of Wales, to be appointed for a term of one (1) year. An exception to the residency requirement may be made for a person upon recommendation of the Council on Aging by a majority vote (Approved 10-15-18).

Sec. 17 **Tax Collector:** The Tax Collector shall retain all fees received for the preparation of Certificates of Municipal Liens for personal services and shall provide an accounting thereof on a monthly basis to the Town Accountant.

Sec. 18 The **Historical Commission** was established on April 15, 1970 when the Town voted to accept Section 8D of Chapter 40. "There is hereby established, under the provision of the General Laws, Chapter 40, Section 8D, an Historical Commission of the Town of Wales for the purposes and with the rights and duties provided by law, to be composed of five members, residents of the Town, appointed by the Selectmen for the terms of three years, except that initial appointment shall be one member for one year, two members for two years, and two members for three years."

### 3.) TOWN COUNSEL

Sec. I The Selectmen shall annually appoint some member of the Massachusetts Bar as Town Counsel. (APPROVED 1/26/76)

- a. The Town Counsel shall draft all legal instruments and do every professional act which may be required of him by vote of the Town or any board of Town Officers; also when required by said boards or any committees of the Town, he shall furnish a written opinion on any legal question that may be submitted to him; and he shall at all times furnish legal advice to an Officer of the Town who may require his opinion upon any subject concerning the office of such person.
- b. The Town Counsel shall have charge of all suits by the Town, shall prosecute and shall defend all actions brought by and against the Town or its Officers in their official capacity. He shall try and argue any and all cases in which the Town shall be a party, before any tribunal, or before any board of reference or commissioners.
- c. He shall receive for his services a salary and shall be subject at any time to removal by the Selectmen.

### 4.) RECORDS, REPORTS AND DOCUMENTS

Sec. I Except as otherwise provided by law, the Selectmen shall have custody of bonds, deeds, contracts, insurance policies and other similar documents owned by the Town.

- Sec. 2 All officers, boards, and committees of the Town shall cause records of the doings and their accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town Office, unless otherwise provided by law, be open to public inspection under supervision of the officer, board, or committee having custody thereof. A copy of approved minutes of meetings of boards and committees shall be filed with the Town Clerk no later than one month after the approval thereof. (APPROVED 10/22/2009)
- Sec. 3 All officers, boards, standing committees and special committees of the Town having charge of the expenditures of Town money shall annually report thereon in writing, in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, and such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the fifteenth (15th) day of February of each year.
- Sec. 4 The Selectmen shall cause to be printed the annual report which shall contain:
- a. A statement of their expenditures of appropriations in detail.
  - b. A concise and clear account of their doings during the year.
- Sec. 5 The annual reports of all Town officers and committees shall be issued in one (1) book and in addition to the department reports for the municipal year, the book shall contain:
- a. A complete list of the elected Town officers, with their salaries or compensations; the organization of the different boards, and the expiration of the term of office of each member.
  - b. A complete list of the appointees for the year, with their salaries or compensation, including the school and police.
  - c. A copy of the warrant for the Annual Town Meeting next to be held

## **5.) DEPARTMENTAL REVOLVING FUNDS\_(APPROVED 11-7-17)**

1. Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, commissions, agencies and 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, § 53E½.
2. Expenditure Limitations. A 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.
  - B. No liability shall be incurred in excess of the available balance of the fund.
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by this bylaw.
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, charter provisions, 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 the fund, the encumbrances and expenditures charged to each 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,
  - G. The fiscal years each fund shall operate under this by-law.

| <b>A:<br/>REVOLVING<br/>FUND</b>      | <b>B:<br/>AUTHORITY<br/>TO SPEND</b> | <b>C:<br/>FEES,<br/>CHARGES OR<br/>OTHER<br/>RECEIPTS<br/>CREDITED TO<br/>FUND</b> | <b>D:<br/>PROGRAM OR ACTIVITY<br/>EXPENSES PAYABLE<br/>FROM FUND</b>  | <b>E:<br/>RESTRICTIONS<br/>OR<br/>CONDITIONS<br/>ON EXPENSES<br/>PAYABLE<br/>FROM BUDGET</b> | <b>F:<br/>OTHER<br/>REQUIREM<br/>ENTS OR<br/>REPORTS</b> | <b>G:<br/>FISCAL<br/>YEARS</b>        |
|---------------------------------------|--------------------------------------|--|---|--|--|---------------------------------------|
| Building Inspections                  | Building Commissioner                | Inspection Fees  | Expenses and costs related to provision of inspection services.   |  |  | Fiscal Year 2018 and subsequent years |
| Plumbing, Heating And Gas Inspections | Plumbing/Heating/Gas Inspector       | Inspection fees and expense reimbursements   | Expenses related to provision of inspection services.   |  |  | Fiscal Year 2018 and subsequent years |
| Cemetery Services                     | Cemetery Commission                  | Fees received in connection with opening and closing graves                        | Expenses and costs related to opening and closing graves, including payment to other departments related thereto. |  |  | Fiscal Year 2018 and subsequent years |
| Planning                              | Planning Board                       | Filing fees and expense reimbursements   | Expenses and costs related to processing applications, publishing notices, and holding hearings.                  |  |  | Fiscal Year 2018 and subsequent years |
| Conservation                          | Conservation Commission              | Filing fees, expense reimbursements  | Expenses and costs related to processing applications, publishing notices, and holding hearings.                  |  |  | Fiscal Year 2018 and subsequent years |
| Zoning                                | Zoning Board                         | Filing fees and expense reimbursements   | Expenses and costs related to processing applications, publishing notices and holding hearings.                   |  |  | Fiscal Year 2018 and subsequent years |
| Animal Control                        | Animal Control Officer               | Fines and fees   | Expenses and costs related to provision of animal control services for which fees and fines are assessed.         |  |  | Fiscal Year 2018 and subsequent years |
| Library                               | Library Trustees or Director         | Fees and fines   | Expenses and costs related to library programs and activities for which fees and fines are assessed.              |  |  | Fiscal Year 2018 and subsequent years |

| <b>A:<br/>REVOLVING<br/>FUND</b> | <b>B:<br/>AUTHORITY<br/>TO SPEND</b> | <b>C:<br/>FEES,<br/>CHARGES OR<br/>OTHER<br/>RECEIPTS<br/>CREDITED TO<br/>FUND</b> | <b>D:<br/>PROGRAM OR ACTIVITY<br/>EXPENSES PAYABLE<br/>FROM FUND</b>               | <b>E:<br/>RESTRICTIONS<br/>OR<br/>CONDITIONS<br/>ON EXPENSES<br/>PAYABLE<br/>FROM BUDGET</b> | <b>F:<br/>OTHER<br/>REQUIREM<br/>ENTS OR<br/>REPORTS</b> | <b>G:<br/>FISCAL<br/>YEARS</b>        |
|----------------------------------|--------------------------------------|--|--|--|--|---------------------------------------|
| Board of Health                  | Board of Health                      | Fees and reimbursements  | Expenses and costs related to enforcing State & Local Board of Health regulations. |  |  | Fiscal Year 2018 and subsequent years |
| Electrical                       | Electrical Inspector                 | Permit fees and expenses   | Expenses related to inspections.   |  |  | Fiscal Year 2018 and subsequent years |
| Police – Pistol Permits          | Police Chief                         | Pistol Permit Fees   | Expenses and costs related to pistol permit application review and issuance.       |  |  | Fiscal Year 2018 and subsequent years |
| Council on Aging                 | Council on Aging                     | Fees and reimbursements  | Expenses and costs related to programs and activities for Seniors.                 |  |  | Fiscal Year 2018 and subsequent years |
| Highway Driveway permits         | Road Commissioner                    | Driveway permit Fees   | Expenses related to inspections  |  |  | Fiscal year 2022 and subsequent years |



## **CHAPTER FOUR**

### **1.) DOG RESTRICTIONS**

#### **Sec. I Declaration of Policy**

- a. Any dog, whether licensed or unlicensed, is hereby declared to constitute a public nuisance unless it –
  - i. is confined to the premises of its owner or of another person with the knowledge and consent of such person, or
  - ii. is attached to and restrained by a leash or other suitable device and is in the control of a person capable of restraining it so that it will not be a threat to public safety, or
  - iii. is engaged in hunting, or training therefore, and is supervised by a person competent to restrain it so that it will not be a threat to public safety and who has the legal right to engage in such activity at the location where it is being carried out.
- b. Any dog is hereby declared to be a public nuisance which habitually barks or howls in a manner disturbing to neighbors between the 11:00 PM and 7:00 AM.

#### **Sec. 2 Enforcement**

- a. Any failure of an owner or keeper of any dog to prevent such dog from becoming a public nuisance shall be a violation of this by-law. Each day such failure continues shall be a separate offense. As used herein a "keeper" shall be any person, corporation or society, other than the owner, harboring or possessing any dog.
- b. The Animal Control Officer is authorized to enforce this by-law by any or all of the following methods:
  - i. By filing a complaint in the District Court for any violation thereof against the owner or keeper of any dog found to be a nuisance.
  - ii. By noncriminal complaint against the owner or keeper of any such dog pursuant to the provisions of Chapter 40, Section 21D of the General Laws and by imposing a noncriminal assessment of TWENTY FIVE (\$25.00) DOLLARS for a first violation or FIFTY (\$50.00) DOLLARS for each subsequent violation within a twelve (12) month period. The Animal Control Officer shall have discretion to issue a warning in lieu of a criminal or noncriminal complaint to anyone found in violation of this

By-law who has not been found in violation thereof during the preceding twelve (12) months.

iii. By impounding any dog found to be a public nuisance.

### **Sec. 3 Procedure Following Impoundment**

i. The Animal Control Officer shall promptly notify the owner or keeper of any impounded dog if his/her identity can be readily ascertained.

ii. If the owner or keeper cannot be readily identified, the Animal Control Officer shall cause public notice to be posted at the Town Hall describing the impounded dog and stating that the dog will be disposed of in accordance with section 3iv hereof if not redeemed within ten (10) days.

iii. The owner or keeper of any impounded dog may obtain its release by obtaining a license for any such dog not currently licensed and by reimbursing the Animal Control Officer at the rate of THIRTY (\$30.00) DOLLARS for the initial handling of the dog and EIGHTEEN (\$18.00) DOLLARS a day for each day or portion thereof the dog has been impounded. When the dog has been impounded at the Town pound, the daily fee shall be divided as follows: EIGHT DOLLARS (\$8.00) per day to the Town of Wales and TEN DOLLARS (\$10.00) per day to the Animal Control Officer. (APPROVED 8/23/11)

iv. Any impounded dog which has not been redeemed within (10) days from the notification of the owner or keeper or of the posting of notice pursuant to section 3ii hereof shall be disposed of in accordance with the provisions of Section 151A, Chapter 140, of the General Laws, as amended.

v. The Animal Control Officer shall forthwith pay over to the Town Treasurer all moneys received under the provisions of this by-law and shall file with the Town Accountant a monthly statement of all such moneys received during the preceding month. (APPROVED 8/26/94)

## **2.) LITTERING**

a. Any person or persons found guilty of the unauthorized disposal of rubbish or any other unwanted matter upon a private or public way, beach, park or other municipal property owned or maintained by the Town may be punished by a fine not to exceed THREE HUNDRED (\$300.00) DOLLARS. This by-law shall not apply to the disposal of rubbish or unwanted matter in designated areas or containers provided for the disposal of such matter. (APPROVED 9/16/04)

## **3.) PUBLIC DRINKING**

- a. No person shall consume any alcoholic beverage, as defined by the General Laws, Chapter 138, Section I, in any public way, town park, town cemetery, public school building or land, or any recreation area under public control, except during such time as a special license may be issued for such places. Any person violating this by-law shall be subject to a fine of not more than TWENTY-FIVE (\$25.00) DOLLARS and may be arrested without a warrant by a Police Officer. (Approved 6/20/1978)

#### **4.) DRIVEWAY PERMITS**

- a. No driveway or road shall be constructed in the Town of Wales that leads directly onto a Town way without first obtaining a permit from the Highway Superintendent. The Highway Superintendent shall require sufficient plans as he deems necessary to judge the impact of said driveway or road on the Town way entered, may set fees, and may set conditions on the construction of said road or driveway so as to preserve the Town way involved and promote traffic safety. (APPROVED 2/24/87)
- b. The inspector of buildings, before issuing a new Building Permit, shall first ascertain that the above driveway permit has been complied with.

#### **5.) DENIAL OF PERMITS & LICENSES: NON-PAYMENT OF TAXES**

- a. The Town of Wales hereby accepts the provisions of C.40. Section 57.
- b. The Town of Wales may deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.
- c. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

- d. The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- e. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failures to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder is given notice and a hearing as required by applicable provisions of law.
- f. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is not direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.
- g. This section shall not apply to the following licenses and permit: open burning; section thirteen of chapter forty-eight; bicycle permit; section eleven A of chapter eight-five; sales or articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty, dog licenses, section one hundred and thirty-seven of chapter one hundred forty, fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty. (APPROVED 2/5/99)

## **6.) RECYCLING**

- a. Resident of every household shall separate waste material into the following Categories before depositing same for disposal:
  1. Glass and cans
  2. Paper
  3. Other waste

Any resident who fails to separate waste material for disposal at the disposal location shall not be accepted. Repeat violators shall, suffer a fine of TEN (\$10.00) DOLLARS. (APPROVED 10/1/92)

## **7.) NOISE BY-LAW**

- a. Between the hours of 11 :OOPM and 10:OOAM, no loud music shall be played or amplified neither outside of nor from within a building so as to be audible outside from a distance of more than fifty (50) feet from the building.
- b. Each instance of the previously-described excessive noise shall be penalized as follows:
  - First instance: verbal warning by police
  - Second instance: written warning
  - Third instance and all subsequent instances:  
fined at ONE HUNDRED (\$100.00) DOLLARS each.
- c. This by-law is to be enforced by the Police Department. (APPROVED 9/23/88)

## **8.) NUMERATION SYSTEM**

- a. The Town voted to implement a numeration system for identifying every structure within the Town of Wales, said numeration system to be assigned by the Board of Assessors. Each number must be three (3) inches high, reflectorized, displayed and visible within twenty (20) feet from the street. (Pursuant to the procedures established in M.G.L. C.40, §21D, the penalty for each violation of this by-law shall be a fine of \$25.00. A violation shall be deemed to have occurred when after the Police or Fire Department has given a property owner a written warning giving the party one week in which to remedy the violation.) (APPROVED 10/1/92) (Implemented October 1, 1992)

## **9.) PARKING BAN**

- a. The Town voted to impose a winter parking ban on Town Roads and Private Ways. This ban would start at the beginning of snow storms and last twenty four (24) hours after the storm's end. No vehicles, boats, trailers, etc. would be allowed to park on any road in Town during this time. Public or otherwise.

## **10.) NO PARKING ORDINANCE**

The Town voted to have a "NO PARKING" ordinance on Union and Lake George Roads (both sides/both roads). (APPROVED 4/29/97)

## **11.) CAPITAL IMPROVEMENT PLANNING COMMITTEE**

Sec.1 The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Board of Selectmen, One member of the Finance Committee, one member of the Planning Board and the School Committee, and a member at large to be appointed by the Selectmen. The Town Accountant (or the Executive Secretary or other administrative officer) shall be an ex-officio Committee staff member without the right to vote. The Committee shall choose its own officers.

Sec.2 The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which: 1) \*deleted 5/16/12; 2) have a useful life of at least five years and 3) \*cost over \$25,000.00. All officers, boards and committees, including the Selectmen and the School Committee, shall, by August 31<sup>st</sup> of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years or more. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the Committee shall first have submitted a report to the Board of Selectmen explaining the omission. \*Sec 1 & 3 amended 5/16/12

Sec.3 The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the town.

Sec.4 Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriations of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

Sec.5 The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

## 12.) SETTING OF FEES

Sec. 1 Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, who is authorized to set fees pursuant to G.L.c.40, section 22F or in the case of a board or officer appointed by an elected board, the elected board, shall submit such proposed fees to the Board of Selectmen for review and approval. Said fees shall become effective upon the approval of the Board of Selectmen.

Sec. 2 The Board of Selectmen may adopt regulations to implement this bylaw, including but not limited to: a process for review and approval of fees adopted pursuant to G.L.c.40, section 22F; criteria for determining the reasonableness of such fees; periodic review of all fees set by municipal officers and boards, including elected officers and boards; and the designation of a particular town employee to create and maintain a single document setting forth all municipal fees.

## 13.) MOBILE HOME PARK RENT CONTROL

13.01 This bylaw shall be known and may be cited as the “Mobile Home Park Rent Control Bylaw”.

### 13.02 Definitions

For the purposes of the bylaw the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context in which they are used clearly requires a difference meaning.

**Rent Board** and **Board** mean the Mobile Home Park Rent Control Board as established herein.

**Mobile home** shall mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living quarters.

**Mobile home park** means a park licensed by the Board of Health pursuant to Massachusetts General Laws Chapter 140, Section 32B.

**Rules and regulations** means rules and regulations promulgated by the Board.

**Shall** is mandatory; **may** is permissive.

### 13.03 Mobile Home Park Rent Control Board

There is hereby established a Mobile Home Park Rent Control Board to be comprised on three (3) town residents representing the public and to enforce the provisions of the Wales Mobile Home Park Rent Control Bylaw, except that no such member shall be a landlord renting mobile home property, a tenant residing in a mobile home or a person making a living or any portion thereof from the marketing of, or sale of, or investment or employment in mobile home property. Said Board members shall serve at the discretion of the Board of Selectmen. The members in the first instance shall be appointed for terms of one (1), two (2) and three (3) years. Upon expiration of a term of office, the subsequent term shall be for a period of three (3) years.

#### 13.04 Duties and powers

- 1) The Board shall regulate rents so as to remove hardships or correct inequities for both the owner and the tenant of such mobile home accommodations; set minimum standards for use or occupancy of mobile home park accommodations and evictions of tenants therefrom; may require registration by owners of mobile home parks; may require information of said owners relating to their parks under the penalties of perjury.
- 2) The Board may make rules and regulations, sue and be sued, compel attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenant of such mobile home park accommodations.

#### 13.05 Standards for adjusting rents

- 1) The Board may make individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accommodations are established on levels which yield to owners a fair net operating income for such units.
- 2) Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair market value of the property, equal to the debt service rate generally available from institutional first mortgage lenders or other such rates of return as the Board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.
- 3) Fair market value shall be assessed valuation of the property or such other valuation as the Board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.
- 4) The Board may establish further standards and rules consistent with the foregoing.

#### 13.06 Summary process

The Board may regulate evictions of tenants at mobile home parks and may issue orders which shall be defense to an action of summary process for possession.

#### 13.07 Review

- 1) The Board and its actions shall be subject to the provisions of Massachusetts General Laws Chapter 30A (Administrative Procedures Act) as if the Board were an agency of the Commonwealth of Massachusetts.
- 2) Pursuant to Chapter 40 of the Acts of 1991, the Eastern Hampden Division of the District Court department shall have original jurisdiction, concurrently with the Superior Court,



of all petitions for review brought pursuant to Section 14 of Chapter 30 of the General Laws.

- 3) The Superior Court shall have jurisdiction to enforce the provisions of this bylaw and may restrain violations thereof.

#### 13.08 Penalties

Violations of this bylaw or any order of the Board shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) for any one offense.

#### 13.09 Severability

If any provision of this bylaw shall be held invalid, the validity of the remainder of this bylaw shall not be affected thereby. (Approved 12-11-2020)

### **14.) FINANCIAL MANAGEMENT TEAM**

The Town shall have a financial management team that includes a member of the Select Board, a member of the Finance Committee, a member of the Board of Assessors, the Executive Secretary, the Town Accountant, the Tax Collector, the Town Treasurer and a representative from the Regional School Business Office. Said team shall meet at least semi- annually or more frequently as issues require, such meeting to be called by the Board of Selectmen. Each Board shall annually choose their representative. (APPROVED 10/2/2019)

### **15.) ALARM SYSTEMS**

#### 15.01 Purpose

The purpose of this bylaw is to protect the public safety and well-being by the reduction or elimination of the incidence of false alarms from alarm systems, the receipt of which would cause a physical response by the Wales Police Department or by the Wales Fire Department.

#### 15.02 Definitions

**Alarm system** means an assembly of equipment or devices, or a single device, arranged to signal the presence of a condition requiring urgent attention and to which police officers or firefighters are expected to respond at a commercial establishment. Alarm systems which monitor temperature, smoke, humidity, the presence of chemicals or any other condition, whether or not related to the detection of an unauthorized intrusion or a fire, are also included.

**False alarm** means the activation of an alarm system through mechanical failure, malfunction, improper installation, maintenance or repair, or negligence of the user of an alarm system or of his/her employees or agents; or any signal or oral communication transmitted to the police department or fire department requesting, requiring, or resulting in a response on the part of the

police department or fire department when, in fact, there has been no fire, threat of fire, unauthorized intrusion or other occurrence requiring a response. Excluded from this definition are activations of alarm systems caused by power outages or surges, hurricanes, tornadoes, earthquakes and similar conditions.

**User** means any person on whose premises an alarm system is maintained within the town. Excluded from this definition are municipal, county, state and federal agencies; persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or a flashing light outside the premises, the user of such an alarm system shall be subject to this bylaw.

**Public nuisance** means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

#### 15.03 Control and curtailment of signals emitted by alarm systems

- a) Every user shall submit to the police department and the fire department the names and telephone numbers of the user and at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system and who has the ability to provide access to the premises wherein the alarm system is installed. The list of names and telephone numbers of the responders must be kept current at all times by the alarm user and shall be submitted during the first (1<sup>st</sup>) month of each fiscal year (July).
- b) All alarm systems installed after the effective date of this bylaw which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within fifteen (15) minutes after activation of the alarm system.
- c) Any alarm system installed prior to the effective date of this bylaw and which uses an audible horn or bell shall have retrofitted the system within one hundred eighty (180) days following the effective date of this bylaw with such a silencing device as described in paragraph b) above.
- d) Any alarm system which fails to comply with the above paragraph b) and emits a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him/her under paragraph a) of this section, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, police and/or fire department personnel shall endeavor to contact the alarm user or those persons designated by the user under paragraph a) of this section in an effort to abate the nuisance. Police and/or fire department personnel shall record the time each complaint was received.

In the event that police and/or fire personnel is unable to contact the alarm user or those persons designated by the user under paragraph a) of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, the police and/or fire chief may direct police and/or fire personnel or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

Once an entry upon property has been made in accordance with this section and the nuisance has been abated, the police and/or fire chief shall have the property secured, if necessary. All reasonable costs and expenses related to the abatement of a nuisance in accordance with this section shall be the sole responsibility of the alarm user.

#### 15.04 Penalties

- a) An alarm user whose alarm system transmits or otherwise causes three (3) or more false alarms in a twelve (12) month period shall be assessed a fine of \$25.00 for the third (3<sup>rd</sup>) false alarm in any twelve (12) month period, \$50.00 for the fourth (4<sup>th</sup>) false alarm in any twelve (12) month period and \$100.00 for each subsequent false alarm in any twelve (12) month period.
- b) An alarm user who fails to comply with any of the requirements of Section 15.03 of this bylaw relative to the control and curtailment of signals emitted by alarm systems shall be punished by a fine of \$50.00. (Approved 3/10/2020)

### **16.) MASTER PLAN IMPLEMENTATION COMMITTEE**

Section 1. There shall be established a Master Plan Implementation Committee (MPIC) consisting of nine (9) voting members. The Committee shall be comprised of one (1) member from each of the following: Planning Board, Parks Commission, Recreation Committee, Conservation Commission, Historical Commission, Board of Selectmen, School Committee, Finance Committee and one (1) resident at large member.

1. The members of the MPIC shall each be appointed by the Board of Selectmen for one (1) year terms.
2. The resident at large member should have a demonstrated interest in and knowledge of the Master Plan and possess expertise in planning, economic development, real estate or other relevant fields; or equivalent experience.

Section 2. The MPIC is an advisory body and shall have the following roles and responsibilities:

1. Review the implementation plan within the Town's Master Plan at least quarterly and recommend to the Planning Board and the Board of Selectmen the actions necessary to implement such plan, including timing, resources and responsibilities. The Committee shall report to the Planning Board and the Board of Selectmen at least once annually.
2. Advise Town officials and the public to promote and encourage actions that are consistent with the Plan.
3. Evaluate pending and future projects as they pertain to implementation of the Plan.
4. Identify both successful strategies and barriers to progress.
5. Be responsible for public education about the Master Plan implementation process, including creating user friendly metrics and documents.

6. The MPIC shall report to the Annual Town Meeting. The report shall contain the following information:
  - a. implementation steps accomplished within the past year;
  - b. anticipated steps to be accomplished within the next two (2) years; and
  - c. resources, including town meeting appropriations or other actions necessary to complete those steps.

Section 3. The MPIC shall exist for a period of ten (10) years from the date of establishment by Town Meeting. Such term may only be extended by vote of Town Meeting. Upon expiration of said term, the Committee shall report to the Planning Board, the Board of Selectmen and Town Meeting its recommendation as to whether the Master Plan should be updated pursuant to M.G.L. c. 41, § 81D.

*\*Note original article read 18). Replaced by 16) as permitted by Ch 1 Sec 11 of Town Bylaws. (APPROVED 9/7/2022)*

## **17.) NUISANCE PROPERTY**

### **Section 1. PURPOSE**

Pursuant to the Board of Health's authority to enact reasonable health regulations and to abate or prevent public nuisances, sources of filth and causes of sickness within the Town as granted by M.G.L. c. 111, §§31 and 122-125, this regulation is adopted for the prevention of future nuisances and the removal of existing nuisances within the Town that constitute a health hazard and blight.

### **Section 2. DEFINITIONS**

- A. Vacant Blight or Blighted - Any condition that seriously impairs the value, condition, strength, durability or appearance of real property that is known to be vacant.
- B. Nuisance - Any substantial interference with the common interest of the general public in maintaining decent, safe, non-dilapidated and sanitary structures and the neighborhoods, when such interference results from the hazardous, or blighted condition of private property, land or buildings. The fact that a particular structure or use may be permitted under the Zoning Regulation does not create an exemption from the application of this regulation.

The term nuisance includes, but is not limited to:

1. Burned structures not otherwise lawfully habitable or usable.
2. Outside in public view, the accumulation of garbage and/or trash containing approximately 3 cubic yards (containing approximately 30 normally filled 30 gallon trash bags or a footprint of 6 feet x 6 feet x 30 inches).
3. Litter (trash, such as paper, plastic bags, cans or bottles, that is left lying in an open private or public place).

C. Occupant - A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise.

D. Owner - Every person who alone or jointly or severally with others:

1. Has legal title to any building, structure, or property subject to this bylaw; or
2. Has care, custody, or control of any such building, structure or property in any capacity including but not limited to agent, executrix, administratrix, trustee, or guardian of the estate of the holder of legal title; or
3. Is a mortgagee in possession of such property; or
4. Is an agent, trustee, or other person appointed by the courts and vested with control of such property.

E. Structure - A combination of materials, whether wholly or partially level with, above, or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter, or enclosure.

### Section 3. NUISANCES PROHIBITED

All property in the Town of Wales, whether occupied or vacant, shall be maintained in a safe and sanitary condition. No owner, or in the case of real property, occupant, of property shall create, permit, or maintain a condition or activity on the property that creates litter, blight or a nuisance as those terms are defined herein.

No person shall throw or deposit litter on any public or private property within the town limits, whether owned by such person or not.

### Section 4. ADMINISTRATION AND ENFORCEMENT

- A. This bylaw may be enforced in accordance with applicable law, and the election of one remedy shall not preclude enforcement through any other lawful means. If enforced through non-criminal disposition, the following fine schedule shall apply: first violation - \$50.00; second violation - \$100.00; third and subsequent violations - \$300.

When the Board of Health is informed of or has reason to believe that any provision of this bylaw has been, is being, or is likely to be violated, an investigation of the facts, including an investigation of the property where the violation may exist may be conducted, IF the following persons: the Board of Health, Building Inspector and at least one (1) member of the Board of Selectmen conclude with a majority vote that further investigation is needed into the facts. Nothing herein shall preclude the Enforcement Authority from providing a warning or seeking to resolve any violation informally.

This bylaw shall only be enforced by a majority vote of the Board of Health and one Selectman as well as either the Building Inspector or a member of the Police Department.

Nothing herein shall preclude the enforcement authority from providing a warning or seeking to resolve any violation informally.

- B. Except in the case of an emergency posing an immediate threat to the public health and

safety or as otherwise provided herein, the enforcing authority may seek to provide immediate notice in writing to the owner and occupant of a property being maintained in violation of this bylaw, outlining such violation in general terms and providing a reasonable deadline for taking corrective action ("Enforcement Order"). The Board or its authorized agent may, if the owner or occupant fails to comply with such Enforcement Order, seek to enforce such order by any means at law or in equity.

- C. If the owner or occupant fails to timely remedy the violation in accordance with an Enforcement Order, the Town may cause the nuisance to be removed in accordance with the provisions of Massachusetts General Laws or otherwise in accordance with a court order for such purposes and place a lien on the involved property.

#### **Section 5. INTERACTION WITH OTHER LAWS**

This bylaw is intended to further the objectives of and to act in concert with any existing federal, state, or local laws concerning the maintenance of property and the abatement of nuisances, and nothing herein shall be deemed to limit or restrict Town officials whatsoever from acting in accordance with such laws.

#### **Section 6. SEVERABILITY**

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued. (APPROVED 11/1//21)

## **CHAPTER 5**

### **1.) PERSONNEL BY-LAW**

#### **1.0 General Provisions**

#### **1.1 Scope and Authority**

Personnel policies contained in this manual apply to all full and part-time employees of the Town of Wales, excluding employees under the direction of the Union 61/Tantasqua Regional School System ("U61/TRSS" and Local 404). Policies involving financial benefits must be approved by Town Meeting before the policy is initially initiated or subsequently amended.

This Personnel Policy shall be administered by the Board of Selectmen who may establish procedures as necessary to fulfill this charge. The Board of Selectmen may from time to time make and issue interpretations and regulations and may make exceptions consistent with the provision of the Personnel Policy and necessary for its administration.

Each provision of this policy shall be construed as separate to the extent that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

#### **1.2 Definitions**

Town - Town of Wales, Massachusetts.

Appointing Authority - The Board of Selectmen is the appointing authority for all Town positions unless statute requires otherwise.

**Benefits Eligibility – Regular employees are eligible for benefits according to terms of policies approved by the Board of Selectmen and/or by Town Meeting for those benefits by law.**

Continuous Employment – Employment uninterrupted except for required military service and for authorized vacation, sick leave and other approved leaves.

Employee – Persons hired to work for the Town, excluding Appointed Officials and employees under separate contract and/or employees under the direction of Union 61/Tantasqua Regional School System and Local 404. Employees shall be full-time, benefitted part-time, part-time, or temporary/seasonal. See “Work Status.”

Elected Official – An elected person chosen for a position in a Town election or appointed to such a position to fill a vacancy.

Appointed Official – An appointed person chosen when an elected official leaves a position other than at the customary time of election. The replacement will be appointed in accordance with state statutes. The compensation for appointed officials, if any, shall be handled similarly to Elected Officials.

Town Appointee – The customary time for the Selectmen to appoint Town Appointees is July 1 of the fiscal year following the Annual Town Meeting. There may be turnover in positions of Town Appointees such as the Town Accountant, Police Chief and Fire Chief that require training by the incumbent. In such cases every effort will be made to appoint the replacement prior to the incumbent leaving in order to allow for training time. It is the responsibility for the Board of Selectmen to consider payment for training time as appropriate.

***Work Status Definitions***

**Full Time Employee** – An employee who regularly works 40 or more hours per week throughout the year. Unless otherwise provided, an employee in this category is entitled to all benefits as defined in this document.

**Benefitted Part-Time Employee** – An employee who regularly works at least 20 hours or more per week and up to 39 hours a week throughout the year. Unless otherwise provided, an employee in this capacity is entitled to all benefits on a pro-rated basis in relation to the regular number of hours worked in the appointed position and as defined in this document. Hours worked as an elected official may not be combined with hours worked in an appointed capacity in determining the employee’s status. Hours to be determined and set by the Board of Selectmen.

**Part Time Employee**-An employee who works 19 hours or less shall not be eligible for any benefits up to and including insurance, sick time, holiday pay, or personal time as determined by the Board of Selectmen.

**Volunteer** – A person who performs services to the Town without promise, expectation, or receipt of compensation for the services rendered. A volunteer performing such services receives no compensation. A volunteer must also offer their services fairly and without coercion from the Town, and they must not otherwise be employed by the Town to perform the same services for which they propose to volunteer. A volunteer is exempt from the receipt of the Federal Minimum Wage. A volunteer shall not receive Town benefits.

**Exempt/Non-Exempt Employee** – Pursuant to the Fair Labor Standards Act (FLSA), 29 USC, Section 201-216 (as amended), employees holding certain positions are deemed to be exempt from the overtime requirements of the FLSA (“exempt employees”), while employees holding other types of positions are entitled to overtime under the FLSA. The determination of whether a particular position is exempt from the overtime requirements of the FLSA is often determined on a case-by-case basis, but the following general criteria apply.

**Seasonal Employee** – A position requiring the services of an incumbent on either a full-time or less than full-time basis, beginning no earlier than May 1 and ending no later than September 30 or beginning no earlier than November 1 and ending no later than April 1 in any twelve-month period. Seasonal employees are not entitled to benefits under the terms of this policy.

**Temporary Employee** – A person who is employed in a position for a specified period of time or for the duration of a temporary vacancy. A temporary employee is not entitled to benefits under the terms of this policy.

**Immediate Family** – The immediate family shall include the employee’s spouse, child, parent, and siblings.

**Extended Family** – The extended family shall include the employee’s brother-in-law, sister-in-law, grandfather, grandmother, grandchild, mother-in-law and father-in-law.

### **1.3 Amendments**

These policies can only be amended by a majority vote at Annual Town Meeting, unless otherwise required by state law or local bylaw.

### **2.0 Recruitment** no policy at this time

### **2.1 Posting and Advertising**



For all positions, the Town shall make every effort to attract and employ qualified persons. The Board of Selectmen and appropriate department heads shall be responsible for the recruitment and selection of personnel. The qualifications and compensation shall be in accordance with this policy.

The Board of Selectmen, upon the identification of a vacancy or on the authorization of a new position, shall prepare a job vacancy notice that includes the job title, major duties of the position, qualifications, salary, closing date for applications and any pertinent instructions to applicants. Advertising shall be adequate to ensure a sufficient number of qualified applicants. However, in all circumstances, the Board of Selectmen shall ensure that notices of vacant positions are posted at the Town Hall for at least two weeks prior to closing applications for the position.

For elected positions, the Board of Selectmen and the Board or Committee with the vacancy, shall make available a description of the major duties of the position, qualifications and the citation of any laws governing the duties and responsibilities of the elected position. Vacancies shall be filled in accordance with G.L. c. 41, sec. 11, when applicable.

The Board of Selectmen will periodically review and update job descriptions in order to accurately reflect the duties being performed by employees.

## **2.2 Equal Employment Opportunity/Affirmative Action**

It is the policy of the Town of Wales to promote a productive workplace and one which is professional and treats all employees with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination (including harassment), whether based upon race, color, gender, national origin, religious creed, ancestry, age, sexual orientation, disability, maternity leave, genetics (results of genetic testing), active military status, or another basis prohibited under state or federal anti-discrimination statutes, will not be tolerated.

As a result, unlawful discrimination of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment will not be tolerated by the Town. Further, any retaliation against an individual who has formally or informally complained about discrimination, or has cooperated with an investigation of a discrimination complaint, is prohibited. To achieve our goal of providing a workplace free from discrimination, the conduct that is described in this policy will not be tolerated, and we will implement the procedure described below to address any potential inappropriate conduct. This policy applies to all employment practices and employment programs sponsored by the Town. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,

- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

Because the Town takes allegations of unlawful discrimination and harassment seriously, we will respond promptly to complaints and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of discrimination and harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.

### **3.0 Hiring**

#### **3.2 Employment**

All individuals applying for employment or volunteering service in the Town shall complete an official employment application form and return the form to the Appointing Authority by the closing date for applications.

#### **3.3 Offer of Employment**

All offers of employment shall be made by the appropriate appointing authority and shall be in writing. The salary or hourly wage, starting date and any appropriate information shall be included in the written letter. An applicant who accepts an appointment and fails to report to work on the starting date as set by the Board of Selectmen shall be deemed to have declined the appointment and the offer of employment may be withdrawn.

The Town Clerk or its designee shall inform new employees of their rights, responsibilities, duties and obligations. All benefits and options shall be explained to the employee and the employee shall be assisted with the completion of appropriate forms as may be required by the Town Treasurer. The employee shall be provided with a copy of the Personnel Policy and any applicable departmental rules, regulations, policies and procedures.

### **4.0 General Administration**

#### **4.1 Elected and Appointed Officials**

Compensation payments to such elected and appointed officials shall commence at the next pay period after their term begins. The term ends June 30<sup>th</sup> and the new term begins July 1<sup>st</sup>. Monies to such officials shall be pro-rated for the month of swearing-in as appropriate and shall be calculated as a percentage of the number of days of entitlement divided by 30 days. A month's salary shall be the basis used times the percentage due. If training is necessary, the Selectmen may approve the payment for such overlapping periods of time as appropriate and determine where funds for such payment shall be taken (if needed) after consultation with the Finance Committee. Elected and Appointed officials are responsible for their payroll submissions to the Town Accountant and shall be paid bi-weekly with the exception of stipends.

#### **4.2 Voluntary Termination of Service**

If an employee should resign his/her position with the Town of Wales, the employee should give as much advance notice as possible so that arrangements can be made for a replacement. Normally, a two week notice is sufficient except if the employee is in an exempt status in which case the employee should give at least one month notice. If an employee resigns, he/she will be paid for accrued but unused vacation time. An employee will not be paid for any unused accrued sick or personal leave.

## **5 Standards of Conduct**

### **5.1 General Conduct and Standards**

Town employees shall avoid any action that might create the impression of using public office for private gain, giving preferential treatment to any person or losing impartiality in conducting town business. Employees are expected to conduct themselves in a manner that in no way discredits the town, public officials or fellow employees. Employees must abide by federal, state and local laws and regulations including, but not limited to, Massachusetts General Laws Chapter 268A.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in disciplinary action being initiated against the offending employee.

### **5.1 Disciplinary Policy**

All employees are responsible for observing all applicable laws, bylaws, regulations, and policies and procedures necessary for proper operation of town departments. Disciplinary action shall be the responsibility of Department Heads and the Board of Selectmen.

The following are intended to serve as guidelines only in the determination as to when disciplinary action is appropriate and what form it should take. The Town of Wales will determine in each individual case whether the circumstances warrant a more or less severe form of discipline than indicated in these general guidelines. In making the decision as to what form of disciplinary action to take, the Town of Wales will consider all relevant factors, including but not limited to, the circumstances of the particular infraction; the seriousness of the incident; the employee's overall employment record; and, the detriment to the Town, its employees, residents or visitors as a result of the infraction. This disciplinary policy does not constitute a contract or grant contractual rights to any employee. Causes for disciplinary action may include:

1. Incompetence or inefficiency in performing assigned duties;
2. Refusal to perform a reasonable amount of work or violation of any reasonable, lawful directions or orders made by a Department Head;
3. Habitual tardiness or absence from duty;
4. Abuse of sick leave or absence without leave;
5. Falsification of time sheets, reports or records;
6. Possession and/or use of illegal substances or alcohol while on duty;
7. Misuse or unauthorized use of town property;
8. Fraud or falsification of information;
9. Disclosure of confidential information;
10. Violation of safety rules, practices or policies;
11. Conviction of a felony;
12. Engaging in acts of harassment;
13. Failure to comply with Town policies;
14. Any situation or instance of seriousness that disciplinary action is warranted.

Disciplinary action may include an oral reprimand, written reprimand, suspension and/or discharge. Whenever possible, disciplinary action should be progressive in nature. However, should the nature of the offense(s) warrant such, discipline may start at any stage.

Oral Reprimand: A Department Head upon observing an action may issue an oral warning to the employee. The oral warning shall be presented with maximum regard to avoiding embarrassment to the employee and shall include a statement concerning the purpose of the warning. An oral reprimand shall be noted in the employee's personnel file.

Written Reprimand: If an oral warning fails to correct an action warranting disciplinary action, the Department Head shall issue a written warning. This shall include the reason(s) for the warning. A copy of the written warning signed by the Department Head and the employee will be placed in the employee's personnel file and carry a specified period in which the behavior shall be improved. The employee may include a written response to the reprimand in their file. A written reprimand may also be issued without an oral reprimand if the seriousness of the action warrants it.

Suspension: At the discretion of the Board of Selectmen, an employee may be suspended without pay for cause. Within 48 hours of the effective date of the suspension, the employee will be provided with a written notice stating the reason(s) for and the length of the suspension. Suspensions may be in lieu of oral or written reprimands and may be effective immediately.

Discharge: An employee may be discharged in the sole discretion of the Board of Selectmen. The Board of Selectmen shall provide the employee with a written notice that states the reason(s) for the discharge and the effective date of the discharge.

The provisions of this section do not apply to any appointed employee who is a party to a written contract with the Town of Wales wherein the terms of discipline and discharge are already covered by said contract, or, to other appointed employees whose positions are governed under Massachusetts General Laws and the terms of discipline and discharge are provided for under such statute; or, to employees under the direction of U61/TRSS and Local 404.

## **5.2 Sexual Harassment Policy**

### **5.2.1 Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is this:

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or

conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;

or,

(b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

### **5.2.2 Complaints of Sexual Harassment**

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Sexual Harassment Officer. You will find the name and contact information in your employee packet. If you prefer, you may file your complaint with the Chairman of the Board of Selectmen. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **5.2.3 Sexual Harassment Investigation**

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action.

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as Department Heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. All employees are reminded of the provisions of G.L. c. 268A, §23(c)(2), which prohibit a municipal employee or official from improperly disclosing information that is protected from disclosure under the public records law, and acquired by an employee or official in the course of official duties. Section 23 also prohibits a municipal employee or official from using such information to further the employee's/officials personal interest. Violations of the prohibitions of Section 23 may lead to disciplinary action, up to and including termination.

### **5.2.4 Complaints Concerning Other Forms of Discrimination and/or Harassment**

Complaints alleging other forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Sections III and IV, above.

### **5.2.5 Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment.

#### **5.2.6 State and Federal Remedies**

In addition to the above, if you believe you have been subjected to unlawful discrimination and/or harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission:  
One Congress Street  
Tenth Floor  
Boston, MA 02114  
(617) 565-3200
2. The Massachusetts Commission Against Discrimination:

|                               |                             |
|-------------------------------|-----------------------------|
| Boston office:                | Springfield office:         |
| One Ashburton Place, Room 601 | 424 Dwight Street, Room 220 |
| Boston, MA 02108              | Springfield, MA 01103       |
| (617) 994-6000                | (413) 739-2145              |

#### **5.2.7 Reasonable Accommodation**

Qualified handicapped employees seeking reasonable accommodations may submit their request in writing to the Chairman of the Board of Selectmen. Thereafter, the Board and the employee shall engage in an interactive conversation with respect to the accommodation.

- 5.2.8** This policy shall be distributed annually to employees who shall signify their receipt of the policy in writing.

#### **Conflict of Interest/Financial Disclosure**

The purpose of this policy is to ensure that Town employees comply with the requirements of Chapter 268A of the Massachusetts General Laws which govern conduct as a public official or public employee. It is the policy of the Town to require compliance with the provisions of this law, which includes but is not limited to actions as outlined below.



Town employees may not:

1. Ask for or accept anything (regardless of its value), if it is offered in exchange for your agreeing to perform or not perform an official act.

2. Ask for or accept anything worth \$50 or more from anyone with whom you have official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation, entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered: you may refuse or return it; you may donate it to a non-profit organization provided you do not take the tax write-off; you may pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to your public employer,” provided it remains in the office and does not ever go home with you. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.

3. Hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse’s immediate family.

Note: Due to the small town status of Wales, it may be necessary for the Selectmen to determine it is necessary to be flexible with this particular rule. When in doubt, consult with the Board of Selectmen.

4. Take any type of official action which will affect the financial interests of your immediate family or your spouse’s immediately family, For instance, you may not participate in licensing or inspection processes involving a family member’s business.

5. Take any official action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director or trustee. For instance, you may not take any official action regarding an ‘after hours’ employer, or its geographic competitors; you may not participate in licensing, inspection, zoning or other issues that affect a company you own, or its competitors; if you serve on the Board of a non-profit organization, you may not take any official action which would impact the organization or its competitors.

6. Have more than one job with the same municipality or county or more than one job with the state, unless you qualify for an exemption.

7. Have a financial interest in a contract with your public employer except under special circumstances. For instance, if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.

8. Represent anyone but your public employer in any matter in which your public employer has an interest. For instance, you may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.

9. Ever disclose confidential information, data or material which you gained or learned as a public employee.

10. Take any action that could create an appearance of impropriety or could cause an impartial observer to believe your official actions are tainted with bias or favoritism, unless you make a proper, public disclosure including all relevant facts.

11. Use your official position to obtain unwarranted privileges, or any type of special treatment, for yourself or anyone else. For instance, you may not approach your subordinates, vendors, whose contracts you oversee, or people who are subject to your official authority to propose private business dealings.

12. Use public resources for political or private use. Examples of “public resources” include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.

13. After leaving public service, take a job involving public contractors or any other particular matter in which you participated as a public employee.

All employees are required regardless of status to complete training in regards to Massachusetts General Law 268A. Further all employees are required to complete an online test at [www.mass.gov](http://www.mass.gov) (search engine ethics commission). Employees are also required to provide a copy of the test results and acknowledgement of receipt of Ethics laws to the Town Clerk. New employees are required to complete the test thirty days (30) from date of hire. And after initial testing all employees are required to complete the test every 2 years.

## **5.9 Workplace Violence/Possession of Weapons**

The Town maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town and this department/division to provide a workplace that is free from intimidation, threats, or violent acts.

Weapons are prohibited from the workplace, with the exception of weapons assigned to Police Officers or other authorized licensed personnel.

Workplace violence includes, but is not limited to harassment, threats, physical attack, or property damage. A threat is the expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property which includes property owned by the Town, employees, or others.

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of

this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear or reprisal.

Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported to the department head. The Department Head will assess and investigate the incident and determine the appropriate action to be taken. Department Head will inform the Board of Selectmen of all reported incidents of workplace violence and will inform the employee of his/her right to have the Police Department notified.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel must be promptly notified. As necessitated by the seriousness of the incident, The Board of Selectmen may assemble a Response Team that consists of staff from the affected Department, Board of Selectmen, Town Counsel and may include the Employee Assistance Program, Emergency Response, Police Department and other as deemed necessary.

The Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to:

- evaluating the potential violence problems,
- assessing an employee's fitness for duty (through mental health professionals),
- establishing a plan for the protection of co-workers and other potential targets,
- coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel,
- referring victims to appropriate assistance and community service programs,
- assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individual.

Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment, any action of this type resulting from a report of violence must be reported to the appropriate management staff for investigation and decision regarding proper action.

It is a violation of this policy to engage in any act of workplace violence. Any employee who has been determined by the Department Board/Committee, Department Head, or Police to be in violation will be subject to disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions.

Should an employee become the victim of an incident of workplace violence, the Department Head may offer additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence and it is determined in the investigation that the employee did in fact, commit the violent act, s/he may be referred to the EAP by the Department Head. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action

## **Leave Policies**

### **6.1 Civic Duty Leave**

A full-time or part-time benefitted employee whose service as a juror makes it impossible or impractical to work the hours necessary to earn his or her normal week's pay may make application to the department head for the difference between jury duty pay and the employee's normal weekly earnings. The Town agrees to pay this difference upon presentation of proof of the amount of jury pay received by the employee.

### **6.2 Military Leave**

Full time or part-time benefitted employees who are called for temporary military duty shall receive the difference between their military pay (excluding travel allowance) and their regular pay for up to seventeen days of such duty annually upon receipt of a copy of the employee's military orders and a written request for such pay differential. The employee's vacation allowance shall not be affected by such duty.

### **6.3 Unpaid Leave of Absence**

While maintaining awareness of the operational needs of the Town, the Town acknowledges there may be occasions when an employee is unable to work for a period of time. The Board of Selectmen may grant leave of absence to full time and part-time benefitted employees for medical or personal reasons. Requests for such leave shall be presented to the Board of Selectmen in writing stating the reason(s) for requesting leave and the time period of such leave. Selectmen may grant up to three months of leave which may be renewed for up to another three months provided the employee requests such extension at least ten days in advance of the expiration of the leave. A second renewal of up to three (3) months may be granted. The maximum leave of absence shall not exceed nine (9) months.

Leave(s) of absence shall be granted without pay. Should the employee be enrolled in the health and life insurance plans, the employee must pay 100% of the premiums in order to maintain coverage. No accumulation of sick or vacation leave shall occur during the leave of absence.

### **6.4 Maternity Leave**

The Town will provide maternity leave in accord with the provisions of M.G.L. c. 149, s105D. As written, the proposed policy is not in accordance with Massachusetts law.

### **6.5 Small Necessities Leave**

In accordance with G.L. c.149, §52D, an employee who is eligible to receive leave under the FMLA is also entitled to a total of 24 hours of leave during a twelve (12) month period, in addition to other leave under this section, to participate in school activities directly related to the education advancement of the employee's child; to accompany the employee's child to routine medical or dental appointments, and to accompany an elderly relative as defined in section 52D to routine medical or dental appointments or other professional services related to the elder's care. Leave under this provision is in addition to the twelve (12) week leave provision and may be taken on an intermittent or reduced leave schedule.

## **6.6     Family and Medical Leave**

Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the proceeding twelve (12) months are eligible for Family and Medical Leave.

Eligible employees will be granted a leave for up to twelve (12) weeks during any 12-month period for:

1.     family leave due to the birth, adoption or placement of a child (foster care),
2.     medical leave due to an employee's serious health condition,
3.     medical leave due to an employee's care of a spouse, child or parent who has a serious health condition

At least thirty (30) days in advance, the employee shall submit to the Appointing Authority a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If thirty (30) days notice is not possible, the employee shall give notice as soon as practical. The requesting employee shall submit with the request, proof of birth, illness, etc. such as a note from a Health Care Provider.

Employees may request medical leave on an intermittent leave, or reduced work, schedule if medically necessary or if necessary to provide care for a family member. When such leave is requested, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operations.

Leave under this section shall be unpaid unless an employee applies other paid leave benefits that may be available, such as vacation leave or sick leave.

Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during the leave.

During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee pays 100% premium while on leave.

At the expiration of family and medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as of the start of the leave. If, during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department.

#### **6.7 Holidays and Holiday Pay**

Full time and part-time benefitted employees scheduled to work on a continuing basis for 20 or more hours per week are eligible for holiday pay. The following are paid holidays:

|                 |                                  |
|-----------------|----------------------------------|
| New Year's Day  | Martin Luther King, Jr. Birthday |
| President's Day | Patriot's Day                    |
| Memorial Day    | Independence Day                 |
| Labor Day       | Columbus Day                     |
| Veterans Day    | Thanksgiving                     |
| Christmas Day   |                                  |

#### **6.8 Bereavement Leave**

Any full time or part-time benefitted employee shall be entitled to bereavement leave, without loss of pay and without having any part of sick leave benefits charged against their accumulated sick time, of up to five (5) working days, for the purpose of arranging for and attending the funeral of a member of the employee's immediate family, and up to three (3) working days shall be granted by the employee's Supervisor for the purpose of arranging for and attending the funeral of a member of the employee's extended family, as defined above.

#### **6.9 Vacation Leave**

6.9.1 Vacation days are to be used in the year awarded, July 1 – June 30. In the rare event that an employee cannot use vacation days in the year awarded, up to five (5) days may be carried over into the next fiscal year and must be used prior to September 1 of the current calendar year. Any other unused vacation time is forfeited. The Town will not pay an employee in lieu of vacation time.

6.9.2 Employees are eligible for vacation based upon completed service as of June 30<sup>th</sup> each year. Vacation is credited to the employee as of July 1. Vacation days may be taken after 3 months of employment.

6.9.3 Employees should request the use of vacation days by contacting their immediate supervisor. Requests will be reviewed based upon staffing requirements and other factors.

6.9.4 Full Time + Part-Time Benefitted Employees Vacation Schedule:

| <u>Completed Service as of June 30:</u> | <u>Vacation:</u> |
|---|------------------|
| Less than 5 years                       | 2 weeks          |
| 6 years but less than 10 years          | 3 weeks          |
| 11 years but less than 20 years         | 4 weeks          |
| 20 years or more                        | 5 weeks          |

6.9.5 Employees hired during the year will receive vacation as follows:

| <u>If Hired In:</u>  | <u>Vacation:</u> |
|----------------------|------------------|
| July or August       | 8 days           |
| September or October | 6 days           |
| November or December | 4 days           |
| January to March     | 2 days           |
| April to June        | 0 days           |

6.9.6 Vacation time is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special other form(s) of compensation.

## **6.10 Personal Leave**

6.10.1 Regular full time and part-time benefitted employees shall be granted up to four (4) days leave with pay in each fiscal year for conducting personal business. Employees must contact their immediate supervisor to request use of personal time in advance of the required date of personal leave. .

## **6.11 Sick Leave**

6.11.1 Sick leave is established for the purpose of sustaining income when an employee is ill. Employees shall be granted (5) sick days per Fiscal Year. Full and Part-Time Benefitted employees who work more than 20 hours on a continuous basis are eligible for this benefit. For the protection of the Town, the supervisor may require documentation of illness if an illness requires more than four (4) sick days in succession. Sick time cannot be accrued or carried over.

6.11.2 Sick leave compensation shall be at the employee's rate of pay in effect at the time the leave is used. Sick leave may be used in hourly increments.

## **6.12 Professional Development**

If an employee is required by his/her Department Head to attend scheduled workshops or conferences due to work related duties specified in the employee's job description, employees will receive their hourly rate of pay while in attendance. Travel to and from

workshops or conferences will count towards the hourly pay. Out-of-town overnight arrangements must be submitted and approved by the department head and forwarded to the Board of Selectmen for approval. Arrangements can only be made upon approval of both the Department Head and the Board of Selectmen. Once approvals are made and arrangements are made the expenditure will be submitted for reimbursement.

### **6.13 Mileage Policy and Reimbursement**

Any full time employee may request mileage reimbursement when the employee is using their personal vehicle for town business outside of their normal work duties. The mileage reimbursement rate will be at the current rate as approved by the Board of Selectmen. Incidental mileage accrual is not a matter for reimbursement. All mileage reimbursements must be pre-approved by the Board of Selectmen.

#### **What is needed to substantiate the mileage reimbursement request:**

The employee must document: the date of travel; the beginning mileage; the beginning location; the ending mileage; the ending location; and the purpose of the trip. Travel from home to work and from work to home, even if the employee is called to come to work on a non-scheduled work day, is not eligible for mileage reimbursement. The Board of Selectmen must confirm that the trip was for town business by initialing and coding the reimbursement request.

#### **When may a reimbursement request be reviewed:**

Reimbursement requests may be reviewed by the Accountant prior to issuance of check, during internal audit, and/or by the town auditors for compliance with this policy. Reimbursement request may be reviewed by IRS auditors for compliance with IRS regulations. These reviews may involve review of documentation, and review of trip miles for reasonableness, advance travel authorization, the business purpose, and may involve obtaining further clarification from the department head and/or the employee.

#### **How this policy relates to an individual department policy:**

This policy constitutes the maximum amount any employee will receive as reimbursement for mileage. Individual departments may institute departmental policies that are more restrictive, but individual department policies cannot be less restrictive.

#### **Attachment A: Acknowledgement of Receipt of Personnel Policies**

The undersigned hereby acknowledges that he/she has reviewed and read the Personnel Policies and Procedures of the Town of Wales, and agrees to abide by all policies and procedures contained herein.

#### **Attachment B: Acknowledgement of Receipt of Sexual Harassment Policy**

The undersigned hereby acknowledges that he/she has reviewed and read the Personnel Policies and Procedures of the Town of Wales in regards to the Sexual Harassment Policy, and agrees to abide by all policies and procedures contained herein.

#### **Attachment C: Acknowledgement of Receipt of Ethics Training Requirement**

The undersigned hereby acknowledges that he/she has received and reviewed the Open Meeting Law and Ethics Training Requirements and agrees to complete the training as required by law.



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Signature

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Date

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Print Name

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Witness Signature

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Date

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Print Name of Witness

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Title of Witness

Cc:    Personnel File

## **CHAPTER SIX**

### **TOWN OF WALES ACCEPTENCE OF PROVISIONS:**

The Town of Wales voted on August 20, 1962 to accept the following provisions of the Massachusetts Boating Laws, which were approved by the Commonwealth of Massachusetts, Division of Motorboats. **WATER SKIING:** 1. Any power-propelled craft used for the purpose of water skiing shall be occupied by at least two persons, one of whom shall be the operator and one, the observer. 2. The maximum length for a ski rope shall not be in excess of 75 feet. 3. Water skiing shall be prohibited during the period one-half hour after sunset until one-half hour before sunrise. **SAFETY RESTRICTIONS:** 1. All boats, whether propelled by power or not, operating one-half hour after sunset until one-half hour before sunrise shall carry a bright white light in the stern visible around the horizon and a combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead two points abaft of the beam on their respective sides. 2. Anyone operating power propelled craft under the influence of liquor shall be subject to a fine in accordance with Section 14 (G) or Acts and Resolves of 1960, Chapter 275.

The Town of Wales voted on April 15, 1970 at a Special Town Meeting (Article 5) to accept Section 8D of Chapter 40 of the General Laws of Massachusetts. "There is hereby established, under the provisions of the General Laws, Chapter 40 Section 8S, an **Historical Commission** of the Town of Wales for the purposes and with the rights and duties provided by law, to be composed of five members, residents of the Town. Appointed by the Selectmen for the terms of three years, except that the initial appointment shall be one member for one year, two members for two years and two members for three years."

The Town of Wales voted on November 1, 1983 at a Special Town Meeting to accept the provisions of Section 12B of Chapter 138 of the General Laws of Massachusetts prohibiting nude entertainment on premises licensed to serve alcohol.

The Town of Wales voted on May 15, 1991 at an Annual Town Meeting to accept the provisions of Chapter 291 of the Acts of 1990, thereby allowing the Town to receive enhanced 911 service as defined in said Act.

The Town of Wales voted on October 22, 1991 at a Special Town Meeting to accept the Massachusetts General Law, Chapter 59, Section 57C, regarding the Quarterly Tax Payment System.

The Town of Wales voted on Nov13, 2008 at a Special Town Meeting to accept the provisions of MGL Ch60 Sec 15, to charge a fee of \$15.00 for each written demand, to be added to and collected as part of the tax.

The Town of Wales voted on Nov13, 2008 at a Special Town Meeting to accept the provisions of MGL Ch41 Sec 19K & 108P and MGL Ch 59 Sec 21A which provides additional compensation for a certified Massachusetts Municipal Clerk, Treasurer, Tax Collector or Assessor.

The Town of Wales voted on May 18, 2016 to accept the provisions M.G.L. c. 59, §5K, authorizing the Board of Selectmen to establish a program entitled “Senior Tax Work Off Program” to allow persons over the age of 60 to volunteer to provide services to the Town in exchange for a reduction in the real property tax obligations of that person on the person’s tax bills, in addition to any exemption or abatement to which that person is otherwise entitled, said program to limit the number of participants in the program to four (4) participants serving as drivers for the senior center van and the reduction in real property tax obligations shall not to exceed \$500.00 per year per driver and further that said program shall be available beginning in FY 2017.

The Town of Wales voted on May 18, 2017, to amend the General by-laws of the Town of Wales by adding Chapter 3 Section 5 to establish and authorize revolving funds for use by certain Town departments, boards, committees, commissions, agencies or officers under Massachusetts General Laws Chapter 44 Section 53E½.

The Town of Wales voted on October 21, 2020 to amend the action taken at the May 18, 2016 Annual Town Meeting under Article 22 to accept the provisions of M.G.L. c. 59, § 5K, by deleting the words “serving as drivers for the senior center van” and replacing the word “driver” with the word “participant”.