

Approved: 2/16/21

**TOWN OF WINCHENDON
CHARTER BYLAW REVIEW COMMITTEE MINUTES**

**Tuesday, January 19, 2021 3:00 P.M.
Held Remotely via Zoom**

WINCHENDON TOWN CLERK
RCUD FEB 17 2021 PM4:44

Present:

Dr. Maureen Ward, Chair, Taylor Tower, Secretary, Don O'Neil, Callie Knowler, Chief David Walsh,
Karen Kast

Absent: David Alexander

List of Documents Presented at Meeting:

- Current Town Charter
- Current Town Bylaw
- Emails from Moe Ward and Chief David Walsh Regarding Proposed Changes

1. **APPROVAL OF MINUTES OF JANUARY 5, 2021** – Mr. O'Neil moved to approve the minutes of January 5, 2021, seconded by Ms. Knowler. With a vote of all aye the motion carried 5-0.

2. **DISCUSSION/RECOMMENDATIONS ON BYLAWS–**

The following will be added in bold, italic letters to just before Article 1 of the Bylaws – “Except when otherwise indicated or provided by law, prosecutions for offenses under the bylaws of the town may be made by any police officer of the town.”

Under Section 2.15, it will be amended to state, “Police Officers shall have the authority to”...

Ms. Kast joined the meeting at 3:02 p.m.

Article 12 will be revised to state the following:

Required safety equipment:

A. All boats in use must be equipped with a Coast Guard-approved life preserver for each person aboard, and all motorboats in use must be equipped with an efficient whistle or horn.

B. All motorboats with enclosed decks, bilges or other spaces where explosive gasses may accumulate must carry a Coast Guard-approved fire extinguisher.

Operation under influence of alcohol or drugs: No person shall operate any motorboat or sailboat while he is under the influence of intoxicating liquor, narcotics or harmful drugs, as defined by statute.

Negligence; operation at night: No person shall operate any motorboat or use any water skis, surfboards or similar devices negligently or willfully so as to endanger the lives or safety of the public or use water skis, surfboards or similar devices thereon in the nighttime.

Towing of persons: No person shall operate any motorboat towing a person or persons on water skis, a surfboard or other similar device, unless there is in such motorboat a competent person, in

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addition to the operator, in a position to observe the person or persons being towed and unless such motorboat is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water and a Coast Guard-approved lifesaving device for each person.

Operation at safe distance required: All motorboats must be operated at a safe distance to prevent their wash from being thrown into or causing excessive rocking to other boats, rafts, floats or bathing beaches. When passing within one hundred (100) feet of any raft, float, dock, bathing beach or other boat, motorboats shall be operated at a reduced and reasonable speed so as not to cause inconvenience or danger to others.

Operation when vision is obscured: Where the operator's vision is obscured or on bends and curves, motorboats shall be operated at not more than headway speed [six (6) miles per hour].

Running lights required at dark:

All boats operating between sunset to sunrise must be equipped with proper running lights as prescribed by the state boating laws.

Right-of-way:

- A. In crossing situations, the boat to starboard (right) shall have the right-of-way.
- B. In meeting situations, each boat shall turn to starboard (right) and pass port-to-port.
- C. In passing situations, the vessel being overtaken has the right-of-way.
- D. Sailing craft and unpowered boats shall have the right-of-way over motorboats.

Cases not covered: In all cases not covered by this Article, United States Coast Guard Regulations or when applicable Massachusetts General Laws. Ch.90B will apply.

Penalty: Whoever violates any of the provisions of this bylaw, shall be subject to a fine not more than \$50. for each offense. As an alternative to initiating criminal proceedings, violations of this article may also be prosecuted in a noncriminal manner pursuant to the provision of MGL CH 40, sec 21D.

Enforcement: The provisions of this bylaw may be enforced by any Police Officer of the Town of Winchendon.

Article 13.3 there are 3 red underscores that will be removed.

Article 13

ADD

13.9 No dealer in junk old metals or second hand articles shall keep in the open in any area of the Town of Winchendon any junk, old metals or second hand articles described in sections 1 and 3. No junk, old metals and second hand articles shall be deemed to be in the open if it is totally screened from view of a public way, or any way which the public has access.

Article 14.1

~~No unregistered motor vehicle.~~ No person, tenant or entity, corporate or otherwise, as owner(s) or one(s) in control of premises, shall keep in the open in any area of the Town of Winchendon an unregistered motor vehicle(s), except those....

Article 16.2 very last sentence – one underscore to be removed

16.3 Page 27 top of page underscore before _Upon a determination by the Commission....to be removed

Article 17 proposed changes are as follows: Add (5) "Public Nuisance" Any dog shall be deemed a "public nuisance" when attacking persons or domestic animals or deer while said dog is on property other than that of the dog owner and when destroying property; and, after a hearing by the Selectmen, said dog may be deemed a "public nuisance" when it is persistently and prolongedly barking or howling without provocation for an extended period of time, or between the hours of 10:00 p.m. and 7:00 a.m. for more than two consecutive days. Each twenty-four-hour period thereafter shall constitute a separate violation. Further, any unsprayed female dog, while in season, shall be deemed a "public nuisance" when not confined indoors or under the direct control of the owner thereof or housed in a veterinary hospital or registered kennel.

Add and re-letter:

D. Public nuisances prohibited: No owner or keeper or any dog shall permit such dog, whether licensed or unlicensed, to become a public nuisance within the Town of Winchendon.

E. Notice to Owner and Release: Second line add after otherwise known "by tag or other means" then the Animal Control Officer shall immediately notify the Owner.

Third line strike "then no notice shall be necessary" replace with " the Animal Control Officer will make reasonable attempts to locate the dog's Owner or Keeper".

Fourth line after sum of add/replace with the following "ten dollars (\$10.00) per day for daily care for each day or part thereof that the dog is impounded; "twenty five (\$25.00)" for the first reclaiming, and "fifty dollars (\$50.00)" for the second".

G. Disposition of Unclaimed Dogs: Strike the entire section and replace with: Any dog not claimed after seven (7) days shall become the property of the town of Winchendon, under the custody of the Animal Control Officer. The dog may then be placed for adoption, released to a state approved shelter/rescue for adoption, or euthanized in accordance with MGL. 140 s. 151A as deemed necessary by the Animal Control Officer in consultation with a veterinarian.

K. Penalty: Reword section with the following: Any Owner or Keeper found in violation of any of the provisions of this bylaw shall be subject to a fine of fifty dollars (\$50.00) for the first offense, one hundred (\$100.00) for the second offense and three hundred (\$300.00) for the third offense. Further, if the Owner or Keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of this bylaw.

Article 17.3 Section 2 A ...without the means of removal of any feces left by such dog..... *The "y" was left out and will be added.*

Article 20.3 State of Water Supply Conservation" _shall *remove underscore.*

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Article 20.6 PUBLIC NOTIFICATION OF A STATE OF WATER SUPPLY CONSERVATION:
NOTIFICATION OF DEPT – This is redundant.

Article 33

4. The application ~~applicant~~ shall at his ~~their~~ own expense....within three hundred (300) feet of the property line, ~~all~~ as they may

6. Conditions existing on the date of acceptance of this chapter which meet the definition of prohibited material must be brought into compliance within thirty (30) days after said acceptance of this chapter.
~~Which meet the definition of prohibited material must be brought into compliance within thirty (30) days after said acceptance of this chapter~~ This is redundant and will be removed.

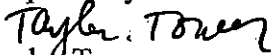
Mr. O'Neil moved to accept the changes as presented today, seconded by Chief Walsh. With a vote of all aye, the motion carried unanimously.

3. **SCOPE OF FEBRUARY 2ND MEETING:** The committee hopes to finish the review of the Bylaw at their February 2nd meeting. Upon completion, Ms. Tower will revise the Bylaw as recommended and present back to the committee for review. Once reviewed by the Committee and send to Town Counsel for further review, the proposed changes will be presented at Annual Town Meeting for residents to vote on.

4. **MEMBER COMMENTS** – None were heard.

5. **ADJOURNMENT** – Ms. Tower motioned to adjourn, seconded by Mr O'Neil. With a vote of all aye, the meeting adjourned at 3:35 p.m.

Respectfully submitted,


Taylor Tower
Recording Secretary