

A TRUE COPY AT
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Town

EXECUTIVE SUMMARY:
FINAL RECOMMENDATIONS OF THE
2016 WINCHENDON CHARTER REVIEW COMMITTEE

Background - The Charter Review Committee was appointed in June, 2015 with the task of reviewing the Charter and making recommendations to Town Meeting. The Committee has made recommendations throughout the Charter, most of which are not substantive in nature. These recommended revisions were approved by a vote of all the members of the Committee.

In undertaking its work, the Committee met 25 times. Over the course of our meetings, we met with any interested party including the Town Manager, who, in addition to his own thoughts and ideas transmitted suggestions from other interested parties. In addition, an invitation was extended, through the office of the Town Manager, to all board and committee chairpersons, elected officials and department heads to attend any meeting of the Committee. Finally a public hearing was held on November 1st, 2016 to solicit comment on the Committee's preliminary recommendations

The Committee reviewed the Charter in total and section-by-section. In so doing, it sought to ensure compliance with state law, ensure internal consistency, eliminate redundancy, and ensure that the structure of the document is logical so that readers can easily find pertinent information. The Committee believes that it achieved these goals, recommending numerous changes of a ministerial, clerical nature including capitalization, sentence structure, grammar and organization.

The Committee views its recommended substantive and non-substantive revisions as enhancing, rather than significantly changing, the current structure of Town government. Each member of the Committee is appreciative of the opportunity to have been appointed to undertake this task, took the responsibilities of the Committee seriously, and is available to answer any questions that may arise. Below, please find a summary of the Committee's recommendations.

Article 1. INCORPORATION

There are no substantive changes to Article 1.

Article 2. LEGISLATIVE BRANCH

Section 2-3(a). Committees, General, has been revised to require that appointees to committees appointed by the Town Moderator be registered voters of the Town.

Section 2-3(c), Committees, Planning Board, has been deleted in its entirety from this section as it is appointed by the Board of Selectmen in accordance with Section 3-2(c) of the Charter.

Section 2-3(d), Committees, Capital Planning Committee, has also been deleted in its entirety from this section, and appears, instead, in a new Section 5-2. The new Section 5-2 provides additional details as to the duties of the Capital Planning Committee and reaffirms that

presentation of a capital plan to the Board of Selectmen and Finance Committee is the responsibility of the Town Manager.

Other revisions in Article 2 are non-substantive and relate to streamlining, clarifying and bringing coherence to the language.

Article 3. ELECTED OFFICIALS

Section 3-1(c), In General, Terms, a new section has been added to specify that the terms of all elected officials shall begin on July 1.

Section 3-1(f), In General, Recall of Elected Officers, has been revised to clarify procedural requirements for initiating recall of elected officials and for processing recall petitions.

Section 3-2(a), Board of Selectmen, Composition, Term of Office, Remuneration, has been revised to make clear that members of the Board of Selectmen will not be considered eligible employees for purposes of G.L. c. 32B and shall not be eligible for contributory health insurance. This section has also been revised to remove the prohibition on members of the Board of Selectmen receiving compensation for their services and to clarify that reimbursement for expenses must be approved by a vote of the Board.

Section 3-2(c), Board of Selectmen, Appointment Powers, has been revised to make clear that, in addition to the appointment powers specified in the Charter, the Board will have the authority to make appointments to multiple member bodies that are specified in the Town's bylaws.

Section 3-5(a), Winchendon Housing Authority, Composition, Term of Office, was revised to update the reference to the relevant state entity, now known as the "Department of Housing and Community Development in the State Executive Office of Housing and Economic Development".

Section 3-7(c), Board of Health, was revised to delete the "transitional" provisions as they are no longer needed.

Other revisions in Article 3 are non-substantive and relate to numbering changes and comprise minor re-wording of some sections for purposes of streamlining, clarifying and bringing coherence to the language.

Article 4. TOWN MANAGER

Section 4-1, Appointment, Qualification, Term of Office, has been revised to delete the requirement that the Town Manager be a resident or establish residency within six months of his appointment.

Section 4-2(c), Powers and Duties, has been revised to remove from the specific listing of the Town Manager's appointing authority the following positions as they are instead addressed by the Town Manager's general appointing authority as set forth in section 4-2(b): Town Clerk,

Town Treasurer, Town Collector, Chief of Police, Fire Chief, Superintendent of Public Works and Building Commissioner. This is a non-substantive change, as the Town Manager will continue to appoint these positions.

Section 4-2(e), Powers and Duties, has been revised to delete the requirement that the removal of appointed officials will be subject to veto by the Board of Selectmen. Provisions allowing the Selectmen to veto the Town Manager's appointments, however, remain unchanged.

Other revisions to Article 4 are intended to clarify the duties and responsibilities of the Town Manager with respect to his financial and administrative functions, his role as chief procurement officer and custodian of Town property and for approval of payment warrants. Other changes relate to streamlining, clarifying and bringing coherence to the language.

Article 5. FISCAL PROCEDURES

The changes to Article 5 expand upon the duties of the Capital Planning Committee and make other minor changes to the budget approval process. Of significance are the addition of new requirements for posting certain budget documents on the Town's website and requiring Finance Committee to hold its budget hearing no less than five days after receipt of the proposed budget from the Town Manager, which is shorter than the current time frame of seven to fourteen days.

Article 6. ADMINISTRATION ORGANIZATION

No changes are being made to Article 6.

Article 7. GENERAL PROVISIONS

Section 7-6(a), Periodic Review, Charter and Bylaws, subsections (a) and (b) have been merged together to require the Moderator to appoint a charter/bylaw review committee every five years instead of every ten.

Section 7-9, Loss of Office, Excessive Absence, was amended to allow the appointing authority of a multiple-member body, rather than the remaining members thereof, to remove a member for excessive absences.

Section 7-10, Removal, this is a new section establishing a "good cause" requirement for removal of appointed officials.

Other revisions in Article 7 are non-substantive and relate to numbering changes and comprise minor re-wording of some sections for purposes of streamlining, clarifying and bringing coherence to the language.

Article 8. TRANSITIONAL PROVISIONS

Revisions to Article 8 reflect the incorporation of transitional language necessary to address the change of date on which elected officials will take office.