



**TOWN OF WINCHENDON  
SPECIAL TOWN MEETING WARRANT  
ANNUAL TOWN MEETING WARRANT**

## TOWN MEETING SUMMARY SHEET

ARTICLE	DESCRIPTION	COST	SOURCE
	<b>SPECIAL TOWN MEETING</b>		
1	Finance Committee Report	N/A	N/A
2	FY15 Veteran's Services	\$100,000	Deficit Legislation Borrowing
3	FY15 Health Insurance	\$400,000	Deficit Legislation Borrowing
4	Town's Financial Accounting Software Upgrade	\$60,000	Stabilization
5	FY15 School Out-of-District Special Education Tuition	\$163,996.21	Raise and Appropriate Borrow or Transfer and/or Stabilization Fund
6	FY15 School Unanticipated Unemployment Costs	\$82,985.40	Raise and Appropriate Borrow or Transfer and/or Stabilization Fund
	<b>ANNUAL TOWN MEETING</b>		
1	Committee Report	N/A	N/A
2	Establish/Discharge Committees	N/A	N/A
3	Revolving Funds Article	N/A	N/A
4	Senior Tax Work-Off Program	\$10,000	Overlay surplus
5	Community Action Committee Non-Profit Support	\$18,000	Overlay surplus
6	GASB 45 Study	\$7,500.00	Overlay surplus
7	FY16 General Government Budget	\$11,009,765.29	Raise/Appropriate and Transfer
8	Water Dept. Enterprise Budget	\$761,003.54	User Fees/Retained Earnings
9	Wastewater Enterprise Budget	\$1,018,546.00	User Fees/Retained Earnings/Betterment Rev.
10	Transfer Station Enterprise Budget	\$143,458.00	User Fees
11	FY16 School Budget (Less Indirects)	\$16,533,989	Raise/Appropriate and/or Transfer
12	FY16 School Budget	\$12,721,380.40	Raise/Appropriate and/or Transfer
13	FY16 Monty Tech's Assessment	\$874,554.00	Raise and Appropriate
14	FY16 School Transportation	\$1,352,865.00	Raise/Appropriate and/or Transfer
15	Exclude School Portion of Annual Deficit Repayment	\$207,833	Reduce Indirect Costs
16	Capital Stabilization Fund Creation and and PILOT Revenue Agreement	N/A	N/A
17	Retired Library Director Sick Leave Buyback	\$13,999.05	Raise and Appropriate
18	Additional Audit Work	\$45,100	Raise and Appropriate
19	Prior Year's Bills	\$209.69	Transfer
20	TIF Agreement	N/A	N/A
21	Accept Public Ways Portions of West St., & Harris Rd.	N/A	Purchase, gift, eminent domain or otherwise
22	Acquire permanent and temporary easements located in certain parcels of land near West St. Harris Rd.	N/A	Purchase, gift, eminent domain or otherwise
23	General Bylaw - Audit Committee	N/A	N/A
24	General Bylaw - Group Insurance & Benefit Com.	N/A	N/A
25	General Bylaw -Multi-Unit Residential Rental Property Registration	N/A	N/A
26	Zoning Bylaw Amendment - Article 2 Definitions of the Zoning Bylaw	N/A	N/A
27	Zoning Bylaw Amendment - Article 5.2.2R	N/A	N/A
28	Zoning Bylaw Amendment - Article 5.2.2	N/A	N/A
29	Zoning Bylaw Amendment - Article 5.2.3I	N/A	N/A
30	Zoning Bylaw Amendment - Article 5.2.3	N/A	N/A
31	Zoning Bylaw Amendment - Article 7.2 Note 7	N/A	N/A
32	Town's Bylaw and Charter Committee Appointment	N/A	N/A

**TOWN OF WINCHENDON  
SPECIAL TOWN MEETING  
May 18, 2015**

Worcester, ss:

To either of the Constables in the Town of Winchendon, in the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Winchendon qualified to vote in town elections and town affairs to meet at the MURDOCK MIDDLE/HIGH SCHOOL, 3 Memorial Drive, off Elmwood Road in said Winchendon on

**MONDAY, MAY 18, 2015**

**AT 7:00 P.M.**

*Met at Murdock Middle/High School at 7 p.m. Meeting was called to order by Moderator Richard L. Morin Sr. with a quorum present. John Giorgio was present representing Town Counsel Kopelman and Paige.*

then and there to act on the following articles:

**REPORTS AND COMMITTEES**  
(majority vote required)

**ARTICLE 1**

Committee Reports

To see if the Town will vote to hear and act on the reports of the Finance Committee, or act in relation thereto. (usual and customary article)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 5-0

***VOTE: APPROVED (Unanimously) to hear the Finance Committee Report.***

**ARTICLE 2:**

To see if the Town will vote to borrow, pursuant to the Town's deficit legislation, the sum of \$100,000 for the FY15 Veterans Services line item, or act in relation thereto. (previously forecasted deficit)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 5-0

***VOTE: (Unanimously) to pass over this article.***

**ARTICLE 3:**

To see if the Town will vote to borrow, pursuant to the Town's deficit legislation, the sum of \$400,000 for the FY15 Health Insurance line item, or act in relation thereto. (previously forecasted deficit)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 5-0

***VOTE:** ( Unanimously) to pass over this article.*

**ARTICLE 4:**

To see if the Town will vote to transfer from the Stabilization Fund the sum of \$60,000 for the purpose of upgrading the Town's financial accounting software, or act in relation thereto. (previously forecasted article)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 5-0

***VOTE:** APPROVED (Unanimously) to transfer from Stabilization Fund the sum of \$60,000 for the purpose of upgrading the Town's financial accounting software.*

**ARTICLE 5**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds and/or Stabilization fund, the sum of \$163,996.21 to be used for all costs associated with the FY2015 unanticipated out-of-district special education tuition; or act in relation thereto. (Submitted by the School Committee)

**BOARD OF SELECTMEN:** Not Recommend 4-0

**FINANCE COMMITTEE:** Not Recommend 5-0

***VOTE:** (Unanimously) to pass over the article.*

**ARTICLE 6**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds and or Stabilization fund, the sum of \$82,985.40 to be used for all costs associated with the FY2015 unanticipated unemployment costs; or act in relation thereto. (Submitted by the School Committee)

**BOARD OF SELECTMEN:** Not Recommend 4-0

**FINANCE COMMITTEE:** Not Recommend 5-0

***VOTE:** (Unanimously) to pass over the article .*

***It was moved, seconded and VOTED (unanimously) to adjourn the Special Town Meeting at 7:24 P.M.***

**ATTEST:**

**Judy A. LaJoie**  
Town Clerk

You are hereby directed to serve this warrant by posting attested copies thereof at the several places designated by the bylaws of the town of Winchendon seven days at least before the time of holding such meeting and by mailing a copy of this warrant to each household in Winchendon in which a registered voter resides or by publication of the same in a newspaper of local distribution as required by said bylaws.

Hereof, fail not and make due return of said warrant with your doings thereon at the time and place of the meeting aforesaid. Given under our hands and seal this 27<sup>th</sup> day of April 2015.

**BOARD OF SELECTMEN:**

\_\_\_\_\_  
Fedor Berndt, Chair

\_\_\_\_\_  
Elizabeth R. Hunt, Vice Chair

\_\_\_\_\_  
Keith R. Barrows

\_\_\_\_\_  
Robert M. O'Keefe

I have this day posted the within warrant as therein directed:

\_\_\_\_\_  
PRINT CONSTABLE NAME

\_\_\_\_\_  
SIGN CONSTABLE NAME

\_\_\_\_\_  
DATE:

**FINANCE COMMITTEE PUBLIC HEARING**

**Thursday, April 30, 2015 at 7:00 PM**

**Town Hall, 109 Front Street**

**TOWN OF WINCHENDON**  
**ANNUAL TOWN MEETING**  
**MAY 18, 2015**

Worcester, ss:

To either of the Constables in the Town of Winchendon, in the County of Worcester,

*GREETINGS:*

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Winchendon qualified to vote in town elections and town affairs to meet at the MURDOCK MIDDLE/HIGH SCHOOL, 3 Memorial Drive, off Elmwood Road in said Winchendon on

**MONDAY, MAY 18, 2015**  
**AT 7:00 P.M.**

*Met at Murdock Middle/High School at 7:24 p.m. Meeting was called to order by Moderator Richard L. Morin Sr. with a quorum present. John Giorgio was present representing Town Counsel Kopelman and Paige.*

then and there to act on the following articles:

**REPORTS AND COMMITTEES**  
(majority vote required)

**ARTICLE 1**

To see if the Town will vote to hear and act on the report of the Finance Committee, the annual report of the Selectmen and of any other officers or committees required to report to the Town, or act in relation thereto. (usual and customary article)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 5-0

*VOTE: (Unanimously) to pass over; the report was presented during the Special Town Meeting.*

**ARTICLE 2**

To see if the Town will vote to choose all other Town officers or committees that may be required or deemed necessary to the Town for the ensuing year and give any instructions to same, or to any other town officer or officers, and to discharge any committees which have completed their duties, or act in relation thereto. (usual and customary article)

- Discharge the 250<sup>th</sup> Committee

Town of Winchendon, Massachusetts  
Special and Annual Town Meeting Warrant  
May 18, 2015

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 4-0-1

*VOTE: APPROVED (Unanimously) to discharge the 250<sup>th</sup> Committee and the Pipeline Committee.*

**REVOLVING FUNDS AUTHORIZATION ARTICLE**  
(majority vote required)

**ARTICLE 3**

To see if the Town will vote to establish the following revolving accounts as provided for under the provisions of section 53E ½ of Chapter 44 of the Massachusetts General Laws, for the purposes specified and each not to exceed \$20,000.00 in fiscal year 2016:

Student Parking Fees- the Winchendon Public Schools shall be authorized to expend said fund for establishing and operating parking permit program and maintenance of parking lot and/or proposed parking lot expansion;

Land Use Restitution and/or Insurance Reimbursement Receipts - the Land Use Office shall be authorized to expend said fund for any lawful purpose relating to its department;

Athletics Advertising Fees- the School Athletic Department shall be authorized to expend said fund for any lawful purpose relating to its department;

Agricultural Commission Fees- the Agricultural Commission shall be authorized to expend said fund for any lawful purpose relating to its department;

Public Health Clean-up Lien Receipts Received in Connection with Board of Health Property Clean-up - the Board of Health shall be authorized to expend said fund for any lawful purpose relating to such clean-ups; and

Planning and Development Large Format Copier and Plotter Fees - the Office of Planning and Development shall be authorized to expend said fund for any lawful purpose relating to the Large Format Copier and Plotter.

or act in relation thereto. (submitted by the Town Manager)

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED(Unanimously) to establish the revolving accounts as printed in the warrant.*

**USUAL AND CUSTOMARY FINANCIAL ARTICLES**  
(majority vote required)

**SENIOR TAX WORK-OFF ARTICLE**

**ARTICLE 4**

To see if the Town will vote to transfer from the overlay surplus account the sum of ten thousand dollars (\$10,000) for the Senior Tax Work-off Program, or act in relation thereto. (submitted by the Town Manager)

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (2/3rds) to transfer from the Stabilization Fund the sum of \$10,000 for the Senior Tax Work-Off Program.*

**NON-PROFIT ASSISTANCE ARTICLES**

**ARTICLE 5**

To see if the Town will vote to transfer from the overlay surplus account the sum of \$18,000.00 as grant to the following non-profit entity in consideration of the numerous services provided to the Town:

\$18,000- Community Action Committee

or act in relation thereto. (submitted by the Town Manager)

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (2/3rds) to transfer from the Stabilization Fund the sum of \$18,000 as grant to the Community Action Committee.*

**GASB 45**

**ARTICLE 6**

To see if the Town will vote to transfer from the overlay surplus account the sum of \$7,500.00 to fund the required GASB 45 study, or act in relation thereto. (Submitted by the Town Manager)

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (2/3rds) to transfer from the Stabilization Fund the sum of \$7,500 to fund the required GASB 45 Study.*



**USUAL AND CUSTOMARY GENERAL GOVERNMENT BUDGET ARTICLE**  
**(majority vote required)**

**ARTICLE 7**

To see if the Town will vote to raise and appropriate and transfer from other available funds\* the sum of \$11,009,765.29 for the operating budget of the Town for the fiscal year beginning July 1, 2015, or act in relation thereto. (usual and customary article)

**BOARD OF SELECTMEN: Recommend 4-0**

**FINANCE COMMITTEE: Recommend 5-0**

<b>*OTHER AVAILABLE FUNDS</b>	
Cemetery Trust	\$ 3,000.00
Dog Fees	\$ -
Title V Liens Redemption	\$ 7,810.00
Infrastructure Investment Fund	\$ 290,000.00
Water Receipts for Indirect Costs	\$ 242,456.97
Wastewater Receipts for Indirect Costs	\$ 248,302.17
Transfer Station Receipts for Indirect Costs	\$ 29,256.93
<b>TOTAL OTHER AVAILABLE FUNDS</b>	<b>\$ 820,826.07</b>

	2015	MID-YEAR	2015	2016		
	ORIGINAL	TRANFRS	REVISED	PROPOSED	\$ DIFF	% DIFF
	APPROP	ADJSTMTS	BUDGET	BUDGET		
SELECTMEN						
EXPENSES	\$ 24,000.00	\$ (2,000.00)	\$ 22,000.00	\$ 14,054.00	\$ (7,946.00)	-36%
TOTAL EXPENSES	\$ 24,000.00	\$ (2,000.00)	\$ 22,000.00	\$ 14,054.00	\$ (7,946.00)	-36%
TOWN MANAGER						
PERSONNEL	\$ 247,867.00	\$ -	\$ 247,867.00	\$ 208,378.00	\$ (39,489.00)	-16%
EXPENSES	\$ 13,550.00	\$ (1,000.00)	\$ 12,550.00	\$ 13,510.00	\$ 960.00	8%
TOTAL PERSONNEL & EXPENSES	\$ 261,417.00	\$ (1,000.00)	\$ 260,417.00	\$ 221,888.00	\$ (38,529.00)	-15%
FINANCE COMMITTEE						
PERSONNEL	\$ 700.00	\$ -	\$ 700.00	\$ 700.00	\$ -	0%
EXPENSES	\$ 47,160.00	\$ -	\$ 47,160.00	\$ 159,960.00	\$ 112,800.00	239%
TOTAL PERSONNEL & EXPENSES	\$ 47,860.00	\$ -	\$ 47,860.00	\$ 160,660.00	\$ 112,800.00	239%
ACCOUNTING						
PERSONNEL	\$ 117,063.00	\$ -	\$ 117,063.00	\$ 136,261.00	\$ 19,198.00	16%
EXPENSES	\$ 300.00	\$ -	\$ 300.00	\$ 300.00	\$ -	0%
TOTAL PERSONNEL & EXPENSES	\$ 117,363.00	\$ -	\$ 117,363.00	\$ 136,561.00	\$ 19,198.00	16%
ASSESSOR						
EXPENSES	\$ 78,658.00	\$ -	\$ 78,658.00	\$ 85,712.00	\$ 7,054.00	9%
TOTAL EXPENSES	\$ 78,658.00	\$ -	\$ 78,658.00	\$ 85,712.00	\$ 7,054.00	9%
COLLECTOR / TREASURER						
PERSONNEL	\$ 135,801.00	\$ -	\$ 135,801.00	\$ 136,817.00	\$ 1,016.00	1%
EXPENSES	\$ 37,535.00	\$ (300.00)	\$ 37,235.00	\$ 59,535.00	\$ 22,300.00	60%
TOTAL PERSONNEL & EXPENSES	\$ 173,336.00	\$ (300.00)	\$ 173,036.00	\$ 196,352.00	\$ 23,316.00	13%
LEGAL EXPENSE						
EXPENSES	\$ 60,000.00	\$ (5,000.00)	\$ 55,000.00	\$ 60,000.00	\$ 5,000.00	9%
TOTAL EXPENSE	\$ 60,000.00	\$ (5,000.00)	\$ 55,000.00	\$ 60,000.00	\$ 5,000.00	9%
DATA PROCESSING						
EXPENSES	\$ 39,300.00	\$ -	\$ 39,300.00	\$ 39,300.00	\$ -	0%
TOTAL EXPENSES	\$ 39,300.00	\$ -	\$ 39,300.00	\$ 39,300.00	\$ -	0%

	2015	MID-YEAR	2015	2016		
	ORIGINAL	TRANFRS	REVISED	PROPOSED	\$ DIFF	% DIFF
	APPROP	ADJSTMTS	BUDGET	BUDGET		
<b>TECHNOLOGY</b>						
PERSONNEL	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 26,502.00	\$ 23,502.00	783%
EXPENSES	\$ 28,415.00	\$ -	\$ 28,415.00	\$ 5,015.00	\$ (23,400.00)	-82%
TOTAL PERSONNEL & EXPENSES	\$ 31,415.00	\$ -	\$ 31,415.00	\$ 31,517.00	\$ 102.00	0%
<b>COMMUNICATIONS COM</b>						
EXPENSES	\$ 33,500.00	\$ (3,500.00)	\$ 30,000.00	\$ 32,900.00	\$ 2,900.00	10%
TOTAL EXPENSES	\$ 33,500.00	\$ (3,500.00)	\$ 30,000.00	\$ 32,900.00	\$ 2,900.00	10%
<b>TOWN CLERK</b>						
PERSONNEL	\$ 83,935.00	\$ -	\$ 83,935.00	\$ 85,373.46	\$ 1,438.46	2%
EXPENSES	\$ 4,700.00	\$ -	\$ 4,700.00	\$ 4,875.00	\$ 175.00	4%
TOTAL PERSONNEL & EXPENSES	\$ 88,635.00	\$ -	\$ 88,635.00	\$ 90,248.46	\$ 1,613.46	2%
<b>REGISTRAR OF VOTERS</b>						
PERSONNEL	\$ 1,625.00	\$ -	\$ 1,625.00	\$ 1,690.00	\$ 65.00	4%
EXPENSES	\$ 26,000.00	\$ -	\$ 26,000.00	\$ 21,500.00	\$ (4,500.00)	-17%
TOTAL PERSONNEL & EXPENSES	\$ 27,625.00	\$ -	\$ 27,625.00	\$ 23,190.00	\$ (4,435.00)	-16%
<b>CONSERVATION</b>						
PERSONNEL	\$ 15,472.00	\$ -	\$ 15,472.00	\$ 15,528.00	\$ 56.00	0%
EXPENSES	\$ 460.00	\$ (100.00)	\$ 360.00	\$ 460.00	\$ 100.00	28%
TOTAL PERSONNEL & EXPENSES	\$ 15,932.00	\$ (100.00)	\$ 15,832.00	\$ 15,988.00	\$ 156.00	1%
<b>PLANNING BOARD</b>						
PERSONNEL	\$ 2,100.00	\$ -	\$ 2,100.00	\$ 1,900.00	\$ (200.00)	-10%
EXPENSES	\$ 3,400.00	\$ -	\$ 3,400.00	\$ 3,100.00	\$ (300.00)	-9%
TOTAL PERSONNEL & EXPENSES	\$ 5,500.00	\$ -	\$ 5,500.00	\$ 5,000.00	\$ (500.00)	-9%
<b>ZONING BOARD</b>						
PERSONNEL	\$ 1,400.00	\$ -	\$ 1,400.00	\$ 1,400.00	\$ -	0%
EXPENSES	\$ 518.00	\$ -	\$ 518.00	\$ 518.00	\$ -	0%
TOTAL PERSONNEL & EXPENSES	\$ 1,918.00	\$ -	\$ 1,918.00	\$ 1,918.00	\$ -	0%
<b>COMMUNITY DEVELOPMNT</b>						
PERSONNEL	\$ 58,758.00	\$ (13,064.00)	\$ 45,694.00	\$ 45,365.00	\$ (329.00)	-1%
EXPENSES	\$ 7,225.00	\$ -	\$ 7,225.00	\$ 1,425.00	\$ (5,800.00)	-80%
TOTAL PERSONNEL & EXPENSES	\$ 65,983.00	\$ (13,064.00)	\$ 52,919.00	\$ 46,790.00	\$ (6,129.00)	-12%

	2015	MID-YEAR	2015	2016		
	ORIGINAL	TRANFRS	REVISED	PROPOSED	\$ DIFF	% DIFF
	APPROP	ADJSTMTS	BUDGET	BUDGET		
TOWN HALL						
PERSONNEL	\$ 28,175.00	\$ -	\$ 28,175.00	\$ 28,275.00	\$ 100.00	0%
EXPENSES	\$ 90,039.00	\$ (1,000.00)	\$ 89,039.00	\$ 92,523.00	\$ 3,484.00	4%
TOTAL PERSONNEL & EXPENSES	\$ 118,214.00	\$ (1,000.00)	\$ 117,214.00	\$ 120,798.00	\$ 3,584.00	3%
POLICE						
PERSONNEL	\$ 1,064,959.00	\$ (43,923.00)	\$ 1,021,036.00	\$ 1,060,405.65	\$ 39,369.65	4%
EXPENSES	\$ 50,700.00	\$ -	\$ 50,700.00	\$ 93,740.00	\$ 43,040.00	85%
TOTAL PERSONNEL & EXPENSES	\$ 1,115,659.00	\$ (43,923.00)	\$ 1,071,736.00	\$ 1,154,145.65	\$ 82,409.65	8%
DISPATCH						
PERSONNEL	\$ 210,130.00	\$ -	\$ 210,130.00	\$ 214,851.18	\$ 4,721.18	2%
EXPENSES	\$ 2,200.00	\$ -	\$ 2,200.00	\$ 2,200.00	\$ -	0%
TOTAL PERSONNEL & EXPENSES	\$ 212,330.00	\$ -	\$ 212,330.00	\$ 217,051.18	\$ 4,721.18	2%
FIRE						
PERSONNEL	\$ 633,793.00	\$ (26,000.00)	\$ 607,793.00	\$ 669,229.00	\$ 61,436.00	10%
EXPENSES	\$ 67,930.00	\$ (2,950.00)	\$ 64,980.00	\$ 68,480.00	\$ 3,500.00	5%
TOTAL PERSONNEL & EXPENSES	\$ 701,723.00	\$ (28,950.00)	\$ 672,773.00	\$ 737,709.00	\$ 64,936.00	10%
AMBULANCE						
PERSONNEL	\$ 16,000.00	\$ -	\$ 16,000.00	\$ 16,000.00	\$ -	0%
EXPENSES	\$ 52,100.00	\$ -	\$ 52,100.00	\$ 57,200.00	\$ 5,100.00	10%
TOTAL PERSONNEL & EXPENSES	\$ 68,100.00	\$ -	\$ 68,100.00	\$ 73,200.00	\$ 5,100.00	7%
LAND USE						
PERSONNEL	\$ 91,111.00	\$ -	\$ 91,111.00	\$ 91,152.00	\$ 41.00	0%
EXPENSES	\$ 3,954.00	\$ -	\$ 3,954.00	\$ 3,954.00	\$ -	0%
TOTAL PERSONNEL & EXPENSES	\$ 95,065.00	\$ -	\$ 95,065.00	\$ 95,106.00	\$ 41.00	0%
EMERG MGMT						
PERSONNEL	\$ 2,443.00	\$ -	\$ 2,443.00	\$ 2,452.00	\$ 9.00	0%
EXPENSES	\$ 2,500.00	\$ -	\$ 2,500.00	\$ 2,500.00	\$ -	0%
TOTAL PERSONNEL & EXPENSES	\$ 4,943.00	\$ -	\$ 4,943.00	\$ 4,952.00	\$ 9.00	0%
ANIMAL CONTROL						
PERSONNEL	\$ 40,000.00	\$ -	\$ 40,000.00	\$ 44,370.00	\$ 4,370.00	11%
EXPENSES	\$ -	\$ -	\$ -	\$ 4,000.00	\$ 4,000.00	0%
TOTAL PERSONNEL & EXPENSES	\$ 40,000.00	\$ -	\$ 40,000.00	\$ 48,370.00	\$ 8,370.00	21%

	2015	MID-YEAR	2015	2016		
	ORIGINAL	TRANFRS	REVISED	PROPOSED	\$ DIFF	% DIFF
	APPROP	ADJSTMTS	BUDGET	BUDGET		
DPW ADMIN						
PERSONNEL	\$ 49,141.00	\$ -	\$ 49,141.00	\$ 133,226.00	\$ 84,085.00	171%
EXPENSES	\$ 10,950.00	\$ -	\$ 10,950.00	\$ 10,950.00	\$ -	0%
TOTAL PERSONNEL & EXPENSES	\$ 60,091.00	\$ -	\$ 60,091.00	\$ 144,176.00	\$ 84,085.00	140%
DPW HIGHWAY						
PERSONNEL	\$ 196,634.00	\$ (62,963.00)	\$ 133,671.00	\$ 307,504.00	\$ 173,833.00	130%
EXPENSES	\$ 113,000.00	\$ (8,663.00)	\$ 104,337.00	\$ 105,000.00	\$ 663.00	1%
TOTAL PERSONNEL & EXPENSES	\$ 309,634.00	\$ (71,626.00)	\$ 238,008.00	\$ 412,504.00	\$ 174,496.00	73%
DPW FLEET MAINT						
PERSONNEL	\$ 91,369.00	\$ -	\$ 91,369.00	\$ 91,725.00	\$ 356.00	0%
EXPENSES	\$ 154,950.00	\$ 663.00	\$ 155,613.00	\$ 154,950.00	\$ (663.00)	0%
TOTAL PERSONNEL & EXPENSES	\$ 246,319.00	\$ 663.00	\$ 246,982.00	\$ 246,675.00	\$ (307.00)	0%
DPW SNOW & ICE						
PERSONNEL	\$ 31,000.00	\$ -	\$ 31,000.00	\$ 36,000.00	\$ 5,000.00	16%
EXPENSES	\$ 70,000.00	\$ -	\$ 70,000.00	\$ 123,000.00	\$ 53,000.00	76%
TOTAL PERSONNEL & EXPENSES	\$ 101,000.00	\$ -	\$ 101,000.00	\$ 159,000.00	\$ 58,000.00	57%
DPW STREET LIGHTING						
EXPENSES	\$ 65,000.00	\$ -	\$ 65,000.00	\$ 65,000.00	\$ -	0%
TOTAL EXPENSES	\$ 65,000.00	\$ -	\$ 65,000.00	\$ 65,000.00	\$ -	0%
LANDFILL						
EXPENSES	\$ 23,000.00	\$ -	\$ 23,000.00	\$ 23,000.00	\$ -	0%
TOTAL EXPENSES	\$ 23,000.00	\$ -	\$ 23,000.00	\$ 23,000.00	\$ -	0%
DPW CEMETERY						
PERSONNEL	\$ 83,413.00	\$ -	\$ 83,413.00	\$ 83,774.00	\$ 361.00	0%
EXPENSES	\$ 8,800.00	\$ -	\$ 8,800.00	\$ 8,800.00	\$ -	0%
TOTAL PERSONNEL & EXPENSES	\$ 92,213.00	\$ -	\$ 92,213.00	\$ 92,574.00	\$ 361.00	0%
DPW TREE TRIMMING						
EXPENSES	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	\$ -	0%
TOTAL EXPENSES	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00	\$ -	0%

	2015	MID-YEAR	2015	2016		
	ORIGINAL	TRANFRS	REVISED	PROPOSED	\$ DIFF	% DIFF
	APPROP	ADJSTMTS	BUDGET	BUDGET		
HEALTH DEPARTMENT						
PERSONNEL	\$ 41,933.00	\$ -	\$ 41,933.00	\$ 42,082.00	\$ 149.00	0%
EXPENSES	\$ 7,255.00	\$ -	\$ 7,255.00	\$ 7,255.00	\$ -	0%
TOTAL PERSONNEL & EXPENSES	\$ 49,188.00	\$ -	\$ 49,188.00	\$ 49,337.00	\$ 149.00	0%
BOARD OF HEALTH OUTSIDE SERVICE						
EXPENSES	\$ 750.00	\$ -	\$ 750.00	\$ 750.00	\$ -	0%
TOTAL EXPENSES	\$ 750.00	\$ -	\$ 750.00	\$ 750.00	\$ -	0%
BOARD OF HEALTH VISITING NURSE						
EXPENSES	\$ 8,500.00	\$ -	\$ 8,500.00	\$ 8,500.00	\$ -	0%
TOTAL EXPENSES	\$ 8,500.00	\$ -	\$ 8,500.00	\$ 8,500.00	\$ -	0%
COUNCIL ON AGING						
PERSONNEL	\$ 111,978.00	\$ -	\$ 111,978.00	\$ 112,745.00	\$ 767.00	1%
EXPENSES	\$ 30,370.00	\$ -	\$ 30,370.00	\$ 32,370.00	\$ 2,000.00	7%
TOTAL PERSONNEL & EXPENSES	\$ 142,348.00	\$ -	\$ 142,348.00	\$ 145,115.00	\$ 2,767.00	2%
VETERANS SERVICES						
PERSONNEL	\$ 14,072.00	\$ -	\$ 14,072.00	\$ 14,126.00	\$ 54.00	0%
EXPENSES	\$ 377,570.00	\$ -	\$ 377,570.00	\$ 477,570.00	\$ 100,000.00	26%
TOTAL PERSONNEL & EXPENSES	\$ 391,642.00	\$ -	\$ 391,642.00	\$ 491,696.00	\$ 100,054.00	26%
BEALS LIBRARY						
PERSONNEL	\$ 135,149.00	\$ (1,500.00)	\$ 133,649.00	\$ 133,126.00	\$ (523.00)	0%
EXPENSES	\$ 34,419.00	\$ -	\$ 34,419.00	\$ 35,430.00	\$ 1,011.00	3%
TOTAL PERSONNEL & EXPENSES	\$ 169,568.00	\$ (1,500.00)	\$ 168,068.00	\$ 168,556.00	\$ 488.00	0%
RECREATION COMMITTEE						
EXPENSES	\$ 3,400.00	\$ -	\$ 3,400.00	\$ 3,400.00	\$ -	0%
TOTAL EXPENSES	\$ 3,400.00	\$ -	\$ 3,400.00	\$ 3,400.00	\$ -	0%
HISTORIC COMMISSION						
EXPENSES	\$ 500.00	\$ -	\$ 500.00	\$ 500.00	\$ -	0%
TOTAL EXPENSES	\$ 500.00	\$ -	\$ 500.00	\$ 500.00	\$ -	0%
DEBT SERVICE PRINCIPAL						
EXPENSES	\$ 500,414.00	\$ -	\$ 500,414.00	\$ 751,017.00	\$ 250,603.00	11%
TOTAL EXPENSES	\$ 500,414.00	\$ -	\$ 500,414.00	\$ 751,017.00	\$ 250,603.00	11%

	2015	MID-YEAR	2015	2016		
	ORIGINAL	TRANFRS	REVISED	PROPOSED	\$ DIFF	% DIFF
	APPROP	ADJSTMTS	BUDGET	BUDGET		
DEBT SERVICE INTEREST						
EXPENSES	\$ 77,793.00	\$ -	\$ 77,793.00	\$ 98,630.00	\$ 20,837.00	15%
TOTAL EXPENSES	\$ 77,793.00	\$ -	\$ 77,793.00	\$ 98,630.00	\$ 20,837.00	15%
PENSION						
EXPENSES	\$ 1,125,350.00	\$ -	\$ 1,125,350.00	\$ 1,260,405.00	\$ 135,055.00	12%
TOTAL EXPENSES	\$ 1,125,350.00	\$ -	\$ 1,125,350.00	\$ 1,260,405.00	\$ 135,055.00	12%
WORKERS COMPENSATION						
EXPENSES	\$ 175,339.00	\$ -	\$ 175,339.00	\$ 207,386.00	\$ 32,047.00	18%
TOTAL EXPENSES	\$ 175,339.00	\$ -	\$ 175,339.00	\$ 207,386.00	\$ 32,047.00	18%
UNEMPLOYMENT INSURANCE						
EXPENSES	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 200,000.00	\$ 150,000.00	300%
TOTAL EXPENSES	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 200,000.00	\$ 150,000.00	300%
HEALTH INSURANCE - EMPLOYER						
EXPENSES	\$ 2,000,856.00	\$ -	\$ 2,000,856.00	\$ 2,368,168.00	\$ 367,312.00	18%
TOTAL EXPENSES	\$ 2,000,856.00	\$ -	\$ 2,000,856.00	\$ 2,368,168.00	\$ 367,312.00	18%
LIFE INSURANCE - EMPLOYER						
EXPENSES	\$ 25,300.00	\$ -	\$ 25,300.00	\$ 25,300.00	\$ -	0%
TOTAL EXPENSES	\$ 25,300.00	\$ -	\$ 25,300.00	\$ 25,300.00	\$ -	0%
MEDICARE TAX						
EXPENSES	\$ 196,050.00	\$ -	\$ 196,050.00	\$ 222,000.00	\$ 25,950.00	13%
TOTAL EXPENSES	\$ 196,050.00	\$ -	\$ 196,050.00	\$ 222,000.00	\$ 25,950.00	13%
PROPERTY / LIABILITY INSURANCE						
EXPENSES	\$ 224,130.00	\$ -	\$ 224,130.00	\$ 247,666.00	\$ 23,536.00	11%
TOTAL EXPENSES	\$ 224,130.00	\$ -	\$ 224,130.00	\$ 247,666.00	\$ 23,536.00	11%
GRAND TOTAL	\$ 9,471,861.00	\$ (171,300.00)	\$ 9,300,561.00	\$ 11,009,765.29	1,709,204.29	18%

***VOTE: APPROVED (2/3rd) to raise and appropriate and transfer from other available funds the sum of \$10,804,765.29 for the operating budget of the Town for the fiscal year beginning July 1, 2015 all as set forth in the warrant under Article 7, with each line item in the budget warrant approved as a separate appropriation and that the transfer from the Infrastructure Investment Fund shall be reduced by the sum of \$205,000, and the appropriation for Debt Service Principal Expenses shall be reduced by the sum of \$196,000 and Debt Service Interest Expenses by \$9,000.***

**USUAL AND CUSTOMARY WATER ENTERPRISE ARTICLE<sup>1</sup>**  
(majority vote required)

**ARTICLE 8**

To see if the Town will vote to appropriate the sum of \$761,003.54 (Water Receipts of \$717,189.54 and Retained Earnings of \$43,814.00) for the operating budget of the Water Department Enterprise Fund for the fiscal year beginning July 1, 2015, or act in relation thereto.

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (Unanimously) the article as printed in the warrant.*

**USUAL AND CUSTOMARY WASTEWATER ENTERPRISE ARTICLE<sup>2</sup>**  
(majority vote required)

**ARTICLE 9**

To see if the Town will vote to appropriate the sum of \$1,018,546.00 (Sewer Receipts of \$636,554.86 and Retained Earnings of \$111,991.14, and Betterment Revenues of \$270,000.00) for the operating budget of the Wastewater Treatment Department Enterprise Fund for the fiscal year beginning July 1, 2015, or act in relation thereto.

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (Unanimously) the article as printed in the warrant.*

**USUAL AND CUSTOMARY TRANSFER STATION ENTERPRISE ARTICLES<sup>3</sup>**  
(majority vote required)

**ARTICLE 10**

To see if the Town will vote to appropriate the sum of \$143,458.00 from Transfer Station Receipts for the operating budget of the Transfer Station enterprise fund for the fiscal year beginning July 1, 2015, or act in relation thereto. (submitted by the Town Manager)

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (Unanimously) the article as printed in the warrant.*

**USUAL AND CUSTOMARY EDUCATION BUDGET ARTICLE**  
(majority vote required)

**ARTICLE 11**

<sup>1</sup> Six percent (6%) rate increase required to support this budget.

<sup>2</sup> Six percent (6%) rate increase required to support this budget.

<sup>3</sup> No rate increase required to support this budget.



To see if the Town will vote to raise and appropriate and/or transfer the sum of \$16,533,989 (less Indirect Costs) to the School Department for the operating budget of the Winchendon Public Schools for the fiscal year beginning July 1, 2016, or take any action thereon. (Submitted by the School Committee)

BOARD OF SELECTMEN: Passover 4-0 FINANCE COMMITTEE: Not Recommend 5-0

*VOTE: (Unanimously) to pass over this article.*

#### ARTICLE 12

To see if the Town will vote to raise and appropriate and/or transfer the sum of \$12,721,380.40 (Required Net School Spending of \$16,233,989.00 plus \$307,500.00 prior year override plus 2.5% escalator less \$3,812,608.40 for net school spending eligible indirect costs budgeted in the general government budget for School Expenses) for the School Department for the operating budget of the Winchendon Public Schools for the fiscal year beginning July 1, 2015, or take any action thereon. (Submitted by the Town Manager)

BOARD OF SELECTMEN: Recommend 4-0 FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (2/3<sup>rd</sup>) to raise and appropriate the School Department Operating budget as printed in the warrant.*

### ANNUAL VOCATIONAL TECHNICAL SCHOOL ASSESSMENT ARTICLE

#### ARTICLE 13

To see if the Town will vote to raise and appropriate the sum of \$874,554.00 to fund the Town's assessment to the Montachusett Regional Vocational Technical School, or act in relation thereto. (submitted by the Town Manager)

*VOTE: APPROVED (2/3<sup>rd</sup>) to raise and appropriate The Town's assessment of Montachusett Regional Vocational Technical School as printed in the warrant.*

BOARD OF SELECTMEN: Not Recommend 4-0 FINANCE COMMITTEE: Recommend 5-0

### SCHOOL TRANSPORTATION BUDGET ARTICLE

#### ARTICLE 14

To see if the Town will vote to raise and appropriate, and/or transfer the sum of \$1,352,865.00 for School Transportation for the following purposes:

In town Transportation:	\$ 726,705.00
Special Education Transportation:	\$ 580,000.00
McKinney Vento Homeless Transportation	\$ 35,000.00
Crossing Guards:	\$ 11,160.00

said sum to be expended by the School Committee, or act in relation thereto. (submitted by the Town Manager, usual and customary article)

BOARD OF SELECTMEN: Recommend 4-0 FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (Unanimously) to raise and appropriate as printed in the warrant*

## SCHOOL DEPARTMENT SUBMITTED ARTICLES

### ARTICLE 15

To see if the Town will vote to exclude the amount of \$207,833 from the Indirect Costs of the School Department as per 603CMR 10.04, which represent the principal and interest charges resulting from the Town deficit repayment.

BOARD OF SELECTMEN: Not Recommend 4-0

FINANCE COMMITTEE: Not Recommend 5-0

*VOTE: (Unanimously) to pass over the article.*

**NOTE:** Section 603 CMR 10.04 does not anticipate that Town Meeting would be involved in any way in this activity or make a determination about how or what would be reported as a “contribution” toward local net school spending requirements. Section 603 CMR 10.04(3) provides that, “ When school and municipal officials cannot agree on the correct reporting, allocation and documentation of expenditures by municipal agencies for educational purposes, they shall so notify the Department. The Commissioner shall, upon receipt of such notice, appoint a designee to conduct an informal hearing to encourage the parties to reach an agreement and make a final determination on the issues in dispute if no agreement is reached within a reasonable time period. The Commissioner shall consult with and seek assistance from the Commissioner of Revenue or his designee in attempting to resolve such disputes.”

## CAPITAL ARTICLES

### ARTICLE 16

To see if the Town will vote to petition the Legislature for the creation of a special fund, to be known as the Capital Stabilization Fund, to which shall be credited without further appropriation all revenues received in accordance with any Solar Payment in Lieu of Taxes (PILOT) agreements, whether characterized as such or as structured tax payment agreements,, which funds may appropriated by Town Meeting by a 2/3 vote for any capital purposes of the Town, and to authorize Town Counsel to draft such petition; or act in relation thereto. (Submitted by the Town Manager)

BOARD OF SELECTMEN: Recommend 4-0

FINANCE COMMITTEE: Recommend 5-0

*VOTE: APPROVED (2/3rds) For the town to petition the Legislature for the creation of a special fund, to be known as the Capital Stabilization Fund, to which shall be credited without further appropriation all revenues received in accordance with any Solar Payment in Lieu of Taxes (PILOT) agreements, whether characterized as such or as structured tax payments agreements , which funds may appropriated by Town Meeting by a 2/3 vote for any capital purposes of the Town, and to authorize Town counsel to draft such petition; provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the public purposes of the petition.*

## **GENERAL FINANCIAL ARTICLE**

### **ARTICLE 17**

To see if the Town will vote to raise and appropriate the sum of \$13,999.05 for the contractual sick leave buyback for the retired Library Director Julia White-Cardinal, or act in relation thereto. (submitted by the Town Manager)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 5-0

***VOTE: APPROVED (2/3rds) to raise and appropriate as printed in the warrant.***

## **PRIOR YEAR BILLS ARTICLE**

### **ARTICLE 18**

To see if the Town will vote to raise and appropriate the sum of \$45,100 for additional audit work performed by the Town's independent auditor Roselli, Clark and Associates, or act in relation thereto. (submitted by the Town Manager)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 5-0

***VOTE: APPROVED (Unanimously) to raise and appropriate as printed in the warrant***

### **ARTICLE 19**

To see if the Town will vote to transfer the following sums from the FY15 appropriation for Police Expense for payment of prior year's bills of \$20.79 for Belletetes, \$19.41 for National Grid and \$169.49 from Ricoh, or act in relation thereto. (submitted by the Police Chief)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 5-0

***VOTE: APPROVED (Unanimously) to transfer sums as printed in the warrant.***

## **GENERAL BUSINESS ARTICLES**

**(majority vote required)**

### **ARTICLE 20**

To see if the Town will vote, pursuant to G.L. c. 40, §59 and G.L. c.23A, §§3F and 3F to: approve the Tax Increment Financing Agreement between the Town, and Brandywine Farms, Inc. a corporation with a principal place of business at 155 Mill Circle, Winchendon Springs, MA 01477, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), and approve a Certified Project application submission to the Massachusetts Economic Assistance Coordinating Council (EACC) for the project that is the subject of the TIF Agreement; confirm the Board of Selectmen's selection of the location of the project in the Winchendon Economic Opportunity Area; authorize the Board of Selectmen to execute the TIF Agreement and approve submission to the EACC of the TIF Agreement and Certified Project application, all relating to the project as described in the TIF Agreement, and any necessary documents

relating thereto; and to take such other actions as may be necessary or appropriate to obtain approval of the TIF Agreement, Certified Project Application, and TIF Zone and related submissions and to implement the TIF Agreement, including the filing of an Economic Opportunity Area application, as may be necessary, or act in relation thereto. (submitted by the Town Manager and Board of Selectmen)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 4-0-1

***VOTE: APPROVED (2/3rds) the Tax Increment Financing Agreement between the Town, and Brandywine Farms, Inc. set forth in the warrant.***

## **ARTICLE 21**

To see if the Town will vote to accept as public ways portions of West Street and Harris Road as public ways, as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Layout of Portions of West Street and Harris Road Winchendon Massachusetts Prepared for Town of Winchendon," dated January 12, 2015, prepared by WSP Transportation and Infrastructure, said plan on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in the portions of said West Street and Harris Road as shown on the aforesaid plan for all purposes for which public ways are used in the Town of Winchendon, and any drainage, utility, access, and/or other easements related thereto, or act in relation thereto. (submitted by Public Works Director)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 4-0-1

***VOTE: APPROVED (2/3rds) the article as printed in the warrant.***

## **ARTICLE 22**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, permanent and temporary easements located in the Town of Winchendon in certain parcels of land adjacent to and/or contiguous to West Street and Harris Road, as depicted on certain plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Harris Road Over Tarbell Brook," revised through March 5, 2015, on file with the Town Clerk, and the permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said plans, as said plans may hereinafter be revised, for public way purposes, including, without limitation, permanent highway easements and permanent and temporary easements for the construction of improvements and structures, and other related purposes, which will enable the Town to undertake the Tarbell Brook Bridge reconstruction project; and as funding for such acquisitions and costs and expenses related thereto, to raise and appropriate, transfer from available funds, or borrow, or any combination thereof, a sum of money, or act in relation thereto. (submitted by Public Works Director)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Not Recommend Pending No. 4-0-1

***VOTE: APPROVE (2/3<sup>rd</sup>) the article as printed in the warrant***

**NOTE:** A sum certain will need to be included in the motion, which amount will be the best estimate as to the damages that will need to be paid to those property owners who do not provide certificates of donation for the property interests that need to be acquired for the project

**GENERAL BYLAW ARTICLES**  
**(majority vote required)**

**ARTICLE 23**

To see if the Town will vote to adopt a new General Bylaw to be titled, Audit Committee, as set forth below, and to authorize the Town Clerk, in consultation with the Town Manager, to assign appropriate numbering for this bylaw so that it be in compliance with the numbering format of Town Bylaws, or act in relation thereto. (submitted by the Town Manager)

**TOWN OF WINCHENDON AUDIT COMMITTEE**

1. There shall be a five (5) member Audit Committee in the Town of Winchendon comprised of one (1) member of the Board of Selectmen (appointed by the Board of Selectmen), one (1) member of the Finance Committee (appointed by the Finance Committee), one (1) member of the School Committee (appointed by the School Committee) and two (2) registered voters in the town who have finance experience, preferably municipal (appointed by a majority vote of the three Board and Committee member appointees).
2. Administrative support staff to the Audit Committee shall be provided by the Town Manager, the Town Accountant, the Superintendent of Schools and the School Business Manager.
3. The Audit Committee shall solicit, interview and recommend to the Board of Selectmen the firm of independent auditors that is to audit and report on the financial statements issued by the Town. The Audit Committee shall review the audit plan with the independent auditors and upon completion of the audit, meet with the independent auditors to discuss the results of the audit and the annual financial reports.
4. The Audit Committee shall transmit a copy of the completed annual audited financials and management letter report to the Board of Selectmen, the Finance Committee and the School Committee, and with the assistance from the auditing firm, shall present the results of the annual audited financials and management letter report to a jointly held public meeting of the Board of Selectmen, the School Committee and the Finance Committee.
5. Funding for the annual independent audit shall be budgeted in the Finance Committee annual budget.

**BOARD OF SELECTMEN: Recommend 4-0**

**FINANCE COMMITTEE: Recommend 5-0**

***VOTE: APPROVED (2/3<sup>rd</sup>) the article as printed in the warrant.***

**ARTICLE 24**

To see if the Town will vote to adopt a new General Bylaw to be titled, Group Insurance and Benefit Committee, as set forth below, and to authorize the Town Clerk, in consultation with the Town Manager, to assign appropriate numbering for this bylaw so that it be in compliance with the numbering format of Town Bylaws, or act in relation thereto. (submitted by the Town Manager)

## TOWN OF WINCHENDON GROUP INSURANCE AND BENEFIT COMMITTEE

1. There shall be a Group Insurance and Benefit Committee in the Town of Winchendon comprised of one (1) member of the Board of Selectmen (appointed by the Board of Selectmen), one (1) member of the Finance Committee (appointed by the Finance Committee), one (1) member of the School Committee (appointed by the School Committee) and two (2) registered voters in the town who have group insurance and benefit experience, preferably municipal (appointed by a majority vote of the three Board and Committee member appointees).
2. Administrative support staff to the Group Insurance and Benefit Committee shall be provided by the Town Manager, the Town Accountant, the Town Treasurer-Collector, the Superintendent of Schools and the School Business Manager.
3. The Group Insurance and Benefit Committee shall annually, on or before December 31<sup>st</sup>, review the Town's group insurance and benefit plan offerings and shall make written recommendations to the Town Manager relative to the following:
  - o Group Health Insurance Programs
  - o Group Dental Insurance Programs
  - o Group Life Insurance Programs
  - o Optional Life Insurance Programs
  - o Optional Disability Insurance Programs
  - o Deferred Compensation Programs; and
  - o OBRA Defined Contribution Plan for part-time, temporary and seasonal employees who are not eligible to join the retirement plans
4. One member of the Group Insurance and Benefit Committee, selected by the Committee, shall serve as a non-voting member on and liaison to the Town's Insurance Advisory Committee (IAC).

BOARD OF SELECTMEN: Recommend 4-0      FINANCE COMMITTEE: Recommend 5-0

*VOTED: APPROVED (unanimously) as printed in the warrant.*

## ARTICLE 25

To see if the Town will vote to adopt a new General Bylaw to be titled, Multi-Unit Residential Rental Property Registration, as set forth below, and to authorize the Town Clerk, in consultation with the Town Manager, to assign appropriate numbering for this bylaw so that it be in compliance with the numbering format of Town Bylaws, or act in relation thereto. (submitted by the Town Manager)

## MULTI-UNIT RESIDENTIAL RENTAL PROPERTY REGISTRATION

1. Purpose. This bylaw is adopted in accordance with the Town of Winchendon's Home Rule Authority, in furtherance of the following public purposes:

- a. To protect the health, safety, and welfare of tenants and other citizens of the Town of Winchendon by monitoring and enhancing compliance with basic life safety and sanitary codes through the registration and permitting of residential rental properties.
  - b. To ensure safe and sanitary conditions in Winchendon's rental housing stock, preventing degradation and helping to promote preservation of important historic residential buildings and neighborhoods.
  - c. To provide clear and accessible guidelines for the operation of rental properties for tenants, owners, landlords, and neighbors, and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
  - d. To establish and assign responsibility for different aspects of rental housing management.
  - e. To establish and expand awareness of the requirements for use and maintenance of rental housing exteriors and grounds, including parking requirements.
  - f. To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, and neighbors.
  - g. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing diverse, multi-generational residential neighborhoods for all residents, including families and students, consistent with Winchendon's long history as a college community.
2. Registration & Permit Required. Except as provided in Section 4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to rent, to individuals or households any dwelling unit nor any rooming unit in a lodging or boarding house being operated as a principal zoning use in the Town of Winchendon until the property has been registered and a rental permit therefor has been issued by the Principal Code Official.
3. Enabling Legislation & Regulations. All rental units and rooming units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.
4. Applicability & Exemptions. Registration and rental permits shall be required of all residential properties containing rented dwelling units or rooming units, or offered for that purpose, except for the following:
- a. **Lodging Facilities.** Hotels, motels, inns, hostels, or bed and breakfasts.
  - b. **Halfway Houses & Group Homes.** Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts. Notwithstanding, such facilities shall comply with Section 7. a. 1) b) below.
5. Definitions. **Definitions of terms used in the regulations.**

Under these regulations, the following terms have the meanings indicated:

**Code Official-** means the Building Commissioner/Zoning Enforcement Officer of the Town of Winchendon, the Health Director, the Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of this bylaw. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation.

**Principal Code Official-** the Code Official designated by the Town Manager to oversee and administer the rental program under this bylaw.

**Dwelling Unit-** means the room or group of rooms within a dwelling used or intended for use by one family, as defined by the Winchendon Zoning Bylaw, or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

**Emergency** – Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

**Hazard** -means a condition likely to expose persons to injury, or property to damage, loss, or destruction.

**Occupant** – means a person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

**Owner-** means every person who alone or jointly or severally with others:

- a. has legal title to any building, structure, or property subject to this bylaw, or;
- b. has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or
- c. is a lessor under written agreement; or
- d. is the mortgagee in possession; or
- e. is the recognized agent, trustee or other person with care, charge, or control appointed by the courts.

**Owner-Occupant(s)** -One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

**Person** -means an individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity permitted by law to hold title to real estate shall for the purpose of this by-law be deemed a "person."

**Premises** -means any real estate used for residential premises, including but not limited to apartments, dwellings, dwelling units, lodging houses, lodging units, rooming houses, and rooming units.



**Principal Residence** - means the primary residence of an individual, family (as defined in the Zoning Bylaw), or property owner, i.e., the home where an owner, and the owner's family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Code Official based upon a preponderance of evidence, including but not limited to the following indicia of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

**Responsible Person** -means an Owner, Occupant, Tenant, Local Agent, Property Manager or other natural person authorized to act as an Owner's agent.

**Responsible Party** -means the person or persons responsible for a violation under this Bylaw, whether an Owner, Occupant, Tenant, Local Agent, or Property Manager.

## 6. Registration & Permitting.

- a. **Application Process and Requirements.** Registration and rental permit applications shall be made on forms approved by the Town, and shall provide such information as the Principal Code Official shall deem reasonable and appropriate. Completed applications shall be submitted to the appropriate Town office. Complete rental permit applications shall be reviewed and permits shall be issued within fourteen (14) working days from the date of submission. Except as may otherwise be permitted by the Code Official, a rental permit application shall identify the total number of rental units on the property.

Information required as part of a rental permit application shall include:

- 1) **Contact Information & Responsible Persons.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners and any responsible rental property management entity or person(s). Where the rental property owner(s) or agent does not have their principal residence or principal place of business in the town of Winchendon or within 20 miles of an Winchendon town line, and in order to ensure contact in circumstances when the owner cannot be reached, the owner shall appoint one or more person(s) who are residents of Winchendon to serve as Local Agent(s) for the owner, authorized to act on the owner's behalf with regard to the property, but in particular in all matters in response to an emergency which endangers the property or threatens the welfare of any person living on the premises. Notices given to a Local Agent shall be sufficient to satisfy any requirement of notice to the owner or the operator. The owner shall notify the Code Official in writing of any change of Local Agent within five days of any such change.
- 2) **Compliance Through Self-Certification.** Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner's Self-Inspection and Certification Checklist provided by the Town as set forth in Section 7 below. An owner or property manager may provide the Town with a single Self-Inspection and Certification Checklist for multiple units provided that said units are on a single property. Where said units represent a portion of the total rental units on the property, the

applicant shall propose a schedule of Self-Inspection and Certification for the remaining units for the review and approval of the Code Official.

- 3) Complete & Accurate Information Required. No incomplete application will be accepted. It shall be a violation of this Bylaw for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder. See Sections 12 and 13 below.
- b. **Renewal.** Rental permits shall be valid for a period to begin on July 1 and shall end on June 30, regardless of when a permit is applied for or approved and issued. Completed applications for permit renewals shall be submitted and received by June 15th of each calendar year.
- c. **Permit Posted.** A rental permit shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.
- d. **Transferability.** Rental permits shall be transferable upon a change of ownership, providing that operation of the continued rental use shall be subject to the provisions of the permit and management plan. The new owner or designated operator of the rental property is required to promptly notify the Code Official of their acquisition of the property and to submit for review and approval any proposed changes in the provisions of the permit.

#### 7. Inspections & Complaints.

- a. **Self-Certification Program.** Owners of rental property governed by this bylaw shall self-inspect and certify their properties as required under this section. Nothing in the Self-Certification program shall limit the Town's authority or the authority and/or discretion of the Code Official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under this bylaw in a manner consistent with or required by the laws of the Commonwealth.

#### 1) Annual Owner Self-Inspections & Checklist.

- a. **Owner Self-Inspection & Certification.** An owner or their local agent shall conduct an annual inspection of the property, using a Self-Certification Checklist provided by the Town. The owner or their agent shall sign the Checklist indicating, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with their application for annual renewal of the rental permit for the property and unit(s) in question. Any false statements or information provided on the Checklist shall constitute a violation of this bylaw.
- b. **Subsidized Housing.** Where residential rental units are regularly inspected under requirements of the state or federal government, no Self-Inspection and Certification shall be required. Annual certification by the owner that a rental unit has been inspected in accordance with state or federal law shall be provided to the Town and shall be accepted by the Town as evidence of Self-Inspection as part of any permit application or renewal.
- c. **Self-Inspections & Access.** An owner shall not be found in violation of the Self-Certification program if they have been refused access for an inspection by a tenant/occupant. However, in such instances the owner shall either provide the Town with a signed statement from the tenant/occupant indicating that the inspection was refused, or the owner shall provide proof,

that a request for access was served to the tenant/occupant and the request was thereafter refused.

- d. Lease Terms. Subject to and as limited by the laws of the Commonwealth, a provision requiring tenants to agree to provide reasonable access to the owner(s) or management company shall be a feature of any lease for a rental unit or property permitted under this bylaw. Where no lease is used, the owner(s) or their lawful representatives shall provide documentation demonstrating that they have made all tenants aware of the Town of Winchendon rental bylaw and inspection system. All leases shall provide an acknowledgment that all tenants have been made aware of these requirements.
- e. Leases Available. Copies of all current, active leases for the subject property or units shall be kept on file with the owner or manager, and shall be made available to the Code Official within 48 hours of any request.

**b. Self-Inspection for Different Circumstances**

- 1) Short-Term Rentals. Dwelling units on owner-occupied properties serving as the owner's principal residence, and which contain no more than two (2) units may be rented under simple registration with the Town without the requirement for a rental permit for a period not to exceed one (1) calendar year under the following circumstances:

- a. During a pending sale of the property by the owner-occupant, or
- b. In response to regular or periodic interruptions in residency by the owner-occupant, where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indicia of residency.

At the end of the one (1) year rental period, as calculated from the initial date of the lease or occupancy of the unit(s) by persons other than the owner(s), any such units shall be registered and a rental permit obtained in compliance with this bylaw.

- 2) Long-Term Tenancies & Periodic Self-Inspections. Rental units which have been leased and occupied continuously by the same tenant(s) for a period of not less than three (3) years shall require a Self-Inspection & Certification upon initial registration and thereafter at three (3) year intervals. Exceptions shall be that Self-Inspection & Certification will be required upon any change in tenants, or may be required at more frequent intervals at the discretion of the Code Official in response to complaints or other circumstances requiring a Town inspection.

**c. Complaints & Response Process.**

Upon receipt of a complaint or notice from any person alleging that the condition of a rental unit or property is in violation of any law or State or local requirement, or of any violation of this Bylaw, the Code Official shall conduct an inspection of a premise within a reasonable amount of time. Inspections shall be as scheduled by the Code Official.

Inspections of rental properties, buildings, grounds, and rented dwelling or rooming units shall be conducted in accordance with all applicable local and state laws, regulations and codes, in a manner consistent with the laws of the Commonwealth.

Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a rental permit to an owner does not preclude tenants' right to file a complaint with

the Town, to which the Town must respond with an inspection in compliance with the provisions of state law and regulations.

**d. Access to Properties.** In accordance with Section 7. a. 1) d), the permit holder shall make a good faith effort to arrange access by authorized Town personnel to any permitted rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

8. Tenant Information. The owner shall be required to distribute to tenants annually, and to each new tenant, an information sheet provided by the Town describing key local regulations; bylaws, including those pertaining to noise, alcohol and nuisance houses; and state laws and codes applying to rental properties. As part of the Registration and Self-Certification process, the owner shall attest to understanding the provided information and the necessity of compliance with the rules and laws described, as well as distributing it to tenants.

9. Occupancy Limits and Zoning. The maximum number of adult persons who may occupy a dwelling unit or rooming unit shall be as determined by the requirements of the Winchendon Zoning Bylaw and State standards for fitness for habitation. The fact that a structure or use may be permitted or authorized under the Winchendon Zoning Bylaw shall not exempt said structure or use from application of this bylaw or relieve or excuse compliance herewith in anyway.

10. Parking. All existing parking and any new or expanded parking on residential rental properties within the town of Winchendon shall comply with the General Requirements and Design Standards and Landscape Standards of the Parking & Access Regulations of the Winchendon Zoning Bylaw.

a. **Parking Site Plan.** A Basic Parking Site Plan, as described below, meeting the requirements of this section shall be developed and submitted as part of any rental permit application. Submission of an existing site plan approved under a land use (zoning) permit and which accurately represents current on-site parking shall meet the requirements of this section.

1) **Basic Parking Site Plan Requirements.** The parking site plan shall be drawn to scale (1"=20' preferred), as appropriate to the site. Except as may otherwise be required by the Code Official or under the provisions of Winchendon's Zoning Bylaw, Town of Winchendon GIS mapping may be used as the base for a site plan developed under this section.

a) The Basic Parking Site Plan shall accurately depict the area within which parking is proposed, including:

- i. Property boundaries
- ii. Existing driveways and pedestrian walks
- iii. Dwellings and structures
- iv. All existing and proposed on-site parking spaces
- v. Existing and proposed landscaped areas
- vi. Fencing or other barriers or screening
- vii. Site features such as trees over 12 inches in diameter (as measured five feet above grade), bedrock outcroppings, steep slopes, and such other site features as may affect parking locations.

2) Any provision of this section with regard to Basic Parking Site Plan Requirements may be waived or modified by the Code Official for compelling reasons of safety or design.

b) **Review.** Existing on-site parking and circulation shall be reviewed by the Code Official for conformance with existing zoning requirements, including but not limited to parking layout and

relating thereto; and to take such other actions as may be necessary or appropriate to obtain approval of the TIF Agreement, Certified Project Application, and TIF Zone and related submissions and to implement the TIF Agreement, including the filing of an Economic Opportunity Area application, as may be necessary, or act in relation thereto. (submitted by the Town Manager and Board of Selectmen)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 4-0-1

***VOTE: APPROVED (2/3rds) the Tax Increment Financing Agreement between the Town, and Brandywine Farms, Inc. set forth in the warrant.***

## **ARTICLE 21**

To see if the Town will vote to accept as public ways portions of West Street and Harris Road as public ways, as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Layout of Portions of West Street and Harris Road Winchendon Massachusetts Prepared for Town of Winchendon," dated January 12, 2015, prepared by WSP Transportation and Infrastructure, said plan on file with the Town Clerk, and authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in the portions of said West Street and Harris Road as shown on the aforesaid plan for all purposes for which public ways are used in the Town of Winchendon, and any drainage, utility, access, and/or other easements related thereto, or act in relation thereto. (submitted by Public Works Director)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Recommend 4-0-1

***VOTE: APPROVED (2/3rds) the article as printed in the warrant.***

## **ARTICLE 22**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, permanent and temporary easements located in the Town of Winchendon in certain parcels of land adjacent to and/or contiguous to West Street and Harris Road, as depicted on certain plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Harris Road Over Tarbell Brook," revised through March 5, 2015, on file with the Town Clerk, and the permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said plans, as said plans may hereinafter be revised, for public way purposes, including, without limitation, permanent highway easements and permanent and temporary easements for the construction of improvements and structures, and other related purposes, which will enable the Town to undertake the Tarbell Brook Bridge reconstruction project; and as funding for such acquisitions and costs and expenses related thereto, to raise and appropriate, transfer from available funds, or borrow, or any combination thereof, a sum of money, or act in relation thereto. (submitted by Public Works Director)

**BOARD OF SELECTMEN:** Recommend 4-0

**FINANCE COMMITTEE:** Not Recommend Pending No. 4-0-1

***VOTE: APPROVE (2/3<sup>rd</sup>) the article as printed in the warrant***

**NOTE:** A sum certain will need to be included in the motion, which amount will be the best estimate as to the damages that will need to be paid to those property owners who do not provide certificates of donation for the property interests that need to be acquired for the project

**GENERAL BYLAW ARTICLES**  
**(majority vote required)**

**ARTICLE 23**

To see if the Town will vote to adopt a new General Bylaw to be titled, Audit Committee, as set forth below, and to authorize the Town Clerk, in consultation with the Town Manager, to assign appropriate numbering for this bylaw so that it be in compliance with the numbering format of Town Bylaws, or act in relation thereto. (submitted by the Town Manager)

**TOWN OF WINCHENDON AUDIT COMMITTEE**

1. There shall be a five (5) member Audit Committee in the Town of Winchendon comprised of one (1) member of the Board of Selectmen (appointed by the Board of Selectmen), one (1) member of the Finance Committee (appointed by the Finance Committee), one (1) member of the School Committee (appointed by the School Committee) and two (2) registered voters in the town who have finance experience, preferably municipal (appointed by a majority vote of the three Board and Committee member appointees).
2. Administrative support staff to the Audit Committee shall be provided by the Town Manager, the Town Accountant, the Superintendent of Schools and the School Business Manager.
3. The Audit Committee shall solicit, interview and recommend to the Board of Selectmen the firm of independent auditors that is to audit and report on the financial statements issued by the Town. The Audit Committee shall review the audit plan with the independent auditors and upon completion of the audit, meet with the independent auditors to discuss the results of the audit and the annual financial reports.
4. The Audit Committee shall transmit a copy of the completed annual audited financials and management letter report to the Board of Selectmen, the Finance Committee and the School Committee, and with the assistance from the auditing firm, shall present the results of the annual audited financials and management letter report to a jointly held public meeting of the Board of Selectmen, the School Committee and the Finance Committee.
5. Funding for the annual independent audit shall be budgeted in the Finance Committee annual budget.

**BOARD OF SELECTMEN: Recommend 4-0**

**FINANCE COMMITTEE: Recommend 5-0**

***VOTE: APPROVED (2/3<sup>rd</sup>) the article as printed in the warrant.***

**ARTICLE 24**

To see if the Town will vote to adopt a new General Bylaw to be titled, Group Insurance and Benefit Committee, as set forth below, and to authorize the Town Clerk, in consultation with the Town Manager, to assign appropriate numbering for this bylaw so that it be in compliance with the numbering format of Town Bylaws, or act in relation thereto. (submitted by the Town Manager)

## TOWN OF WINCHENDON GROUP INSURANCE AND BENEFIT COMMITTEE

1. There shall be a Group Insurance and Benefit Committee in the Town of Winchendon comprised of one (1) member of the Board of Selectmen (appointed by the Board of Selectmen), one (1) member of the Finance Committee (appointed by the Finance Committee), one (1) member of the School Committee (appointed by the School Committee) and two (2) registered voters in the town who have group insurance and benefit experience, preferably municipal (appointed by a majority vote of the three Board and Committee member appointees).
2. Administrative support staff to the Group Insurance and Benefit Committee shall be provided by the Town Manager, the Town Accountant, the Town Treasurer-Collector, the Superintendent of Schools and the School Business Manager.
3. The Group Insurance and Benefit Committee shall annually, on or before December 31<sup>st</sup>, review the Town's group insurance and benefit plan offerings and shall make written recommendations to the Town Manager relative to the following:
  - o Group Health Insurance Programs
  - o Group Dental Insurance Programs
  - o Group Life Insurance Programs
  - o Optional Life Insurance Programs
  - o Optional Disability Insurance Programs
  - o Deferred Compensation Programs; and
  - o OBRA Defined Contribution Plan for part-time, temporary and seasonal employees who are not eligible to join the retirement plans
4. One member of the Group Insurance and Benefit Committee, selected by the Committee, shall serve as a non-voting member on and liaison to the Town's Insurance Advisory Committee (IAC).

BOARD OF SELECTMEN: Recommend 4-0      FINANCE COMMITTEE: Recommend 5-0

*VOTED: APPROVED (unanimously) as printed in the warrant.*

## ARTICLE 25

To see if the Town will vote to adopt a new General Bylaw to be titled, Multi-Unit Residential Rental Property Registration, as set forth below, and to authorize the Town Clerk, in consultation with the Town Manager, to assign appropriate numbering for this bylaw so that it be in compliance with the numbering format of Town Bylaws, or act in relation thereto. (submitted by the Town Manager)

## MULTI-UNIT RESIDENTIAL RENTAL PROPERTY REGISTRATION

1. Purpose. This bylaw is adopted in accordance with the Town of Winchendon's Home Rule Authority, in furtherance of the following public purposes:

- a. To protect the health, safety, and welfare of tenants and other citizens of the Town of Winchendon by monitoring and enhancing compliance with basic life safety and sanitary codes through the registration and permitting of residential rental properties.
  - b. To ensure safe and sanitary conditions in Winchendon's rental housing stock, preventing degradation and helping to promote preservation of important historic residential buildings and neighborhoods.
  - c. To provide clear and accessible guidelines for the operation of rental properties for tenants, owners, landlords, and neighbors, and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
  - d. To establish and assign responsibility for different aspects of rental housing management.
  - e. To establish and expand awareness of the requirements for use and maintenance of rental housing exteriors and grounds, including parking requirements.
  - f. To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, and neighbors.
  - g. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing diverse, multi-generational residential neighborhoods for all residents, including families and students, consistent with Winchendon's long history as a college community.
2. Registration & Permit Required. Except as provided in Section 4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to rent, to individuals or households any dwelling unit nor any rooming unit in a lodging or boarding house being operated as a principal zoning use in the Town of Winchendon until the property has been registered and a rental permit therefor has been issued by the Principal Code Official.
3. Enabling Legislation & Regulations. All rental units and rooming units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.
4. Applicability & Exemptions. Registration and rental permits shall be required of all residential properties containing rented dwelling units or rooming units, or offered for that purpose, except for the following:
- a. **Lodging Facilities.** Hotels, motels, inns, hostels, or bed and breakfasts.
  - b. **Halfway Houses & Group Homes.** Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts. Notwithstanding, such facilities shall comply with Section 7. a. 1) b) below.
5. Definitions. **Definitions of terms used in the regulations.**



Under these regulations, the following terms have the meanings indicated:

**Code Official-** means the Building Commissioner/Zoning Enforcement Officer of the Town of Winchendon, the Health Director, the Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of this bylaw. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation.

**Principal Code Official-** the Code Official designated by the Town Manager to oversee and administer the rental program under this bylaw.

**Dwelling Unit-** means the room or group of rooms within a dwelling used or intended for use by one family, as defined by the Winchendon Zoning Bylaw, or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

**Emergency** – Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

**Hazard** -means a condition likely to expose persons to injury, or property to damage, loss, or destruction.

**Occupant** – means a person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

**Owner-**means every person who alone or jointly or severally with others:

- a. has legal title to any building, structure, or property subject to this bylaw, or;
- b. has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or
- c. is a lessor under written agreement; or
- d. is the mortgagee in possession; or
- e. is the recognized agent, trustee or other person with care, charge, or control appointed by the courts.

**Owner-Occupant(s)** -One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

**Person** -means an individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity permitted by law to hold title to real estate shall for the purpose of this by-law be deemed a "person."

**Premises** -means any real estate used for residential premises, including but not limited to apartments, dwellings, dwelling units, lodging houses, lodging units, rooming houses, and rooming units.

**Principal Residence** - means the primary residence of an individual, family (as defined in the Zoning Bylaw), or property owner, i.e., the home where an owner, and the owner's family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Code Official based upon a preponderance of evidence, including but not limited to the following indicia of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

**Responsible Person** - means an Owner, Occupant, Tenant, Local Agent, Property Manager or other natural person authorized to act as an Owner's agent.

**Responsible Party** - means the person or persons responsible for a violation under this Bylaw, whether an Owner, Occupant, Tenant, Local Agent, or Property Manager.

## 6. Registration & Permitting.

- a. **Application Process and Requirements.** Registration and rental permit applications shall be made on forms approved by the Town, and shall provide such information as the Principal Code Official shall deem reasonable and appropriate. Completed applications shall be submitted to the appropriate Town office. Complete rental permit applications shall be reviewed and permits shall be issued within fourteen (14) working days from the date of submission. Except as may otherwise be permitted by the Code Official, a rental permit application shall identify the total number of rental units on the property.

Information required as part of a rental permit application shall include:

- 1) **Contact Information & Responsible Persons.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners and any responsible rental property management entity or person(s). Where the rental property owner(s) or agent does not have their principal residence or principal place of business in the town of Winchendon or within 20 miles of an Winchendon town line, and in order to ensure contact in circumstances when the owner cannot be reached, the owner shall appoint one or more person(s) who are residents of Winchendon to serve as Local Agent(s) for the owner, authorized to act on the owner's behalf with regard to the property, but in particular in all matters in response to an emergency which endangers the property or threatens the welfare of any person living on the premises. Notices given to a Local Agent shall be sufficient to satisfy any requirement of notice to the owner or the operator. The owner shall notify the Code Official in writing of any change of Local Agent within five days of any such change.
- 2) **Compliance Through Self-Certification.** Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner's Self-Inspection and Certification Checklist provided by the Town as set forth in Section 7 below. An owner or property manager may provide the Town with a single Self-Inspection and Certification Checklist for multiple units provided that said units are on a single property. Where said units represent a portion of the total rental units on the property, the

applicant shall propose a schedule of Self-Inspection and Certification for the remaining units for the review and approval of the Code Official.

- 3) Complete & Accurate Information Required. No incomplete application will be accepted. It shall be a violation of this Bylaw for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder. See Sections 12 and 13 below.
- b. **Renewal.** Rental permits shall be valid for a period to begin on July 1 and shall end on June 30, regardless of when a permit is applied for or approved and issued. Completed applications for permit renewals shall be submitted and received by June 15th of each calendar year.
- c. **Permit Posted.** A rental permit shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.
- d. **Transferability.** Rental permits shall be transferable upon a change of ownership, providing that operation of the continued rental use shall be subject to the provisions of the permit and management plan. The new owner or designated operator of the rental property is required to promptly notify the Code Official of their acquisition of the property and to submit for review and approval any proposed changes in the provisions of the permit.

#### 7. Inspections & Complaints.

- a. **Self-Certification Program.** Owners of rental property governed by this bylaw shall self-inspect and certify their properties as required under this section. Nothing in the Self-Certification program shall limit the Town's authority or the authority and/or discretion of the Code Official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under this bylaw in a manner consistent with or required by the laws of the Commonwealth.

##### 1) Annual Owner Self-Inspections & Checklist.

- a. **Owner Self-Inspection & Certification.** An owner or their local agent shall conduct an annual inspection of the property, using a Self-Certification Checklist provided by the Town. The owner or their agent shall sign the Checklist indicating, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with their application for annual renewal of the rental permit for the property and unit(s) in question. Any false statements or information provided on the Checklist shall constitute a violation of this bylaw.
- b. **Subsidized Housing.** Where residential rental units are regularly inspected under requirements of the state or federal government, no Self-Inspection and Certification shall be required. Annual certification by the owner that a rental unit has been inspected in accordance with state or federal law shall be provided to the Town and shall be accepted by the Town as evidence of Self-Inspection as part of any permit application or renewal.
- c. **Self-Inspections & Access.** An owner shall not be found in violation of the Self-Certification program if they have been refused access for an inspection by a tenant/occupant. However, in such instances the owner shall either provide the Town with a signed statement from the tenant/occupant indicating that the inspection was refused, or the owner shall provide proof,

that a request for access was served to the tenant/occupant and the request was thereafter refused.

- d. Lease Terms. Subject to and as limited by the laws of the Commonwealth, a provision requiring tenants to agree to provide reasonable access to the owner(s) or management company shall be a feature of any lease for a rental unit or property permitted under this bylaw. Where no lease is used, the owner(s) or their lawful representatives shall provide documentation demonstrating that they have made all tenants aware of the Town of Winchendon rental bylaw and inspection system. All leases shall provide an acknowledgment that all tenants have been made aware of these requirements.
- e. Leases Available. Copies of all current, active leases for the subject property or units shall be kept on file with the owner or manager, and shall be made available to the Code Official within 48 hours of any request.

**b. Self-Inspection for Different Circumstances**

- 1) Short-Term Rentals. Dwelling units on owner-occupied properties serving as the owner's principal residence, and which contain no more than two (2) units may be rented under simple registration with the Town without the requirement for a rental permit for a period not to exceed one (1) calendar year under the following circumstances:

- a. During a pending sale of the property by the owner-occupant, or
- b. In response to regular or periodic interruptions in residency by the owner-occupant, where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indicia of residency.

At the end of the one (1) year rental period, as calculated from the initial date of the lease or occupancy of the unit(s) by persons other than the owner(s), any such units shall be registered and a rental permit obtained in compliance with this bylaw.

- 2) Long-Term Tenancies & Periodic Self-Inspections. Rental units which have been leased and occupied continuously by the same tenant(s) for a period of not less than three (3) years shall require a Self-Inspection & Certification upon initial registration and thereafter at three (3) year intervals. Exceptions shall be that Self-Inspection & Certification will be required upon any change in tenants, or may be required at more frequent intervals at the discretion of the Code Official in response to complaints or other circumstances requiring a Town inspection.

**c. Complaints & Response Process.**

Upon receipt of a complaint or notice from any person alleging that the condition of a rental unit or property is in violation of any law or State or local requirement, or of any violation of this Bylaw, the Code Official shall conduct an inspection of a premise within a reasonable amount of time. Inspections shall be as scheduled by the Code Official.

Inspections of rental properties, buildings, grounds, and rented dwelling or rooming units shall be conducted in accordance with all applicable local and state laws, regulations and codes, in a manner consistent with the laws of the Commonwealth.

Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a rental permit to an owner does not preclude tenants' right to file a complaint with

the Town, to which the Town must respond with an inspection in compliance with the provisions of state law and regulations.

**d. Access to Properties.** In accordance with Section 7. a. 1) d), the permit holder shall make a good faith effort to arrange access by authorized Town personnel to any permitted rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

**8. Tenant Information.** The owner shall be required to distribute to tenants annually, and to each new tenant, an information sheet provided by the Town describing key local regulations; bylaws, including those pertaining to noise, alcohol and nuisance houses; and state laws and codes applying to rental properties. As part of the Registration and Self-Certification process, the owner shall attest to understanding the provided information and the necessity of compliance with the rules and laws described, as well as distributing it to tenants.

**9. Occupancy Limits and Zoning.** The maximum number of adult persons who may occupy a dwelling unit or rooming unit shall be as determined by the requirements of the Winchendon Zoning Bylaw and State standards for fitness for habitation. The fact that a structure or use may be permitted or authorized under the Winchendon Zoning Bylaw shall not exempt said structure or use from application of this bylaw or relieve or excuse compliance herewith in anyway.

**10. Parking.** All existing parking and any new or expanded parking on residential rental properties within the town of Winchendon shall comply with the General Requirements and Design Standards and Landscape Standards of the Parking & Access Regulations of the Winchendon Zoning Bylaw.

**a. Parking Site Plan.** A Basic Parking Site Plan, as described below, meeting the requirements of this section shall be developed and submitted as part of any rental permit application. Submission of an existing site plan approved under a land use (zoning) permit and which accurately represents current on-site parking shall meet the requirements of this section.

**1) Basic Parking Site Plan Requirements.** The parking site plan shall be drawn to scale (1"=20' preferred), as appropriate to the site. Except as may otherwise be required by the Code Official or under the provisions of Winchendon's Zoning Bylaw, Town of Winchendon GIS mapping may be used as the base for a site plan developed under this section.

**a) The Basic Parking Site Plan shall accurately depict the area within which parking is proposed, including:**

- i. Property boundaries
- ii. Existing driveways and pedestrian walks
- iii. Dwellings and structures
- iv. All existing and proposed on-site parking spaces
- v. Existing and proposed landscaped areas
- vi. Fencing or other barriers or screening
- vii. Site features such as trees over 12 inches in diameter (as measured five feet above grade), bedrock outcroppings, steep slopes, and such other site features as may affect parking locations.

**2) Any provision of this section with regard to Basic Parking Site Plan Requirements may be waived or modified by the Code Official for compelling reasons of safety or design.**

**b) Review.** Existing on-site parking and circulation shall be reviewed by the Code Official for conformance with existing zoning requirements, including but not limited to parking layout and

circulation, paving, parking space dimensions, screening, and, in consultation with the Fire Chief, the sufficiency of circulation and vehicular access for public safety and emergency vehicles.

11. Fees. The Board of Selectmen or its designee may set and periodically revise a schedule of fees for registration, permit application, and inspections of rental properties.

12. Enforcement.

- a. Enforcement Personnel. The Town Manager is hereby authorized to designate the Principal Code Official and other Town officials empowered to enforce or otherwise take actions under this Bylaw.
- b. Enforcement Options. This Bylaw shall be enforced by criminal complaint through a court of competent jurisdiction. In addition, any person committing a violation under this section may be issued a citation under the noncriminal disposition process of M.G.L. c.40, section 21D. Furthermore, in appropriate circumstances, a civil action may be initiated to compel compliance herewith.
- c. Violations. Non-compliance with any requirement of this Bylaw shall constitute a violation subject to penalty. Every day in which a violation continues shall be considered to be a separate offense. If more than one violation has occurred, each condition of the Bylaw which has been violated shall be considered a separate offense.
- d. Enforcement Procedures. Except for cases where conditions exist which may endanger or impair the health, or safety and well-being of a person or persons occupying the premises or as may otherwise be provided for by the Massachusetts Sanitary Code, Building Code, Fire Regulations or any other state or local law or regulation, the response of Code Officials to potential violations of this Bylaw shall include one or more of the actions as deemed necessary by the Code Official. Nothing herein shall supersede, alter, or vary the requirements of those codes or the responsibilities of the officials that administer them.
  - 1) Complaint Filed. Any person may file a complaint regarding one or more violations of this Bylaw.
  - 2) Property Research. The Code Official shall perform a limited initial research of the property to confirm permit history, assessor's information, and other pertinent information. The Code Official may contact the alleged violator, occupant or responsible party to gather additional information. When appropriate the Code Official shall notify the Owner that a complaint has been filed against the property and that an initial site inspection is anticipated.
  - 3) Site Inspection. The Code Official shall conduct a site inspection to determine the validity of the complaint and collect any relevant facts of the case.
  - 4) Notice of Violation/Enforcement Order. After inspecting the site and upon confirming that a violation exists, the Code Official shall inform the responsible party or parties in writing of the violation and specify a time period within which to correct the violation. Violations may be cited pursuant to the applicable state or local code or regulation.
  - 5) Follow up Inspection. Shall be conducted upon the expiration of the time specified to correct the violation.
  - 6) Fines. The Code Official may elect to impose fines in instances where: 1) compliance has not been achieved after the responsible party or parties have been made aware of the violation and given a reasonable opportunity to come into compliance, or 2) for repeat offenses.

- 7) **Suspension of Rental Permit.** In instances of egregious violations and when all reasonable and practical efforts have been made by the Code Official to gain compliance at a property without result, the Principal Code Official may suspend a rental permit based upon the specific criteria provided in Section 13 of this Bylaw. The permit holder shall have the opportunity to be heard and appeal any decision of the Principal Code Official to impose a suspension in accordance with Section 14 of this Bylaw.
- 8) **Court Relief.** If a violator fails to comply with an Enforcement Order, the Code Official may seek a court order to remedy the violation.

13. Penalties-

- a. **Fines.** Any violation of the provisions of this Bylaw may be enforced by non-criminal complaint pursuant to the provisions of G.L. c.40, §21D. The fine for any violation shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the Commonwealth.
- b. **Suspension.** Based on the standard of proof and criteria specified herein the Principal Code Official is authorized to suspend a rental permit. A suspension shall take effect immediately upon the day following the end of the current lease, or upon any termination of the lease prior to that date. The suspension of a rental permit shall be imposed to affect only those units which are the subject of the violation(s) and enforcement action(s). Permits may be suspended if:
  - 1) An Owner or their Agent has knowingly allowed or assisted in allowing violations of this Bylaw. The Code Official must collect compelling documentation through his or her investigation to substantiate this violation and support the recommendation to suspend a permit.
  - 2) An Owner or their Agent repeatedly refuses or neglects to comply with an order of the Code Official. The Code Official must find that the Owner or their Agent have not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the Enforcement Order. During this time the Code Official shall inform the Owner or their Agent in writing that the permit is subject to suspension.

Suspensions shall be as follows:

First Offense – 90 days

Second Offense in a twelve month period – 180 days

Third Offense in a twelve month period – 3 years

- c. **Immediate Suspension.** In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the rental permit shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.

14. Appeals of the Code Official.

The Board of Selectmen is hereby authorized to establish and appoint a Rental Appeals Board (RAB), and to promulgate regulations for its membership and the conduct of its business.

Any decision by the Code Official to suspend a permit may be challenged by the permit holder by filing an appeal to the RAB. All appeals must be filed within 14 days of the decision and shall be heard within 30 days of filing. All appeals shall be heard at a duly noticed public hearing and any party filing such an appeal shall have the right to be represented by counsel.

A decision of the RAB shall be final. Further relief of a decision by the RAB made under this Bylaw shall be reviewable in a court of competent jurisdiction.

**BOARD OF SELECTMEN: Not Recommend 4-0      FINANCE COMMITTEE: Not Recommend 5-0**

***VOTED: (unanimously) to pass over the article.***

## **ZONING BYLAW ARTICLES** **(two-thirds majority vote required)**

### **ARTICLE 26**

To see if the Town will vote to amend Article 2 Definitions of the Zoning Bylaws by deleting the definitions of “Gallery (Auction)” and “Recreational Vehicle” and inserting in place thereof the following definitions therefor, and further, to insert new definitions for “Motor Vehicle”, “Recreational Vehicle – Off Road (ORV)”, and “Recreational Vehicle – Marine” as follows:

**GALLERY (AUCTION):** Site open to the public for use, display and/or sales of art, furniture, and other goods, sold or auctioned.

**RECREATIONAL VEHICLE:** A portable vehicular structure designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, including, but not limited to, travel and camping trailers, truck campers and motor homes.

**MOTOR VEHICLE:** All vehicles constructed and designed for propulsion by power other than muscular power including such vehicles when pulled or towed by another motor vehicle, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley and motorized bicycles.

**RECREATIONAL VEHICLE – OFF ROAD (ORV).** A vehicle designed or modified for use for recreation or pleasure off a public way including but not limited to, All Terrain Vehicle (ATV), Snowmobile, Dirt Bike, Off Road Motorcycle, Golf Cart, and All Terrain Utility Vehicle (i.e., Gator).

**RECREATIONAL VEHICLE – MARINE:** A vessel propelled by oars, sails, or an engine designed to float or plane, to work or travel on water, including but not limited to boat, jet ski, personal watercraft, kayak, and canoe.

Or act in relation thereto. (Submitted by the Planning Board)

**BOARD OF SELECTMEN: Recommend 4-0      FINANCE COMMITTEE: Recommend 5-0**  
**PLANNING BOARD:**



***VOTE: APPROVE (2/3rds) to amend Article 2 definitions of the Zoning Bylaws by deleting the definitions of “Gallery (Auction)” and “Recreational Vehicle” and inserting in place thereof the following definitions therefor, and further, to insert new definitions for “Motor Vehicle”, “Recreational Vehicle-Off Road (ORV)”, and “Recreational Vehicle-Marine”. Also with a correction in the definition of ORV replacing the word “dirk” with “dirt” as printed in the warrant.***

## **ARTICLE 27**

To see if the Town will vote to amend Article 5.2.2R of the Zoning Bylaws by replacing the existing use with a new use “sales and/or service establishment for motor vehicles (Class I & Class II), recreational vehicles to include off road and marine including storage of motor vehicles and recreational vehicles(all types) (Note 12)” to be allowed in the C-1 Highway Commercial District, C-2 Neighborhood Commercial District, I Industrial District, PD Planned Development District by Special Permit and by adding a new Note 12, “Any motor vehicle or recreational vehicles(all types) not immediately registerable if required or inspectable if required through the Massachusetts Registry of Motor Vehicles shall be screened from view.”

5.2.2 Principal Use Categories	Zoning Districts						
Commercial Uses	R80	R40	R10	C1	C2	I	PD
				Hwy	Nbhd		
				Comm	Bus.		
R. Sales and/or service establishment for motor vehicles (Class I & Class II), recreational vehicles to include off road and marine, including storage of motor vehicles and recreational vehicles. (all types) (Note 12)	N	N	N	SP	SP	SP	SP

Notes:

12. Any motor vehicle or recreational vehicle (all types) not immediately registerable if required or inspectable if required through the Massachusetts Registry of Motor Vehicles shall be screened from view.

Or act in relation thereto. (Submitted by the Planning Board)

BOARD OF SELECTMEN: Recommend 2-0-2

FINANCE COMMITTEE: Recommend 5-0

PLANNING BOARD:

***VOTE: APPROVE (2/3rds) to amend Article 5.2.2 R of the Zoning Bylaws by replacing the existing use with a new use “sales and/or service establishment for motor vehicles (Class I & Class II), recreational vehicles to include off road and marine including storage of motor vehicles and recreational vehicles (all types), as printed in the warrant.***

#### ARTICLE 28

To see if the Town will vote to amend Article 5.2.2 of the Zoning Bylaws by adding a new use, “Gallery (Auction)”, to be allowed only in the C-1 Highway Commercial District, C-2 Neighborhood Commercial District, I Industrial, and PD Planned Development District by Special Permit, to read as follows.

#### 5.2.2 Principal Use Categories

#### Zoning Districts

##### Commercial Uses

R80	R40	R10	C1 Hwy Comm	C2 Nbhd Bus.	I	PD
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FF. Gallery (Auction)

N	N	N	SP	SP	SP	SP
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Or act in relation thereto. (submitted by the Planning Board)

BOARD OF SELECTMEN: Recommend 2-0-2

FINANCE COMMITTEE: Recommend 5-0

PLANNING BOARD:

***VOTE: APPROVED (2/3rds) to Amend Article 5.2.2 of the Zoning Bylaws by adding a new use, “Gallery (Auction)”, to be allowed only in the C-1 Highway Commercial District, C-2 Neighborhood Commercial District, I Industrial, and PD Planned Development District by Special Permit, as printed in the warrant.***

## ARTICLE 29

To see if the Town will vote to amend Article 5.2.3F of the Zoning Bylaws to revise the definition of “Open air salvage yard” to include “junk yard (Class III)” as follows:

5.2.3 Principal Use Categories				Zoning Districts			
Industrial Uses	R80	R40	R10	C1 Hwy Comm	C2 Nbhd Bus.	I	PD
F. Open air salvage yard, junk yard (Class III) (Note 6)	N	N	N	N	N	SP	N

Or act in relation thereto. (submitted by the Planning Board)

BOARD OF SELECTMEN: Recommend 2-0-2

FINANCE COMMITTEE: Recommend 5-0

### PLANNING BOARD:

*VOTE: APPROVED (2/3rds) to Amend Article 5.2.3F of the Zoning Bylaws to revise the definition of “Open air salvage yard” to include “Junk Yard (Class III)” as printed in the warrant.*

## ARTICLE 30

To see if the Town will vote to amend Article 5.2.3 of the Zoning Bylaws to add “M. Mobile car crushing conducted commercially” to be allowed only in the C-2 Neighborhood Commercial and I Industrial districts by Special Permit, and to add a new Note 13 that provides, “Requires a minimum lot size of 5 acres.”, to read as follows:

5.2.3 Principal Use Categories				Zoning Districts			
Industrial Uses	R80	R40	R10	C1 Hwy Comm	C2 Nbhd Bus.	I	PD
M. Mobile car crushing conducted Commercially (Note 13)	N	N	N	N	SP	SP	N

Notes

13. Requires a minimum lot size of five (5) acres.

Or act in relation thereto. (Submitted by the Planning Board).

BOARD OF SELECTMEN: Recommend 2-0-2

FINANCE COMMITTEE: Recommend 5-0

### PLANNING BOARD:

*VOTED: APPROVED (2/3rds) to amend Article 5.2.3 of the Zoning Bylaws to add “M. Mobile car crushing conducted commercially” to be allowed only in the C-2 Neighborhood Commercial and I Industrial districts by Special Permit, as printed in the warrant.*

### ARTICLE 31

To see if the Town will vote to amend Article 7.2. of the Zoning Bylaws, Note 7 of the Table of Dimension and Density Regulations by inserting the underlined text, so that the last sentence provides as follows:

“Neither shall there be any regular storage of materials allowed closer to the property line than the setback unless allowed by the Planning Board through Site Plan Review.”

,or act in relation thereto. (Submitted by The Planning Board)

**BOARD OF SELECTMEN:** Recommend 2-0-2

**FINANCE COMMITTEE:** Recommend 5-0

**PLANNING BOARD:**

***VOTED: APPROVED (2/3rds) to amend Article 7.2 of the Zoning Bylaws, Note 7 of the Table of Dimension and Density Regulations by inserting the underlined text as printed in the warrant.***

### ARTICLE 32

To see if the Town will vote to direct the Town Moderator to appointed a five person committee to review the Town's Bylaws and Charter. Said Bylaw and Charter Review Committee will make their report and recommendations at the next Annual Town Meeting, or sooner, at a Special town Meeting, is said Committee's report and recommendations are ready for the voter's consideration. (Submitted by Citizen Petition)

**BOARD OF SELECTMEN:** Recommend 3-1

**FINANCE COMMITTEE:** Not Recommend 5-0

***VOTE: APPROVED (2/3RDS) as printed in the warrant.***

It was moved, seconded and unanimously APPROVED to adjourn the Annual Town Meeting at 9:49 p.m.

**ATTEST:**

***Judy A. LaJoie***

**Winchendon Town clerk**

You are hereby directed to serve this warrant by posting attested copies thereof at the several places designated by the bylaws of the town of Winchendon seven days at least before the time of holding such meeting and by mailing a copy of this warrant to each household in Winchendon in which a registered voter resides or by publication of the same in a newspaper of local distribution as required by said bylaws.

Hereof, fail not and make due return of said warrant with your doings thereon at the time and place of the meeting aforesaid. Given under our hands and seal this 27<sup>th</sup> day of April 2015.

**BOARD OF SELECTMEN:**

\_\_\_\_\_  
Fedor Berndt, Chair

\_\_\_\_\_  
Elizabeth R. Hunt, Vice Chair

\_\_\_\_\_  
Keith R. Barrows

\_\_\_\_\_  
Robert M. O'Keefe

I have this day posted the within warrant as therein directed:

\_\_\_\_\_  
PRINT CONSTABLE NAME

\_\_\_\_\_  
SIGN CONSTABLE NAME

\_\_\_\_\_  
DATE:

**FINANCE COMMITTEE PUBLIC HEARING**  
**Thursday, April 30, 2015 at 7:00 PM**  
**Town Hall, 109 Front Street**

This institution is an equal opportunity provider. To file a complaint of Discrimination write USDA, Director, Office of Civil Rights, Washington, DC 20250-9410.

circulation, paving, parking space dimensions, screening, and, in consultation with the Fire Chief, the sufficiency of circulation and vehicular access for public safety and emergency vehicles.

11. Fees. The Board of Selectmen or its designee may set and periodically revise a schedule of fees for registration, permit application, and inspections of rental properties.

12. Enforcement.

- a. Enforcement Personnel. The Town Manager is hereby authorized to designate the Principal Code Official and other Town officials empowered to enforce or otherwise take actions under this Bylaw.
- b. Enforcement Options. This Bylaw shall be enforced by criminal complaint through a court of competent jurisdiction. In addition, any person committing a violation under this section may be issued a citation under the noncriminal disposition process of M.G.L. c.40, section 21D. Furthermore, in appropriate circumstances, a civil action may be initiated to compel compliance herewith.
- c. Violations. Non-compliance with any requirement of this Bylaw shall constitute a violation subject to penalty. Every day in which a violation continues shall be considered to be a separate offense. If more than one violation has occurred, each condition of the Bylaw which has been violated shall be considered a separate offense.
- d. Enforcement Procedures. Except for cases where conditions exist which may endanger or impair the health, or safety and well being of a person or persons occupying the premises or as may otherwise be provided for by the Massachusetts Sanitary Code, Building Code, Fire Regulations or any other state or local law or regulation, the response of Code Officials to potential violations of this Bylaw shall include one or more of the actions as deemed necessary by the Code Official. Nothing herein shall supersede, alter, or vary the requirements of those codes or the responsibilities of the officials that administer them.
  - 1) Complaint Filed. Any person may file a complaint regarding one or more violations of this Bylaw.
  - 2) Property Research. The Code Official shall perform a limited initial research of the property to confirm permit history, assessor's information, and other pertinent information. The Code Official may contact the alleged violator, occupant or responsible party to gather additional information. When appropriate the Code Official shall notify the Owner that a complaint has been filed against the property and that an initial site inspection is anticipated.
  - 3) Site Inspection. The Code Official shall conduct a site inspection to determine the validity of the complaint and collect any relevant facts of the case.
  - 4) Notice of Violation/Enforcement Order. After inspecting the site and upon confirming that a violation exists, the Code Official shall inform the responsible party or parties in writing of the violation and specify a time period within which to correct the violation. Violations may be cited pursuant to the applicable state or local code or regulation.
  - 5) Follow up Inspection. Shall be conducted upon the expiration of the time specified to correct the violation.
  - 6) Fines. The Code Official may elect to impose fines in instances where: 1) compliance has not been achieved after the responsible party or parties have been made aware of the violation and given a reasonable opportunity to come into compliance, or 2) for repeat offenses.

- 7) **Suspension of Rental Permit.** In instances of egregious violations and when all reasonable and practical efforts have been made by the Code Official to gain compliance at a property without result, the Principal Code Official may suspend a rental permit based upon the specific criteria provided in Section 13 of this Bylaw. The permit holder shall have the opportunity to be heard and appeal any decision of the Principal Code Official to impose a suspension in accordance with Section 14 of this Bylaw.
- 8) **Court Relief.** If a violator fails to comply with an Enforcement Order, the Code Official may seek a court order to remedy the violation.

#### 13. Penalties-

- a. **Fines.** Any violation of the provisions of this Bylaw may be enforced by non-criminal complaint pursuant to the provisions of G.L. c.40, §21D. The fine for any violation shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the Commonwealth.
- b. **Suspension.** Based on the standard of proof and criteria specified herein the Principal Code Official is authorized to suspend a rental permit. A suspension shall take effect immediately upon the day following the end of the current lease, or upon any termination of the lease prior to that date. The suspension of a rental permit shall be imposed to affect only those units which are the subject of the violation(s) and enforcement action(s). Permits may be suspended if:
  - 1) An Owner or their Agent has knowingly allowed or assisted in allowing violations of this Bylaw. The Code Official must collect compelling documentation through his or her investigation to substantiate this violation and support the recommendation to suspend a permit.
  - 2) An Owner or their Agent repeatedly refuses or neglects to comply with an order of the Code Official. The Code Official must find that the Owner or their Agent have not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the Enforcement Order. During this time the Code Official shall inform the Owner or their Agent in writing that the permit is subject to suspension.

Suspensions shall be as follows:

First Offense – 90 days

Second Offense in a twelve month period – 180 days

Third Offense in a twelve month period – 3 years

- c. **Immediate Suspension.** In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the rental permit shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.

#### 14. Appeals of the Code Official.

The Board of Selectmen is hereby authorized to establish and appoint a Rental Appeals Board (RAB), and to promulgate regulations for its membership and the conduct of its business.

Any decision by the Code Official to suspend a permit may be challenged by the permit holder by filing an appeal to the RAB. All appeals must be filed within 14 days of the decision and shall be heard within 30 days of filing. All appeals shall be heard at a duly noticed public hearing and any party filing such an appeal shall have the right to be represented by counsel.

A decision of the RAB shall be final. Further relief of a decision by the RAB made under this Bylaw shall be reviewable in a court of competent jurisdiction.

**BOARD OF SELECTMEN: Not Recommend 4-0      FINANCE COMMITTEE: Not Recommend 5-0**

***VOTED: (unanimously) to pass over the article.***

## **ZONING BYLAW ARTICLES** **(two-thirds majority vote required)**

### **ARTICLE 26**

To see if the Town will vote to amend Article 2 Definitions of the Zoning Bylaws by deleting the definitions of “Gallery (Auction)” and “Recreational Vehicle” and inserting in place thereof the following definitions therefor, and further, to insert new definitions for “Motor Vehicle”, “Recreational Vehicle – Off Road (ORV)”, and “Recreational Vehicle – Marine” as follows:

**GALLERY (AUCTION):** Site open to the public for use, display and/or sales of art, furniture, and other goods, sold or auctioned.

**RECREATIONAL VEHICLE:** A portable vehicular structure designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, including, but not limited to, travel and camping trailers, truck campers and motor homes.

**MOTOR VEHICLE:** All vehicles constructed and designed for propulsion by power other than muscular power including such vehicles when pulled or towed by another motor vehicle, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley and motorized bicycles.

**RECREATIONAL VEHICLE – OFF ROAD (ORV).** A vehicle designed or modified for use for recreation or pleasure off a public way including but not limited to, All Terrain Vehicle (ATV), Snowmobile, Dirt Bike, Off Road Motorcycle, Golf Cart, and All Terrain Utility Vehicle (i.e., Gator).

**RECREATIONAL VEHICLE – MARINE:** A vessel propelled by oars, sails, or an engine designed to float or plane, to work or travel on water, including but not limited to boat, jet ski, personal watercraft, kayak, and canoe.

Or act in relation thereto. (Submitted by the Planning Board)

**BOARD OF SELECTMEN: Recommend 4-0      FINANCE COMMITTEE: Recommend 5-0**  
**PLANNING BOARD:**



***VOTE: APPROVE (2/3rds) to amend Article 2 definitions of the Zoning Bylaws by deleting the definitions of “Gallery (Auction)” and “Recreational Vehicle” and inserting in place thereof the following definitions therefor, and further, to insert new definitions for “Motor Vehicle”, “Recreational Vehicle-Off Road (ORV)”, and “Recreational Vehicle-Marine”. Also with a correction in the definition of ORV replacing the word “dirk” with “dirt” as printed in the warrant.***

## **ARTICLE 27**

To see if the Town will vote to amend Article 5.2.2R of the Zoning Bylaws by replacing the existing use with a new use “sales and/or service establishment for motor vehicles (Class I & Class II), recreational vehicles to include off road and marine including storage of motor vehicles and recreational vehicles(all types) (Note 12)” to be allowed in the C-1 Highway Commercial District, C-2 Neighborhood Commercial District, I Industrial District, PD Planned Development District by Special Permit and by adding a new Note 12, “Any motor vehicle or recreational vehicles(all types) not immediately registerable if required or inspectable if required through the Massachusetts Registry of Motor Vehicles shall be screened from view.”

### **5.2.2 Principal Use Categories**

### **Zoning Districts**

<b>Commercial Uses</b>	<b>R80</b>	<b>R40</b>	<b>R10</b>	<b>C1</b> Hwy Comm	<b>C2</b> Nbhd Bus.	<b>I</b>	<b>PD</b>
R. Sales and/or service establishment for motor vehicles (Class I & Class II), recreational vehicles to include off road and marine, including storage of motor vehicles and recreational vehicles. (all types) (Note 12)	N	N	N	SP	SP	SP	SP

Notes:

12. Any motor vehicle or recreational vehicle (all types) not immediately registerable if required or inspectable if required through the Massachusetts Registry of Motor Vehicles shall be screened from view.

Or act in relation thereto. (Submitted by the Planning Board)

BOARD OF SELECTMEN: Recommend 2-0-2

FINANCE COMMITTEE: Recommend 5-0

PLANNING BOARD:

***VOTE: APPROVE (2/3rds) to amend Article 5.2.2 R of the Zoning Bylaws by replacing the existing use with a new use “sales and/or service establishment for motor vehicles (Class I & Class II), recreational vehicles to include off road and marine including storage of motor vehicles and recreational vehicles (all types), as printed in the warrant.***

#### ARTICLE 28

To see if the Town will vote to amend Article 5.2.2 of the Zoning Bylaws by adding a new use, “Gallery (Auction)”, to be allowed only in the C-1 Highway Commercial District, C-2 Neighborhood Commercial District, I Industrial, and PD Planned Development District by Special Permit, to read as follows.

#### 5.2.2 Principal Use Categories

#### Zoning Districts

Commercial Uses	R80	R40	R10	C1	C2	I	PD
				Hwy Comm	Nbhd Bus.		
FF. Gallery (Auction)	N	N	N	SP	SP	SP	SP

Or act in relation thereto. (submitted by the Planning Board)

BOARD OF SELECTMEN: Recommend 2-0-2

FINANCE COMMITTEE: Recommend 5-0

PLANNING BOARD:

***VOTE: APPROVED (2/3rds) to Amend Article 5.2.2 of the Zoning Bylaws by adding a new use, “Gallery (Auction)”, to be allowed only in the C-1 Highway Commercial District, C-2 Neighborhood Commercial District, I Industrial, and PD Planned Development District by Special Permit, as printed in the warrant.***

## ARTICLE 29

To see if the Town will vote to amend Article 5.2.3F of the Zoning Bylaws to revise the definition of “Open air salvage yard” to include “junk yard (Class III)” as follows:

5.2.3 Principal Use Categories	Zoning Districts						
Industrial Uses	R80	R40	R10	C1 Hwy Comm	C2 Nbhd Bus.	I	PD
F. Open air salvage yard, junk yard (Class III) (Note 6)	N	N	N	N	N	SP	N

Or act in relation thereto. (submitted by the Planning Board)

BOARD OF SELECTMEN: Recommend 2-0-2

FINANCE COMMITTEE: Recommend 5-0

### PLANNING BOARD:

*VOTE: APPROVED (2/3rds) to Amend Article 5.2.3F of the Zoning Bylaws to revise the definition of “Open air salvage yard” to include “Junk Yard (Class III)” as printed in the warrant.*

## ARTICLE 30

To see if the Town will vote to amend Article 5.2.3 of the Zoning Bylaws to add “M. Mobile car crushing conducted commercially” to be allowed only in the C-2 Neighborhood Commercial and I Industrial districts by Special Permit, and to add a new Note 13 that provides, “Requires a minimum lot size of 5 acres.”, to read as follows:

5.2.3 Principal Use Categories	Zoning Districts						
Industrial Uses	R80	R40	R10	C1 Hwy Comm	C2 Nbhd Bus.	I	PD
M. Mobile car crushing conducted Commercially (Note 13)	N	N	N	N	SP	SP	N

Notes

13. Requires a minimum lot size of five (5) acres.

Or act in relation thereto. (Submitted by the Planning Board).

BOARD OF SELECTMEN: Recommend 2-0-2

FINANCE COMMITTEE: Recommend 5-0

### PLANNING BOARD:

*VOTED: APPROVED (2/3rds) to amend Article 5.2.3 of the Zoning Bylaws to add “M. Mobile car crushing conducted commercially” to be allowed only in the C-2 Neighborhood Commercial and I Industrial districts by Special Permit, as printed in the warrant.*

### ARTICLE 31

To see if the Town will vote to amend Article 7.2. of the Zoning Bylaws, Note 7 of the Table of Dimension and Density Regulations by inserting the underlined text, so that the last sentence provides as follows:

“Neither shall there be any regular storage of materials allowed closer to the property line than the setback unless allowed by the Planning Board through Site Plan Review.”

,or act in relation thereto. (Submitted by The Planning Board)

**BOARD OF SELECTMEN:** Recommend 2-0-2

**FINANCE COMMITTEE:** Recommend 5-0

**PLANNING BOARD:**

***VOTED: APPROVED (2/3rds) to amend Article 7.2 of the Zoning Bylaws, Note 7 of the Table of Dimension and Density Regulations by inserting the underlined text as printed in the warrant.***

### ARTICLE 32

To see if the Town will vote to direct the Town Moderator to appointed a five person committee to review the Town's Bylaws and Charter. Said Bylaw and Charter Review Committee will make their report and recommendations at the next Annual Town Meeting, or sooner, at a Special town Meeting, is said Committee's report and recommendations are ready for the voter's consideration. (Submitted by Citizen Petition)

**BOARD OF SELECTMEN:** Recommend 3-1

**FINANCE COMMITTEE:** Not Recommend 5-0

***VOTE: APPROVED (2/3RDS) as printed in the warrant.***

It was moved, seconded and unanimously APPROVED to adjourn the Annual Town Meeting at 9:49 p.m.

**ATTEST:**

***Judy A. LaJoie***

**Winchendon Town clerk**

You are hereby directed to serve this warrant by posting attested copies thereof at the several places designated by the bylaws of the town of Winchendon seven days at least before the time of holding such meeting and by mailing a copy of this warrant to each household in Winchendon in which a registered voter resides or by publication of the same in a newspaper of local distribution as required by said bylaws.

Hereof, fail not and make due return of said warrant with your doings thereon at the time and place of the meeting aforesaid. Given under our hands and seal this 27<sup>th</sup> day of April 2015.

**BOARD OF SELECTMEN:**

\_\_\_\_\_  
Fedor Berndt, Chair

\_\_\_\_\_  
Elizabeth R. Hunt, Vice Chair

\_\_\_\_\_  
Keith R. Barrows

\_\_\_\_\_  
Robert M. O'Keefe

I have this day posted the within warrant as therein directed:

\_\_\_\_\_  
PRINT CONSTABLE NAME

\_\_\_\_\_  
SIGN CONSTABLE NAME

\_\_\_\_\_  
DATE:

**FINANCE COMMITTEE PUBLIC HEARING**  
**Thursday, April 30, 2015 at 7:00 PM**  
**Town Hall, 109 Front Street**

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