

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## Table of Contents

| Section .....                                | Page |
|--|------|
| ARTICLE 1, Incorporation and Powers .....    | 2    |
| ARTICLE 2, Legislative Branch .....          | 2    |
| ARTICLE 3, Elected Officers .....            | 4    |
| ARTICLE 4, Town Manager .....                | 8    |
| ARTICLE 5, Fiscal Procedures .....           | 11   |
| ARTICLE 6, Administration Organization ..... | 13   |
| ARTICLE 7, General Provisions .....          | 14   |
| ARTICLE 8, Transitional Positions .....      | 16   |

# **CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS**

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## **ARTICLE 1**

### **INCORPORATION AND POWERS**

#### **SECTION 1-1 INCORPORATION**

The Inhabitants of the Town of Winchendon, within the territorial limits established by law, shall continue to be a body politic under the name "Town of Winchendon."

#### **SECTION 1-2 SHORT TITLE**

This instrument shall be known as the Winchendon Home Rule Charter.

#### **SECTION 1-3 DIVISION OF POWERS**

The administration of all the fiscal, prudential and municipal affairs of the Town of Winchendon shall be vested in an executive branch headed by a Board of Selectmen. The legislative powers of the Town of Winchendon shall be exercised by a Town meeting open to all registered voters of the Town of Winchendon.

#### **SECTION 1-4 POWERS OF THE TOWN; INTENT OF THE VOTERS**

It is the intent and the purpose of the voters of the Town of Winchendon, through the adoption of this Charter, to secure for the Town of Winchendon all of the powers possible to secure for their government under the Constitution and Statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

#### **SECTION 1-5 INTERPRETATION OF POWERS**

The powers of the Town under the Charter shall be construed liberally in favor of the Town and the specific mention of any particular power is not intended to limit the general powers of the Town as stated in Section 1-4.

#### **SECTION 1-6 INTERGOVERNMENTAL RELATIONS**

The Town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

## **ARTICLE 2**

### **LEGISLATIVE BRANCH**

#### **SECTION 2-1 OPEN TOWN MEETING**

The legislative powers of the Town shall be vested in a Town meeting open to all registered voters of the Town of Winchendon.

#### **SECTION 2-2 PRESIDING OFFICER**

All sessions of the Town meeting shall be presided over by a Moderator, elected as provided in Article 3. In the absence or disability of the Moderator, the Town Clerk shall call the meeting to order and shall preside until a temporary Moderator is elected by the voters present. The Moderator shall regulate the proceedings, decide all questions of order and make public declaration of all votes. The Moderator shall have such additional powers and duties as may be provided by Charter, General Law, Bylaw or by other vote of the Town.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## SECTION 2-3 COMMITTEES

(a) General - Unless otherwise provided by the Charter, by Bylaw, or by other vote of the Town, the members of all committees of the Town meeting, whether special or standing, shall be appointed for fixed terms by the Moderator. All such committees shall have such powers, duties and responsibilities as may be provided to them by Charter, by Bylaw or by other vote of the Town. When acting within the scope of its authority, any such committee shall be entitled to examine the pertinent records of any Town agency and to consult with and obtain pertinent advice and information from any Town officer, employee or agent.

(b) Finance Committee: There shall be a Finance Committee which shall be appointed by the Moderator. The number of members, the term of office and further conditions of appointment and service may be provided by Bylaw.

## SECTION 2-4 ANNUAL TOWN MEETING

The Annual Town Meeting shall be held on such date as may from time to time be fixed by Bylaw.

## SECTION 2-5 SPECIAL TOWN MEETINGS

Special Town meetings may be held at the call of the Board of Selectmen at such times as it may deem appropriate and whenever a special Town meeting is requested by voters in accordance with procedures made available by the General Laws.

## SECTION 2-6 WARRANTS

Every Town meeting shall be called by a warrant issued by the Board of Selectmen which shall state the time and place at which the meeting is to convene, and, by separate articles, the subjects which are to be acted upon. The publication and distribution of the warrants for Town meetings shall be in accordance with any Bylaw of the Town governing such matters.

## SECTION 2-7 INITIATION OF WARRANT ARTICLES

(a) Requests - The Board of Selectmen shall include in the warrant for an annual Town meeting all subjects which are timely submitted to it by voters in the manner provided by General Law. The Board of Selectmen shall also include in the warrant for any Town meeting, annual or special, all subjects timely requested by any Town meeting, annual or special, and any Town agency. Requests for inclusion of subject matter shall be in writing, but need not conform to any particular style or form.

(b) Time and Manner of Submission - Whenever the Board of Selectmen shall determine to call a special town meeting, it shall post a notice of such intention on the Town bulletin board and the Town website. The warrant for any special town meeting shall not be closed until at least 72 weekday hours, exclusive of Saturdays, Sundays and legal holidays, have elapsed following such posting. The warrant for the annual town meeting shall not be closed more than 45 days preceding the date on which the annual town meeting is to commence.

## SECTION 2-8 AVAILABILITY OF TOWN OFFICIALS

Every Town agency shall designate a representative to attend all sessions of the Town meeting at which warrant articles pertinent to that agency are or may be taken up, for the purpose of providing information pertinent to such articles at the Town meeting. If any person so designated is not a Town resident, the

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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person shall, notwithstanding, be entitled to speak in order to provide the Town meeting with information relative to their responsibilities.

## SECTION 2-9 PROCEDURES

- (a) Clerk of the Meeting - The Town Clerk shall be the Clerk of the Town meeting, give notice thereof, record its proceedings and perform such other duties as may be assigned by General Law, by Bylaw or by other vote of the Town.
- (b) Rules of Procedure - The Town meeting shall, by Bylaw adopt and from time to time amend, revise or repeal rules to govern the conduct of all Town meetings.

## ARTICLE 3

### ELECTED OFFICIALS

#### SECTION 3-1 IN GENERAL

- (a) Elective Offices - The Town offices to be filled by the voters shall be Board of Selectmen, School Committee, Town Moderator, and Board of Health. In addition, 4 members of a Housing Authority and representatives to regional authorities or districts established by law or inter local agreement may also be filled by the voters.
- (b) Eligibility - Any voter shall be eligible to hold any elective Town office; provided, however, that a person shall not simultaneously hold more than 1 elected Town office listed in the first sentence of Section 3-1(a).
- (c) Terms - If the annual town election occurs prior to the date of the annual town meeting, officials elected at the annual town election shall, after being sworn to the faithful performance of their duties, begin their terms on the day after the adjournment of the annual town meeting, unless any such office was vacant at the time of the election, in which case the individual shall take up the duties of the office immediately.
- (d) Town Election - The annual election of Town officers, representatives to regional authorities or districts and for the determination of questions to be referred to the voters, shall be held on such date as may from time to time be provided by Bylaw.
- (e) Conflict of Meetings - The Board of Selectmen and the School Committee shall establish the schedule of their regular meetings so as to assure that regular meetings of the multiple member bodies are not in conflict with one another.
- (f) Recall of Elected Officers
  - 1. Application - Any holder of an elected Town office who has held such office for at least 6 months, and who has more than 6 months remaining in office, may be recalled and removed from office by the registered voters of the Town in the manner provided by this section.
  - 2. Filing of Affidavit - Any registered voters of the Town comprising no less than 5 per cent of the total number of voters registered at the most recent annual Town election may file with the Town Clerk an affidavit signed under the penalties of perjury containing the name and

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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office of the officer sought to be recalled and stating the specific grounds for recall. Grounds for recall shall include: lack of fitness for office, corruption, neglect of duties, misfeasance or malfeasance. The individual filing the affidavit shall be deemed the "lead petitioner" for purposes of Article 3.

3. Preparation and filing of petition – No later than 5 business days after the filing of the affidavit, the Town Clerk shall issue -petition blanks demanding said recall by notifying the lead petitioner that petitions are available in the office of the Town Clerk. The Town Clerk shall keep printed forms available in the office. The blanks shall be addressed to the Board of Selectmen, contain the names of the first 10 persons named on the petition, the name and office of the officer whose recall is sought, and the grounds for recall as stated in the affidavit. The petition shall demand the election of a successor to the office and be dated and signed by the Town Clerk. The recall petitions shall be returned to the office of the Town Clerk within 20 days following the date they are issued, signed by at least 15 per cent of the total number of registered voters.
4. The Town Clerk shall, within 24 hours following such filing, and excluding Saturdays, Sundays, legal holidays and any other day on which Town Hall is closed, submit the petitions to the Board of Registrars of Voters which shall within 10 days thereafter, certify thereon the number of signatures which are the names of voters.
5. Order for Recall Election - If the petitions shall be certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit the same with a certificate to the Board of Selectmen. Upon its receipt of the certified petition, or following the resolution of any objections thereto in accordance with the provisions of G.L. c.55B, §7, whichever is later, the Board of Selectmen shall forthwith meet in accordance with G.L. c.30A, §§18-25 and give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign the office within 5 business days following delivery of the said notice, the Board of Selectmen shall order a special election to be held not less than the minimum number of days required by the General Laws to fill a vacancy by election in a Town office pursuant to G.L. c.41, §10 and G.L .c.53, §§7 and 10, nor more than 100 days after the date of the certification of the Town Clerk that the petition is sufficient; provided, however, if a regular Town election is to be held within said 100 days, the question of recall shall appear on such regular election ballot. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.
6. Recall Election - Any officer sought to be recalled may be a candidate at such recall election, and unless such candidate requests otherwise in writing, the Town Clerk shall place the officer's name on the official ballot without nomination. The number of signatures of voters required to place the name of a candidate on the official ballot for use at a recall election shall be in accordance with the General Laws regulating elections. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the General Laws regulating elections.

Ballots used at the recall election shall state the propositions in the order indicated:

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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For the Recall of (name of officer as appearing on the voters list) from the office of (name of office)

Against the Recall of (name of officer as appearing on the voters list) from the office of (name of office)

There shall be a place to vote for either of said propositions. After the said propositions shall appear the word "candidates" and the names of candidates arranged alphabetically. If a majority of the votes cast on the proposition is against the recall, the votes for candidates need not be counted. If the majority of the votes cast is in favor of the recall, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected, and shall forthwith take the oath of office.

7. Incumbent - The incumbent shall continue to hold office and to perform the duties until the recall election, unless the officer sooner resigns. If the officer is not then recalled, the officer shall continue in office, and shall not be subject to recall for the remainder of the unexpired term.

8. If the officer is recalled, the officer shall be deemed removed upon certification of the election results. The candidate who receives the highest number of votes shall, upon qualification for office, serve for the balance of the unexpired term.

## SECTION 3-2 BOARD OF SELECTMEN

- (a) Composition, Term of Office, Remuneration - There shall be a Board of Selectmen consisting of 5 members elected for terms of 3 years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year. The members of the Board of Selectmen shall be entitled to reimbursement of expenditures incurred in the execution of their duties as set forth in this Charter and as authorized by said Board. Members of the Board of Selectmen shall not be considered "eligible employees" for purposes of G.L. c.32B, and shall not be entitled to contributory health insurance.
- (b) Powers and Duties - The executive powers of the Town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the Town. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise, other than as provided herein. The Board of Selectmen shall serve as the chief policy-making agency of the Town. It shall be responsible for the issuance of policy directives and guidelines to be followed by all Town agencies serving under it and, in conjunction with other elected Town officers develop and promulgate policy guidelines designed to bring all agencies of the Town into harmony; provided however, that nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of them, to become involved in the day-to-day administration of any Town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority. The Board of Selectmen shall cause a record of all its official acts to be kept. The Board of Selectmen shall appoint a Town Manager as provided in Article 4.
- (c) Appointment Powers - The Board of Selectmen shall appoint those offices and multiple member bodies listed below, and such additional multiple-member bodies as may be established by Bylaw in accordance with any requirements relative thereto that may be set forth by the Town Bylaws;

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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- Town Manager
- Town Accountant
- Board of Registrars of Voters and other election officers but not including the Town Clerk
- Board of Appeals
- Conservation Commission
- Planning Board
- Constables
- Board of Library Trustees
- Council on Aging
- Development and Industrial Commission
- Town Forest Committee
- Historic District Commission
- Capital Planning Committee
- Industrial Development Financing Authority, as provided in chapter 40D of the General Laws
- Communications Committee
- Cultural Council
- Environmental Certifying Officer
- Fence Viewer / Field Driver
- Recreation Commission

A person shall not serve concurrently as a member of more than 1 of the following multiple-member bodies: Planning Board, Board of Appeals, or the Conservation Commission.

(d) Licensing Authority - The Board of Selectmen shall be the licensing board for the Town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and impose restrictions on any such licenses as it deems to be in the public interest, and to enforce all laws, rules, regulations and restrictions relating to all such entities to which it issues any license.

## SECTION 3-3 SCHOOL COMMITTEE

(a) Composition, Term of Office - There shall be a School Committee consisting of 5 members elected for terms of 3 years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and duties - The School Committee shall have all of the powers and duties which are given to School Committees by the General Laws.

## SECTION 3-4 TOWN MODERATOR

(a) Term of Office - There shall be a Town Moderator elected for a term of 3 years. (b) Powers and Duties - The Town Moderator shall be the presiding officer of the Town meeting, as provided in Section 2-2.

(c) Appointing Powers - The Town Moderator shall appoint the Finance Committee, Charter and Bylaw Review Committees, and any other committees as directed by Town Meeting.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## SECTION 3-5 WINCHENDON HOUSING AUTHORITY

(a) Composition. Term of Office - There shall be a Housing Authority which shall consist of 5 members serving for terms of 5 years each so arranged that the term of 1 member shall expire each year. Four of these members shall be elected by the voters and the fifth member shall be appointed by the Department of Housing and Community Development in the State Executive Office of Housing and Economic Development or as may otherwise be provided by law.

(b) Powers and Duties - The Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly person of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by the General Laws, other than as provided herein.

## SECTION 3-6 REPRESENTATIVE TO MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT COMMITTEE

Representatives to the Montachusett Regional Vocational Technical School District Committee shall be selected according to the provisions of the agreement establishing the school district, as it may be amended from time to time.

## SECTION 3-7 BOARD OF HEALTH

(a) Composition, Term of Office - There shall be a Board of Health consisting of 5 members elected for terms of 3 years each so arranged that as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties - The Board of Health shall have all the powers and duties conferred upon Boards of Health by the General Laws, other than as provided herein, and it shall have such additional powers and duties as may be authorized by the Charter, by Bylaw or by other Town meeting vote.

## ARTICLE 4 TOWN MANAGER

### SECTION 4-1 APPOINTMENT, QUALIFICATIONS, TERM OF OFFICE

The Board of Selectmen shall appoint a Town Manager to serve for an indefinite term of office, and shall fix compensation within the limits of available appropriations. The office of Town Manager shall not be subject to the consolidated personnel Bylaw, if any, of the Town. The Town Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager shall be a person of proven professional ability, especially fitted by education, training and previous experience in business or public administration to perform the duties of the office. The Town Manager shall devote full-time to the office and shall not hold any other public office, elective or appointive, nor shall engage in any other business, occupation or profession during the term, unless such action is approved in advance, in writing, by the Board of Selectmen.

### SECTION 4-2 POWERS AND DUTIES

The Town Manager shall be the chief administrative officer of the Town and shall be responsible to the Board of Selectmen for the proper discharge of all duties of the office and for the proper administration of all Town affairs charged by or under the Charter. The powers and duties of the Town Manager shall include but not be limited to the following:

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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(a) Shall supervise, direct and be responsible for the efficient administration of all functions under the manager's control, as may be authorized by the Charter, by Bylaw, by other Town meeting vote or by vote of the Board of Selectmen, including all officers appointed by the manager and their respective departments.

(b) Shall appoint and supervise, and may remove, subject to the civil service law and such collective bargaining agreement as may be applicable, all offices, all department heads, all multiple-member bodies, all officers, subordinates and employees for whom no other method of selection is provided by the Charter.

(c) Shall appoint the following positions:

- Town Counsel
- Board of Assessors

(d) Shall be entrusted with the administration of a Town personnel system, including, but not limited to, personnel policies and practices, rules and regulations, and all collective bargaining agreements entered into on behalf of the Town. Shall prepare, maintain and keep current a plan establishing the personnel staffing requirements for each Town agency except those under the jurisdiction of the School Committee.

(e) Appointments made by the Town Manager shall become effective on the fifteenth day following the day notice of proposed appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within said period, the Board, by a vote of at least three (3) members of the Board, rejects such appointment, or has sooner voted to affirm it. f) Shall fix the compensation of all Town officers and employees appointed by the Town Manager within the limits established by appropriations, contracts, collective bargaining agreements, and applicable compensation plans.

(g) Shall attend all regular and special meetings of the Board of Selectmen unless excused by personal request, and shall have a voice, but no vote, in all of its discussions.

(h) Shall attend all sessions of the Town Meeting and shall answer all questions concerning warrant articles which relate to matters under the manager's general supervision.

(i) Shall see that all provisions of the General Laws, the Charter, the Bylaws and other votes of the Town meeting, and all votes of the Board of Selectmen, which require enforcement by the manager or officers and employees subject to the manager's direction and supervision, are faithfully carried out, performed, executed and enforced.

(j) Shall prepare and submit, in the manner provided in Article 5, a proposed annual operating budget and capital outlay program.

(k) Shall keep the Board of Selectmen fully informed as to the financial condition and needs of the Town and shall make such recommendations to the Board of Selectmen and other Town officers concerning the financial conditions and needs of the Town as may deem necessary or expedient.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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- (l) Shall assure that full and complete records of the financial and administrative activities of the Town are kept and shall render reports to the Board of Selectmen at the end of each fiscal year and at such other times as it may reasonably require, to include authority to require at such intervals and in such form as determined, supporting documentation from the Town Accountant, Town Treasurer and Principal Assessor.
- (m) Shall have jurisdiction over the rental and use of all Town facilities, except those under the jurisdiction of the School Committee. Shall be responsible for the maintenance and repair of all Town facilities, including, if authorized by a Town meeting vote and the School Committee, school buildings and grounds.
- (n) May at any time inquire into the conduct of office of any Town officer, employee or agency under the manager's general supervision.
- (o) Shall assure that a full and complete inventory of all property of the Town, both real and personal, is kept, including all property under the jurisdiction of the School Committee.
- (p) Shall be responsible for the negotiation of all contracts with Town employees over wages, hours, and other terms and conditions of employment; provided, however, that any such contract proposed may be rejected by a majority vote of the full Board of Selectmen within 15 days following the date it is submitted to such board for its review.
- (q) Shall be the Chief Procurement Officer of the Town, responsible for the purchase of all supplies, materials, services and equipment procured in compliance with G.L. c.30B, and shall award and execute all such contracts for all departments and activities of the Town, except books and other instructional materials and supplies for school or library use, and except in case of emergency. Shall examine and inspect, or cause to be examined and inspected, the quality and condition of all supplies, materials and equipment delivered to or received by any Town agency.
- (r) May, in the manner provided in Article 6, re-organize, consolidate or abolish Town agencies under the manager's general supervision, provided for new Town agencies, and, when incident to any such reorganization with the approval of the Finance Committee, transfer all or a portion of the appropriation made for one Town agency to another.
- (s) May authorize any subordinate officer or employee to exercise any power or function which he is authorized to exercise; provided, however, that all acts performed under any such delegation shall be deemed to be his acts.
- (t) The Board of Selectmen may authorize the Town Manager to sign warrants prepared by the Town Accountant in accordance with the provisions of section 56 of chapter 41 of the General Laws for the payment of town funds, and approval of any such warrant by the Town Manager shall be sufficient authority to authorize payment by the Treasurer; provided, however, in the event of a temporary or permanent vacancy in the office of Town Manager, the Board of Selectmen shall have sole authority to approve such warrants for payment.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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(u) Shall perform such other duties as may be required of the Manager by the Charter, by Bylaw, by Town Meeting vote or by vote of the Board of Selectmen.

## SECTION 4-3 ACTING TOWN MANAGER

(a) Temporary Absence - The Town Manager shall, subject to the approval of the Board of Selectmen, and by letter filed with the Board of Selectmen and the Town Clerk, designate a qualified Town officer or employee to exercise the powers and perform the duties of the Town Manager during a temporary absence. During the temporary absence of the Town Manager, the Board of Selectmen may not revoke such designation until at least 10 working days have elapsed. Following the expiration of the said 10 working days, or if the person so designated is for any reason unable to serve, the Board of Selectmen may designate some other qualified person to serve as Acting Town Manager until the Town Manager shall return.

(b) Vacancy - Any vacancy in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen, but, pending such full time appointments they shall designate some other qualified person to perform the duties of the Town Manager on a temporary basis. Such temporary appointment shall not exceed 3 months; provided, however, that the Board of Selectmen may renew such temporary appointment, as needed, or appoint some other qualified person to serve, in three (3) month increments. Further, if the person appointed to serve as the Town Manager under this section is a Town employee, such temporary service shall be deemed to be part of that employee's original position.

## SECTION 4-4 REMOVAL AND SUSPENSION

The Board of Selectmen may, by majority vote of the full board, terminate and remove or suspend the Town Manager from office in accordance with the following procedure: Before the Town Manager may be removed, if so demanded, shall be given a written statement of the reasons alleged for removal and shall have a right to be heard publicly thereon at a meeting of the Board of Selectmen prior to a final vote on removal, but pending and during such hearing the Board of Selectmen may suspend the Manager from office. The action of the Board of Selectmen in suspending or removing the Town Manager from office shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Board of Selectmen. The Town Manager shall continue to receive the salary until the effective date of a final vote of removal.

# ARTICLE 5

## FISCAL PROCEDURES

### SECTION 5-1 FISCAL YEAR

The fiscal year of the town shall begin on July 1 and shall end on June 30 unless another provision is made by General Law.

### SECTION 5-2 CAPITAL IMPROVEMENT PROGRAM

#### 5-2(a) Capital Planning Committee

(i) Composition, Term of Office - There shall be a Capital Planning Committee which shall be composed by 5 registered voters of the town who shall serve terms of 1 year.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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(ii) Powers and Duties - The Committee shall provide to the Town Manager, in such format and with such information as may be required, a proposed Capital Improvement Program, which proposed program shall include, but need not be limited to the following:

- (a) A clear, concise summary of its contents.
- (b) A listing of all capital expenditures proposed to be made, by year, for the 5 fiscal years next ensuing, with supporting information as to the need for each expenditure.
- (c) Cost estimates, methods of financing, and recommended time schedules.
- (d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment. The Capital Improvement Program shall be revised each year with regard to each item still pending or in the process of being acquired, improved or constructed.

## 5-2(b) Final Capital Improvement Program

Following receipt of the proposed Capital Improvement Program, the Town Manager may modify or revise the same as deemed appropriate and shall present such final Capital Improvement Program to the Board of Selectmen and Finance Committee at least 30 days before the day fixed by Bylaw for the submission of the proposed operating budget.

## SECTION 5-3 SCHOOL COMMITTEE BUDGET

(a) Submission to Town Manager - The proposed budget request as adopted by the School Committee shall be submitted to the Town Manager on such date as specified so as to allow sufficient time to enable consideration of its effect on the total Town budget.

(b) Public Hearing - At least seven (7) days before the date on which the School Committee is to vote on its final budget request, the School Committee shall post on the Town's official website its draft budget and a general summary thereof and further shall cause notice to be published in a local newspaper of the availability of the budget and budget summary. The notice shall indicate the times and places where hard copies of the committee's complete draft budget are available for public examination, and, the date, time and place of the public hearing. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes.

## SECTION 5-4 BUDGET SUBMISSION AND NOTICE

Within a time fixed by Bylaw prior to the spring annual Town Meeting the Town Manager, with the approval of the Board of Selectmen, shall submit to the Finance Committee and post on the Town's official website the proposed budget for the ensuing fiscal year, with an accompanying budget message, budget summary, and supporting documents. The Town Manager shall simultaneously submit for publication in a local newspaper notice of the availability of the budget and budget summary. The notice shall indicate the times and places at which hard copies of the complete proposed budget and accompanying materials are available for public examination. The budget summary shall specifically indicate any major variations from the current budget, and the reasons for such change.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## SECTION 5-5 BUDGET MESSAGE

The budget message submitted by the Town Manager shall explain the proposed budget for all Town agencies, both in fiscal terms and in terms of work programs. The budget message shall: outline proposed financial policies of the Town for the ensuing fiscal year; describe important features of the proposed budget indicate any major variations from the current budget in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the Town's debt position; and include such additional information as the Town Manager deems desirable or the Board of Selectmen may reasonably require.

## SECTION 5-6 THE PROPOSED BUDGET

The proposed budget shall provide a complete financial plan of all Town funds and activities, including the budget as requested by the School Committee. Except as may otherwise be required by the General Laws, or by the Charter, it shall be in the form the Town Manager deems desirable or as the Board of Selectmen may require. In presentation of the budget the Town Manager, shall make use of modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate, in separate sections;

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by Town agency, function and work programs and the proposed method of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by Town agency, and the proposed methods of financing such expenditures.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

## SECTION 5-7 ACTION ON PROPOSED BUDGET

(a) Public Hearing - The Finance Committee shall forthwith upon receipt of the proposed budget provide for the publication in a local newspaper and post on the Town's official website a notice stating the date, time and place, not less than five (5) days following such publication, when a public hearing will be held by the Finance Committee on the proposed budget.

(b) Review - The Finance Committee shall consider, in open public meeting, the detailed expenditures proposed for each Town agency and may confer with representatives of any Town agency in connection with its review and consideration. The Finance Committee may require the Town Manager or any other Town agency to furnish it with such additional public information as it may deem necessary to assist it in its review of the proposed budget.

(c) Presentation to the Town Meeting - The Finance Committee shall file a report with the Town Clerk containing its recommendations for actions on the proposed budget which report shall be available at least seven days prior to the date on which the Town meeting acts on the proposed budget. Such report shall be posted on the Town's official website as soon as practicable following its filing. When the proposed budget is before the Town Meeting for action, it shall first be subject to amendment, if any, by the Finance Committee.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## ARTICLE 6 ADMINISTRATION ORGANIZATION

### SECTION 6-1 ORGANIZATION OF TOWN AGENCIES

The organization of the Town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this section.

(a) **Bylaws**- Subject only to an express prohibition in the General Laws or as otherwise provided in this Charter, the Town Meeting may, by Bylaw, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any Town agency, in whole or in part, establish new Town agencies and may prescribe the functions, powers, duties and responsibilities of any such Town agency.

(b) **Administrative Code** - The Town Manager after consultation with the Board of Selectmen, may from time to time, prepare and submit to the Town meeting, plans of organization, or reorganization of Town agencies, as provided in Section 4-2(p).

Whenever the Town Manager prepares such a plan, in conjunction with the Board of Selectmen, the Manager shall hold public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

Before any such plan shall become effective, the Town Manager shall provide that the proposed organizational plan which may be amended or revised as a result of information developed at the public hearing, be submitted to a session of the Town meeting. The authority of the Town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the Town meeting shall not vote to amend or to alter the proposed plan.

## ARTICLE 7 GENERAL PROVISIONS

### SECTION 7-1 CHARTER CHANGES

This Charter may be replaced, revised or amended in accordance with any procedure made available under the state Constitution, or by statute enacted in accordance with the state Constitution.

### SECTION 7-2 SEVERABILITY

The provisions of the Charter are severable. If any provision of the Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons and circumstances shall not be affected thereby.

### SECTION 7-3 SPECIFIC PROVISIONS TO PREVAIL

To the extent that any specific provision of the Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## SECTION 7-4 RULES AND REGULATIONS

A copy of all rules and regulations adopted by Town agencies shall be placed on file in the office of the Town Clerk and made available for review by any person who shall request such information.

## SECTION 7-5 NUMBER

Words importing the singular number may extend and be applied to several persons or things.

## SECTION 7-6 PERIODIC REVIEW, CHARTER AND BYLAWS

(a) Charter and Bylaw review - In years ending in a 5 or in a zero (0), the Town Moderator shall appoint a special committee of 7members charged with the responsibility to review the then existing Charter and Bylaws of the town for the purpose of determining if any amendments or revision may be necessary or desirable. Such review shall be conducted in consultation with town counsel or, if the Town meeting so directs, by special counsel retained for that purpose. A report, with recommendations, shall be submitted to the Town meeting not more than 10 months following the date such committee is appointed.

(b) Copies of Charter and Bylaws - Copies of the Charter and Bylaws of the Town, as most recently amended or revised, shall be kept available for distribution to any person who may request the same at the office of the Town Clerk in accordance with the Public Records Law. In any interval between publication of the Charter or Bylaws, as amended or revised, supplements shall be published which shall contain all enactments affecting the Charter or Bylaws since last published in consolidated form.

## SECTION 7-7 DEFINITIONS

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the Charter shall have the following meanings:

- (a) Charter - The word "charter" shall mean this Charter and any amendments to it which may hereafter be adopted.
- (b) Days - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than 7 days; when the time set is 7 days or more, every day shall be counted.
- (c) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
- (d) General Laws - The words "General Laws" shall refer to the General Laws of Massachusetts.
- (e) Local Newspaper - The words "local newspaper" shall mean a newspaper of general circulation in the Town of Winchendon.
- (f) Majority Vote - The words "majority vote" shall mean a majority of those present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or by its own rules.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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- (g) Multiple Member Body - The words "multiple member body" shall mean any Town committee, commission, board, sub-committee or other body consisting of 2 or more persons; whether elected, appointed, or otherwise constituted.
- (h) Town - The word "town" shall mean the Town of Winchendon.
- (i) Town Agency - The words "town agency" shall mean any multiple member body, department, division, or office of the Town of Winchendon.
- (j) Town Bulletin Boards - The words "Town bulletin boards" shall mean the bulletin board in the Town Hall on which official notices are posted, and those at such other locations within the Town which may, from time to time, be established by the Board of Selectmen.
- (k) Voters - The words "voters" shall mean persons who are registered to vote in the Town of Winchendon.

## SECTION 7-8 VACANCIES IN APPOINTED MULTIPLE MEMBER BODIES

Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of 30 days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

## SECTION 7-9 LOSS OF OFFICE, EXCESSIVE ABSENCE

If any person appointed to serve as a member of a multiple member body shall fail to attend 6 consecutive meetings, or more than one-half of all meetings held during 1 calendar year, the appointing authority may declare the office of such person vacant; provided, however, that prior to the vote on such question written notice of an intention so to do shall be given by the appointing authority in hand, or mailed to the last known address of such person by regular first class and by certified mail.

## SECTION 7-10 REMOVAL

Any appointed Town officer or member of a multiple member body, not subject to the provisions of the state Civil Service Law, covered by the terms of a collective bargaining agreement, or employment contract that provides a different method, and appointed for a term set by law or by Bylaw may be (1) suspended by the appointing authority, or, (2) after notice and the opportunity for a hearing, removed from office by the appointing authority for good cause. The term "good cause" shall include, but not be limited to incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## ARTICLE 8

### TRANSITIONAL PROVISIONS

#### SECTION 8-1 IMPLEMENTATION OF CHARTER CHANGES

Notwithstanding any other provision of this charter or law to the contrary, to implement Section 3-1(c) of this Charter as amended at the 2017 Annual Town Election: all incumbent elected officials holding office as of the date of the 2017 Annual Town Election whose terms would otherwise expire thereat shall continue to hold such offices and perform the duties thereof until June 30, 2017 and until their successors are elected and sworn; and all officials elected at said 2017 Annual Town Election shall, in accordance with Section 3-1(c), take office on July 1, 2017 or upon such later date as they are sworn.

