

TOWN OF WINCHENDON

BOARD OF SELECTMEN

POLICIES & PROCEDURES



TABLE OF CONTENTS:

	<u>Page</u>
400-01 : PURPOSE.....	3
400-02 : NATURE OF POLICIES & PROCEDURES	3
400-03 : AUTHORITY AND ROLE OF BOARD OF SELECTMEN	3
400-04 : AUTHORITY AND ROLE OF THE TOWN MANAGER.....	3
400-05 : BOARD COMMUNICATION WITH STAFF.....	3
400-06 : BOARD MEMBER CODE OF CONDUCT	4
400-07 : ORGANIZATION OF THE BOARD	5
400-08 : RESPONSIBILITIES OF THE CHAIR	5
400-09 : RESPONSIBILITIES OF THE VICE CHAIR	5
400-10 : REGULAR BOARD MEETINGS.....	5
400-11 : SPECIAL AND EMERGENCY BOARD MEETINGS	5
400-12 : MEETING PROCEDURES.....	6
400-13 : REMOTE PARTICIPATION	6
400-14 : AGENDA PROCEDURES	6
400-15 : MINUTES.....	7
400-16 : APPOINTMENTS	8
400-17 : ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN	8
400-18 : RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES & COMMISSIONS.....	9
400-19 : RELATIONS WITH RESIDENTS.....	9
400-20 : HEARINGS BEFORE THE BOARD	10
400-21 : ORIGINAL & RENEWED LICENSE	12
400-22 : BUSINESS CERTIFICATES	12
400-23 : LIQUOR LICENSE APPLICATIONS / HEARINGS	12
400-24-01 : SERVER TRAINING REQUIREMENTS FOR LIQUOR LICENSE HOLDERS.....	14
400-24-02 : LIQUOR LICENSE VIOLATION PENALTY GUIDELINES	15
400-24-03 : BYOB (BRING YOUR OWN BOTTLE) POLICY	18
400-25 : PARADE AND DEMONSTRATION PERMITS	21
400-26 : TOLL BOOTH/VOLUNTARY BOOT DRIVE POLICY.....	21
400-27 : BLOCK PARTY RULES AND CONDITIONS.....	22
400-28 : CITATIONS AND PROCLAMATIONS	23
400-29 : TOWN MEETINGS	24
400-30 : OPEN SPACE PRESERVATION APPRAISAL AND/OR SURVEY FUND POLICY	25
400-31 : WATER SHUT OFF POLICY	26
400-32 : AMBULANCE BILLING / COLLECTION'S POLICY.....	27
400-32-01 : AMBULANCE HARDSHIP BILL REDUCTION POLICY	28
400-33 : VACANT AND ABANDONED BUILDING REGULATION.....	29
400-34 : SELECTMEN'S FILES	33
400-35 : SELECTMEN'S STATIONARY	33
400-36 : POLICY ADOPTION REVIEW AND REPEAL.....	35
400-37 : SEVERABILITY	37
400-38 : FLAGS FLOWN POLICY.....	38
Board Member or Employee Acknowledgement	39

400-01 : PURPOSE:

The Board of Selectmen of the Town of Winchendon, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Manager, the Executive Office Staff and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create general policies and procedures for the Board of Selectmen.

400-02 : NATURE OF POLICIES & PROCEDURES:

These policies and procedures are intended, except in limited circumstances, to address topics not otherwise regulated. Subjects that would more appropriately be addressed in a statute, by-law or regulation shall therefore not be addressed in this document. These policies are not intended to be all-inclusive.

400-03 : AUTHORITY AND ROLE OF BOARD OF SELECTMEN:

The elected five-member Board of Selectmen derives its authority and responsibilities from the Massachusetts General Laws, the Winchendon Home Rule Charter and the By-Laws of the Town of Winchendon. Consistent with state and local law, the Board of Selectmen, as the chief executive officer of the Town, shall serve as the chief policy making agency of the Town, 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, to develop and to bring all agencies of the Town into harmony.

No member of the Board of Selectmen, nor a majority of them, shall become involved in the day-to-day administration of any Town agency.

400-04 : AUTHORITY AND ROLE OF THE TOWN MANAGER:

The Board appoints a Town Manager who functions as the Town's chief administrative officer, responsible to the Board of Selectmen for the proper discharge of all duties of the office as provided by the Charter, By-laws, and vote of the Board of Selectmen and town meeting. The primary duties of the Town Manager shall be the day-to-day administration of the general government as outlined in the Charter. Board concerns and questions about the operation of departments, and suggestions for improvements, shall be addressed to the Town Manager who shall have responsibility for addressing such issues.

400-05 : BOARD COMMUNICATION WITH STAFF:

Consistent with the provisions of the Charter and Sections 400-03 and 400-04 of these Policies, requests for information to department heads or other staff shall be made through the Town Manager. To the extent the Board seeks to be provided directly with policy input from department heads or staff, such requests shall also be directed to the Town Manager for such action as the Town Manager deems appropriate.

Board members shall strive to maintain positive working relationships with Town Manager and Board of Selectmen Executive Office staff.

400-06 : BOARD MEMBER CODE OF CONDUCT:

- A. Support all Board decisions once they are made to the extent required by law.
- B. Be well informed concerning the duties imposed on board members by state and local law.
- C. Accept that holding the elected office of Selectman shall be for the provision of unselfish service to the Town rather than to provide personal or political benefit.
- D. Judge all candidates for appointment only on merit, experience, and qualifications.
- E. Abide by all applicable federal, state, and local ethics laws and regulations, and any additional requirements established by these policies.
- F. Recognize that the Board of Selectmen acts through votes taken by a quorum of members and therefore that no individual Selectman may independently act, represent or bind the Board without authorization by a quorum of the Board.
- G. Uphold the intent of executive session and respect the privileged communication that exists in executive session; maintain confidentiality of each executive session discussion and vote as well as materials used thereat until such time as the minutes of that particular executive session are released.
- H. Make decisions only after all facts on a question have been presented and discussed at a properly posted meeting, whether in open or executive session.
- I. Treat with respect all members of the Board, and of the public, despite differences of opinion.
- J. In any case in which a Selectman may have a prohibited financial interest for purposes of state law, such Selectman shall recuse themselves from participation in such matter entirely. Such Selectman shall leave the Board's meeting table and either leave the room or sit in the audience, and such event shall be placed in the minutes of the meeting. In the event a Selectman recuses themselves, the remaining Selectmen shall consider whether to make disclosures under G.L. c.268A, §23(b)(3) to dispel any appearance of a conflict on the basis of their relationship to such Selectman.

400-07 : ORGANIZATION OF THE BOARD:

The Chair and Vice Chair shall be elected annually from among the members of the Board at the first regular meeting in July. The immediate past Chair shall preside as Chair *pro tem* until the new Chair is first elected under this section. If there is no immediate past Chair, the senior member in terms of current service shall serve as Chair *pro tem*. If a vacancy occurs in the office of Chair, the Vice Chair shall assume the role of Chair until the Board elects a successor. The Board may at any time reorganize by majority vote.

400-08 : RESPONSIBILITIES OF THE CHAIR:

The Chair of the Board shall:

- 1) Preside at all meetings of the Board. In doing so the Chair shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
- 2) Sign official documents that require the signature of the Chair or as authorized by vote of the Board.
- 3) Call meetings in accordance with the Open Meeting Law.
- 4) Prepare agendas with the Town Manager.
- 5) Arrange orientation for new members.
- 6) As authorized by the Board, represents the Board at meetings, conferences and other gatherings unless otherwise determined by the Board or delegated by the Chairman.
- 7) Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair.
- 8) Make liaison assignments and assign overview responsibilities for project and tasks to Board members unless otherwise determined by the Board.

The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions, and to vote thereon.

400-09 : RESPONSIBILITIES OF THE VICE CHAIR:

The Vice Chair shall act in the place of the Chair during the Chair's absence at any meeting. The Vice Chair shall have any other such responsibilities of the Chair that the two may agree to be in the best interest of the Board and the Town.

400-10 : REGULAR BOARD MEETINGS:

Regular Board Meetings shall be held on a schedule voted by the Board. Unless in the case of an emergency, the Board shall not meet on days designated as legal holidays.

400-11 : SPECIAL AND EMERGENCY BOARD MEETINGS:

The Chair may call for special board meetings in accordance with the Open Meeting Law. A meeting called for any time other than the regular meetings shall be known as a "Special

Meeting". The same rules of conduct as those established for Regular Board Meetings shall apply. Special meetings may be called by any member, through the Chair, provided that a majority of the members agree to meet, all Board members are notified and the meeting is posted in conformance with the Open Meeting Law. In addition to any posting requirements imposed by the Open Meeting Law, the Chair shall also cause an e-mail notice of the Special Meeting to all Board members, provided, however, that no such personal notice shall be required for meetings constituting "emergencies" for purposes of the Open Meeting Law

400-12 : MEETING PROCEDURES:

The Board may hear and act upon any matters pending before it provided that a quorum of three members are present, provided, however, that whenever practicable, matters shall be acted upon with the full Board in attendance. Meetings shall be conducted in accordance with the Open Meeting Law, and generally accepted rules of parliamentary procedure, provided that such rules shall not be exercised inflexibly.

By vote of the Board, a "working" or "training" meeting may be scheduled and held at which the members agree that no official action will be taken.

Although the public and the press have a right to be present at open meetings of the Board of Selectmen, no person may participate in a Board meeting unless recognized by the Chair. Board members may request the Chair to recognize a member of the public and press. Should the Chair decline recognition, the Chair may be overruled by a majority vote of the Board.

400-13 : REMOTE PARTICIPATION *(Adopted 3/12/12)*

By vote taken on March 22, 2012, the Board of Selectmen authorized the use of remote participation by members of multiple member boards. Remote participation may be used in accordance with the procedures set forth in the regulations of the Massachusetts Attorney General, codified at 940 CMR 29.10, as may be amended from time-to-time.

400-14 : AGENDA PROCEDURES:

The Chair holds responsibility under state law for coordinating and planning the meeting notice, which notice functions as the meeting agenda.. Each Selectman and the Town Manager may request that the Chair include items on the agenda.

To facilitate timely posting of meetings, all items requested to be included on the meeting notice should be submitted to the Selectmen's Office no later than three business days before any Regular Board Meeting. Items of emergency or strictly routine nature that could not be reasonably anticipated more than forty-eight hours before the meeting, excluding Saturdays, Sundays and legal holidays, may be considered under the item for "new business" at the sole discretion of the Chair.

Agenda items shall generally include, but not be limited to:

1. Call Meeting to Order
2. *Pledge Alliance to the Flag of the United States*
3. *Disclosure of audio/video recording*
4. Selectmen Comments and Announcements
5. Public Comments and Announcements
6. Public Hearings
7. Boards/Commissions/Committees
8. Appointments/Resignations
9. Permit/License Applications and Hearings
10. New Business
11. *Old Business*
12. Town Manager Report
13. *Accept Minutes*
14. *Communications*
15. *Agenda Items*
16. Executive Sessions
17. Adjournment

Members of the Board, Town Manager, staff or others who prepare background material for a Board meeting shall strive to make such material available as early as possible and no later than noon on the Friday before any Regular Board Meeting. Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be included. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which materials were not in the Board's meeting packet, any member may request that the item be tabled to allow additional time to study the matter.

The meeting notice shall be posted at the Town office bulletin board and the second posting location required by law, the Town of Winchendon's website, at least forty-eight hours before the meeting, exclusive of Saturdays, Sundays and legal holidays

400-15 : MINUTES:

The Town Manager shall provide for the recording of open meetings of the Board and for the drafting of minutes of the meetings.

Efforts shall be made for draft minutes to be available for approval at the next Regular Board Meeting.

Minutes of Executive Sessions shall be prepared and approved in the same manner as open session minutes, but be kept in a separate, confidential binder. No executive session minutes shall be released until the Board has voted to approve the same, whether because the purpose for meeting in executive session has expired or otherwise; provided, however, that the Chair, with the assistance of the Town Manager, shall, at reasonable intervals, review executive session

minutes and make recommendations to the full Board as to whether the executive session purpose has concluded.

400-16 : APPOINTMENTS:

(Amended July 18, 2011)

Committee Appointments: Whenever possible, the Board shall strive to assure committees represent a true cross section of the community. In order to attract qualified and interested persons, vacancies shall be made public as far in advance of appointment as practicable. Appointments and reappointments shall be based on merit, experience, and qualifications.

Unless otherwise addressed by state or local law or applicable contract, appointments shall generally be made for one or three years in length. In no case may appointments be made for more than three years unless specifically allowed by state law. Annual reappointments generally shall be made as close as possible to June 3rd of each year.

For annual reappointments, the Executive Office Staff shall:

- a. Provide by May 1st a list of the reappointments to be considered by the Board;
- b. Notify the chair of the appropriate board or committee requesting recommendations regarding reappointment; and
- c. Notify incumbents and request their statements of availability regarding reappointment.

Where not inconsistent with state law, in the event that a person is not reappointed, the Board shall determine whether to declare the position vacant immediately or allow them to continue as a hold over for the convenience of government.

400-17 : ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government.

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Selectmen.

Such committees and the members thereof shall be subject to the Open Meeting Law, Public Records Law and Conflict of Interest Law. Each committee shall give a written report to the Board of Selectmen upon request. Each committee shall make all agendas and minutes available on the Town's website. The Board will discharge committees upon the completion of their work or discretion of the Board.

The charges and membership of standing advisory committees shall be reviewed periodically—at least annually—to assess the necessity and desirability of continuing the committee. Reappointments will be based on an evaluation of the member's contribution, the desirability of widespread citizen involvement and the changing needs of the committee and the town.

It is the policy of the Selectmen to appoint qualified citizens representing all sections of the town to all such advisory committees. The Board will normally appoint no individual to more than one standing advisory committee at any one time. The Board shall not restrict an individual from appointment to an advisory committee even though the individual may serve on another advisory committee.

400-18 : RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS:

The Board of Selectmen is aware that coordination and cooperation is needed among the town's boards, committees and commissions and shall seek to meet, from time to time, with other boards, committees, and commissions on matters of mutual interest.

400-19 : RELATIONS WITH RESIDENTS:

The Board recognizes that it both represents and is accountable to all the residents of the town. It is the Board's policy to make every effort to strengthen communications with residents. The Board supports increased citizen participation, encourages citizen input into governmental decisions and shall keep residents informed of all actions contemplated or taken by the Board that will affect them. To this end the following steps will be taken:

1. To appear before the Board of Selectmen at a meeting:
 - a. An individual resident or group of residents may request an appointment by contacting a Board member or the Town Manager, stating precisely the reason for the appearance, the action desired and naming a spokesman for the group. Any such request shall be made at least four business days prior to the Regular Board Meeting at which they wish to appear,
 - b. Whether and when to grant the request for an appointment shall be within the sole discretion of the Chair and receipt of a request shall not guarantee a place on the Board's agenda. The Town Manager shall forthwith notify the individual or spokesman for a group, and request that any written materials be provided no later than noon on the Wednesday before the meeting. Should the Board need background information from staff, the Chair may request the same through the Town Manager.
 - c. When placed on the agenda, the Chair shall determine whether the resident or group of residents, through its spokesman, may make a reasonable presentation. Should the Board need additional background information from staff, the Chair may request the same through the Town Manager. The Chair's decision may be overruled as referenced in 400-12 by a majority vote of the Board.
2. At Regular Board Meetings, in considering matters of concern to residents, the public may, at the discretion of the Chair, be allowed to ask questions or make statements relative to the matter under consideration. The Chair's decision may be overruled as referenced in 400-12 by a majority vote of the Board.

400-20 : HEARINGS BEFORE THE BOARD:

1. There are three types of Public Hearings that may be conducted by the Board:

- **Adjudicatory Hearings** - hearings to determine the legal rights, duties or privileges of specifically named persons or entities, such as license violations or nuisance/dangerous dog hearings.
- **Application Hearings** - hearings to act on applications for a license, permit, variance or other approval.
- **Regulatory Hearings** - hearings to consider adoption or amendment to policies, rules or regulations.

2. Basic Framework for Hearings

Step 1 – Notice

- Prior to conducting any public hearing, proper notice shall be given as required by law.
 - Timing - Substantive law shall determine when the notice shall be sent and to whom. In the absence of a statutory requirement, ten days' notice is generally acceptable to satisfy due process. At a minimum, the notice must comply with the requirements of the Open Meeting Law.
 - Content - Substantive law shall dictate the content of the notice. Generally, notice should include: the date, time and location of the hearing, statutory basis for the hearing, and a brief statement of facts.
 - Delivery – Unless addressed by applicable substantive law, when individual notice is required, it shall be sent certified mail and first class mail, or in another manner that is reasonably likely to provide actual notice to interested parties, such as service by constable.

Step 2 - Open the Hearing

- The Chair shall open the hearing by reading the hearing notice into the record, and asking staff to confirm that notice was published, posted and, if applicable, served upon interested parties as required by law. For Application hearings, the Chair shall confirm that the application is complete.
- The Chair shall establish ground rules, such as requiring civil discourse, limiting testimony to subject matter of hearing and prohibiting argument between parties, and then swear in any persons who intend to testify. The proceedings shall be recorded and maintained.

Step 3 – Testimony and other Evidence

- **Adjudicatory Hearings** generally proceed in two phases: (1) collection of evidence of the violation from Town staff and/or complaining parties; and (2) collection of evidence in defense from the subject of the hearing and/or supporting witnesses.
- **Application and Regulatory Hearings** will also proceed in two phases: (1) collection of evidence from the applicant/proponent and those wishing to speak in favor of the application or regulation; and (2) collection of evidence from those in opposition to the application or regulation.
- **Witness Testimony** - The Chair shall ask each person who testifies to identify themselves for the record by stating their name and address. Witnesses may be questioned by members. In **Adjudicatory Hearings**, witnesses may be cross-examined by a representative of the subject of the hearing.
- **Documentary or Physical Evidence** – Such evidence shall be identified as part of the record and made available for inspection by interested parties. Such documents shall be maintained part of the official records of the meeting.

Step 4 – Deliberation and Vote

- Following a determination that all relevant testimony and evidence has been presented, the Chair should consider whether to call for a motion to close the public hearing. Such action will prevent further evidence from being submitted. In some circumstances, particularly where there is sufficient time to allow for deliberations over more than one meeting, there may be value in leaving the public hearing open while deliberations are ongoing so that additional testimony or evidence may be submitted..
- Whether or not the public hearing has been closed, any deliberations by the Board must be undertaken in loud clear voices in compliance with the Open Meeting Law. .
- For **Adjudicatory Hearings**, members shall vote on two issues: (1) whether a violation occurred; and (2) if so, what, if any, action should be taken. The Board must separately consider each alleged violation and make specific findings of fact relative to each one.
- For **Application Hearings**, the Board shall vote on whether to grant the license, permit or approval and, if so, whether to impose any conditions thereon. The Board must separately consider each criterion for issuance and make specific findings of fact to support that criterion.
- For **Regulatory Hearings**, following submission of written or oral testimony, the Board will deliberate and then vote on whether to adopt, rescind or amend the regulation.
- Once the final votes are taken, staff should be directed to prepare proper notice of the decision or other action taken, as required by applicable law. For **Adjudicatory and Application Hearings**, written notice of decision should be sent by certified and first

class mail as soon as possible to all parties, including information about any right of appeal, and such notice may be required to be filed with the municipal clerk. For **Regulatory Hearings**, further notice or publication of the decision may be required.

400-21 : ORIGINAL & RENEWED LICENSE:

Section 1 – Schedule

- 1.1 The Town Manager shall ensure that all license applications for Original issue or Renewal will not be placed on the Selectmen's Meeting Agenda until all required departmental inspections have been performed, unless otherwise noted in the agenda material.
- 1.2 Inspections shall be performed in accordance with the Department's annual schedule.
- 1.3 All license fees shall be reviewed at least annually by the Board of Selectmen.

Section 2 – Forms

- 1.1 Approximately forty-five (45) calendar days before license expiration, the Executive Office Staff shall cause notice to be sent to all license holders notifying them of the pending expiration of their licenses(s).
- 1.2 Said notice shall be in a form substantially in conformance with the "License Renewal Notice" which is a part of this policy.
- 1.3 The Town Manager shall cause the departments indicated to perform inspections as required by the Board and to return their recommendations to the Board of Selectmen in a timely manner.
- 1.4 Said inspection requests and recommendations shall be in a form substantially in conformance with the "Request for License Recommendations" which is a part of this policy.

400-22 : BUSINESS CERTIFICATES

It shall be the policy of the Board of Selectmen that no permit or license shall be issued by the Board unless the applicant is in compliance with MGL Chapter 110, Section 5, as it may be amended from time to time, regarding business certificates.

400-23 : LIQUOR LICENSE APPLICATIONS / HEARINGS:

- A. Upon receipt of applications for an original alcoholic beverage license, or any transfer of same, the Executive Office Staff of the Town Manager and Board of Selectmen shall be instructed to prepare and publish the necessary notice of meeting without further action by the Board.

B. License Application:

- i. New and amended retail license applications require the prior approval of both the Board of Selectmen acting as the local licensing authority (the LLA) and the Alcoholic Beverages Control Commission (ABCC) in the amount set by the fee schedule.

The Alcoholic Beverages Control Commission no longer accepts paper checks as payment for applications and permits. Payments must be made on-line by using either a personal or business check (ACH). The on-line payment confirmation receipt must be included with your application to the LLA.

ii. Information to Applicants for Liquor Licenses:

The following procedure shall be followed on all applications for original or amended licenses whether the same are for package stores or for restaurants, or bars or clubs in which liquors are sold to be consumed on the premises.

1. An application is obtained on the ABCC's website and shall be completed in every detail. The Town's cover sheet for the application can be obtained on the Town of Winchendon's website or in the Town Manager's office.
2. Within ten (10) days after the receipt of the completed application, the Town Manager's office staff shall cause a notice thereof to be published in a local newspaper. This publication shall contain the name of the applicant, the kind of license applied for and a description of the location where the license is intended to be exercised.
3. This application shall not be acted upon by the Board of Selectmen except after the hearing.
4. The Board shall not hold a hearing on the application sooner than ten (10) calendar days after the publication of the notice. The Board must act on an application within thirty (30) days of it being filed.
5. The applicant for the license shall, within three (3) days after publication in the newspaper, send a copy of such published notice by registered mail to each person appearing upon the Assessors' most recent valuation list as the owners of the property abutting on the premises where the license is intended to be exercised.
6. An affidavit of the applicant mailing such notice, together with an attested copy of the Notice, shall be filed with the Board of Selectmen.
7. If any abutter shall complain in writing that such license was granted without such notice having been mailed to them, and if after hearing by the Board it appears that such notice was not mailed, the license may be cancelled.

8. The expenses of the advertisement and of the mailing shall be borne by the applicant.
- C. Pro-Rating Licenses. Upon the issuance of any new license with an annual fee of \$100 or greater, the initial fee, where permissible, shall be pro-rated on a calendar-quarterly basis. (i.e.: a license with an annual fee of \$100 issued in May shall be assessed at \$75 for the remainder of the calendar year of issuance.)

400-24-01 : SERVER TRAINING REQUIREMENTS FOR LIQUOR LICENSE HOLDERS

(Approved October 25, 2012: Adopted December 1, 2012)

1. **Purpose:** To require all liquor license holders, managers, sellers and servers to complete server training.
2. **Policy Guidelines:**

A. Mandatory Training Requirements

All liquor license holders, including but not limited to, licensees holding an all alcohol, including seasonal or one-day license, beer and wine license, private club license or retail package store license shall participate in a program designed to train management and bartender employees in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. The manager shall have successfully completed such program no later than three months of his/her appointment and such training and successful completion shall also be required for all bartenders at all establishments with a bar, and for all sellers of alcohol at package store establishments.

B. Programs Available

Listed below are programs that are currently available that meet the requirement of this policy:

1. Training for Intervention Procedures by Servers of Alcohol (TIPS)
2. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association
3. Any insurance industry-approved or qualified program offered by a certified trainer and approved by the Board of Selectmen
4. Any web-based approved or qualified program that meets the approval of the Board of Selectmen.

C. Verification of Server Training

All Establishments must maintain during operating hours, in an accessible place, a roster or certificate of trained personnel, which shall be maintained for each employee and shall be available for inspection by the licensing authority, or any authorized agent thereof, upon demand at all times. An updated roster shall be submitted with the annual application for the renewal of the license. The roster shall include: (1) employee name; (2) employee date of birth; (3) date of hire; (4) type of training; (5) training certificate date; and (6) date of expiration.

D. Re-Certification

All management, bar personnel and sellers shall be required to be re-certified prior to the expiration of the certification granted by an approved program listed in Paragraph 2. (You must be re-certified every three years regardless of the training program).

E. Implementation

All employees required to receive training hereunder must complete such training within ninety (90) days from the date of employment. In the event any such license holder is unable to meet these requirements, such license holder must request an extension in writing from the Board of Selectmen on or before the ninety day deadline and for good cause, the Board may grant a further extension not to exceed sixty (60) days in order to allow the license holder to comply with the provisions hereof. Any violation of this paragraph may result in a suspension of the license or such other action deemed appropriate by the Licensing Authority until such license holder complies with the provisions hereof.

400-24-02 : LIQUOR LICENSE VIOLATION PENALTY GUIDELINES

(Adopted January 14, 2013- Amended April 8, 2013)

1. Overview

By virtue of the authority contained in Chapter 138 of the Massachusetts General laws, the Board of Selectmen for the Town of Winchendon, (the Board), serving as the Town's Liquor Licensing Authority, hereby promulgates these guidelines governing Liquor License Violation Penalties. These guidelines shall supersede any previous regulations or policies issued by the Town of Winchendon. The Board has the power to amend these guidelines from time to time as it sees fit, upon the provision of advance notice.

2. Violations

All licenses issued for the sale in any manner of any alcoholic beverage shall be issued on the condition of full compliance with Massachusetts General Law Chapter 138, as well as all federal, state and local laws applicable to the licensed business. The failure to comply shall constitute sufficient grounds for suspension, cancellation or revocation of a license.

The Board may impose penalties for offenses consistent with this policy, including but not limited to the following offenses:

- Sales to minors
 - Sales of alcoholic beverages to person(s) under 21
 - Permitting person(s) under 21 to consume
 - Furnishing or causing to be furnished alcoholic beverages to person(s) under 21
- Unsupervised sales by person(s) under 18
- Sales to obviously intoxicated person(s)

- Sale and/or Consumption after hours by public, by employees and friends or by employees only
- Illegal Solicitation of Alcoholic Beverages
- Employees accepting alcoholic drinks
- Refilling: With different/With same brand/Contaminated Bottles (insects, etc.)
- Substitution of Brands
- Club Licenses, Sale to Non-Guest and Non-Invitee
- Sale to Purchase Between Retailers
- Licensee or Bartender Working In Premises While Intoxicated
- Licensee or Employee Resisting Arrest or Interfering With Investigation on The Premises
- Licensee or Employee Not Permitting Inspection of premises or records
- Alcoholic Beverage Not Permitted By License: Sale/Possession
- Illegal/Unlicensed Gambling:
 - Organized (bookmaking, football cards, etc.)
 - Local (cards, dice, football & baseball pools, etc.)
 - Unlicensed Electronic/video games (slot machines, Poker, 21, etc.) – possession
 - Electronic/video with payoffs
- Disorderly House, Prostitution, Lewd Conduct :
- Occasional or isolated offenses
- Recurring/aggravated offenses
- Nudity
- Narcotics:
 - Transactions on licensed premise
 - Paraphernalia, possession for sale
- Undisclosed Ownership :Hidden owner qualified
- Hidden owner not qualified
- Commission of Crime Involving Moral Turpitude¹:
 - Committed on premises , away from premises (petty theft/shoplifting), committed away from premises (other than petty theft)
- Conviction of a crime involving moral turpitude
- Violation Of License Conditions
- Sale of alcoholic beverages while under suspension
- Receiving Stolen Property either by licensee on premises or by employee on premises
- EBT Card Violations either by Licensee or by employee with premises involvement:
 - Allowing purchases of alcoholic beverages
 - Trafficking (i.e. purchasing EBT cards at discount):
- Keg Registration violations

¹ Crime involving moral turpitude means a crime involving fraud, misrepresentation or deceit, including but not limited to fraud, misrepresentation or deceit in conducting business or obtaining a license or permit as well as any other crime that adversely reflects on the applicant or licensee.

- Misrepresenting Material Fact on Application
- Permitting any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

Any circumstance not expressly covered by these guidelines shall be addressed in accordance with the laws of the Commonwealth of Massachusetts and Charter and bylaws of the Town.

These guidelines are intended to further the objective of and to act in concert with any existing federal, state or local laws concerning the operation of the licensed business, and nothing in these guidelines is intended to limit or restrict the authority of any board, commission or officer of the Town to act to enforce any federal, state or local law within their jurisdiction.

3. Disciplinary Guidelines

Offenders may expect one or more of the following consequences as appropriate in the judgment of the Board after notice and opportunity for a public hearing in accordance with Massachusetts General Laws, Chapter 138, Section 64:

Licensees are advised that the following chart represents guidelines for use by the Board when making their respective recommendation and decision in response to a liquor license violation. The Board, after a hearing with the licensee, and in accordance with mitigating and aggravating factors presented, retains the authority to deviate from these penalty guidelines, when, in its sole discretion, it determines that it is in the public interest to do so.

1. First Violation within Five (5) Years: warning to a five (5) day suspension, regardless of amount of penalty suspended, if any;
2. Second Violation within Five (5) Years: Three (3) to fourteen (14) day suspension, regardless if amount of penalty suspended, if any;
3. Third Violation within Five (5) Years: Seven (7) day suspension up to revocation of license.

The Board may consider deferring any suspension or portion thereof, for a period of up to twelve (12) months, provided that during the period of suspension of the penalty the Licensee shall not have engaged in any other conduct constituting grounds for discipline as set forth herein.

These disciplinary guidelines are only a guide. The Board may use its discretion in determining whether the facts surrounding a particular violation warrant a penalty that is more lenient or severe than that suggested herein.

These guidelines shall not be considered as a limitation to the Board's authority to consider alternative dispositions, further conditions on a license, or alternate penalties (e.g. roll back of operating hours).

400-24-03 : BYOB (Bring Your Own Bottle) POLICY

(Adopted February 25, 2013- Amended 3.25.2013, 9.17.2018)

A. Policy Statement

It shall be the policy of the Town of Winchendon to allow a patron, customer, or other person to bring alcoholic beverages on to the premises of a restaurant establishment operating with a Common Victualler License or to a location having sought and received a Town of Winchendon Entertainment Permit or Amusement License, solely for the purpose of personal consumption thereon, provided that the establishment has been issued a “BYOB Permit” in accordance with this policy. The principle goal of this policy is to promote responsible alcohol consumption at “BYOB” establishments.

The Town recognizes that an establishment operating under a BYOB Permit issued by the Board of Selectmen, acting as the Local Liquor Licensing Authority, differs from establishments serving alcoholic beverages pursuant to a license issued under Chapter 138 of the Massachusetts General Laws. Establishments licensed under Chapter 138 are subject to specific statutory requirements, and are further subject to the rules and regulations of the Alcoholic Beverages Control Commission (ABCC). Establishments operating under a “BYOB Permit” are not subject to Chapter 138. The intent of this policy is to ensure that “BYOB” establishments that do not operate under the rules and regulations of the ABCC will be subject to the same level of responsibility as licensed establishments with respect to the consumption of alcohol by their patrons.

The issuance of a BYOB Permit is permissive and shall be at the sole discretion of the Board of Selectmen.

BYOB shall not be permitted in any establishment licensed to sell alcoholic beverages.

B. General Provisions

1. No person or entity operating an establishment open to members of the public shall permit customers, patrons or other persons to consume alcoholic beverages on the premises unless the premises are the subject of a BYOB permit issued in accordance with these Regulations.
2. An establishment that wishes to apply for a BYOB Permit must have a Common Victualler License or an Entertainment Permit or Amusement License in good standing. Action on permit applications shall be taken at an open meeting held by the Board of Selectmen, following submission of a complete application.
3. All establishments that allow BYOB consumption are subject to this policy and must have an active BYOB Permit in order to allow consumption of alcoholic beverages on the premises. An establishment holding a permit shall post a sign at the entry area indicating that it is a BYOB establishment and is subject to all applicable Town and State laws and regulations.

4. Alcoholic beverages consumed on site shall be limited to those alcoholic beverages allowed under an alcohol License for establishments issued under Chapter 138 of the Massachusetts General Laws.
5. The hours in which alcoholic beverages may be consumed by patrons shall follow the ABCC rules and regulations and may be further reduced by the Board of Selectmen. The Board may take into consideration recommendations from the Fire and Police Departments.
6. In accordance with Massachusetts General Laws, Chapter 138, Section 34, no BYOB beverages shall be consumed by any person under the age of 21. It will be the responsibility of the appointed manager to ensure that patrons who consume alcoholic beverages on the premises are 21 years of age or older.
7. BYOB beverages shall not be consumed by intoxicated persons. The establishment shall immediately report to the Winchendon Police Department any situation in which patrons consuming alcohol in the restaurant appear to present a danger to themselves or others, either in the restaurant or on the public ways, by virtue of the consumption of alcoholic beverages.
8. In the case of establishments with a Common Victualler license, only patrons who are seated in a designated supervised area and who have ordered food for consumption on the premises shall be allowed to consume alcoholic beverages. No alcoholic beverages shall be consumed by patrons in a waiting area.
9. No alcoholic beverages may be served or handled by employees. This includes opening, pouring, storing or refrigerating BYOB beverages. The establishment's employees may provide bottle openers and glassware.
10. Patrons may take with them from the establishment bottles of alcohol which have not been totally consumed on the premises, provided that the bottle(s) have been properly sealed and bagged in accordance with the method designated in the regulations of the ABCC at 204 CMR 2.18 or successor regulation. Partially consumed malt beverage bottles or cans may not be taken from the premises by patrons. Remaining unused wine and malt beverages not removed by patrons must be disposed of by the establishment's staff in an acceptable manner that meets all applicable state laws and regulations. Unused alcoholic beverages may not be consumed by any other party, including the establishment's staff.
11. All BYOB establishments shall comply with Winchendon's inspection process for *"Alcoholic, Beer, Wine, Common Victualler, Entertainment and Amusement Licenses"*.
12. Managers of establishments shall participate in a program designed to train in methods of observation and detection to avoid underage drinking and patrons of legal

age becoming intoxicated and provide the Board of Selectmen a copy of their Certificate within three months of receiving their permit.

13. BYOB Permits shall not be transferable between persons, establishments or locations, except with the approval of the Board of Selectmen given at a public meeting; and then only if consistent with the public interest.
14. BYOB Permits shall expire on December thirty-first of the year of issue, and may, upon written request of the permit holder, be renewed for the following calendar year by vote of the Board of Selectmen. Without exception, all annual BYOB Permit holders are required to request renewal of their permits by November 30th of each year.

C. Enforcement

1. Establishments operating with a BYOB Permit may be monitored for compliance with this policy, with and without notice, by agents of the Town of Winchendon.
2. If an establishment operating with a BYOB Permit is not doing so in a manner consistent with this policy, the Board of Selectmen may, after written notice to the permit holder and reasonable opportunity for a hearing, suspend, revoke, or refuse to renew a BYOB Permit.
3. The Board of Selectmen may suspend, revoke, or refuse to renew a BYOB Permit and/or the Common Victualler, Entertainment or Amusement Licenses held by the permit holder in the event the permit holder has committed multiple, willful, or repeated violations of this policy or any regulation promulgated by the Board of Selectmen pursuant to this policy.
4. In case of suspension, revocation, or refusal to renew a BYOB Permit, no abatement or refund of any part of the fee paid therefore shall be made.
5. If an establishment with a Common Victualler Entertainment or Amusement License allows patrons to carry in alcoholic beverages without a permit allowing such activity will be considered to be a violation of their licenses.

D. Application Procedure

1. The applicant shall complete a Town of Winchendon BYOB Permit Application Form.
2. The application must include the name and qualifications of the person who will be the on-site manager of the establishment. The appointed manager must be at least 21 years of age.
3. A copy of the BYOB Permit Application shall be forwarded to the Town of Winchendon various Departments including Police, Fire and Building for review and recommendation.

4. The Board of Selectmen will conduct a public hearing on the application, after advertising the hearing in a local newspaper and notifying by certified mail the direct abutters, as well as churches and schools within 500 feet of the premises, at least 10 days prior to the date of the hearing.
5. At the public hearing, the Board of Selectmen will consider the input of any interested members of the public, as well as the recommendations of the Police, Fire and Building Departments. The Board of Selectmen may continue the public hearing if it determines that additional information is necessary to act on the application.
6. The applicant shall be responsible for the payment of all mailed notices to abutters as well as the Public Hearing Notice in a local paper prior to the scheduled hearing. An annual fee of \$50.00 will be due upon issuance of the license. Annual permits shall be issued for the period January 1 – December 31.

400-25 : PARADE AND DEMONSTRATION PERMITS:

The Board of Selectmen shall, before issuing a parade and or demonstration permit to anyone, be furnished with written details of such Parade, showing the starting site, staging areas, streets to be used, time of assembly and length of parade, time wise. The written description shall be submitted to the Board as far in advance of the event as possible. To enable effective planning and adequate protections for participants and the general public, it is requested that applicants adhere to the following guidelines wherever possible: submission of the written description no less than thirty (30) days prior to a Parade/Demonstration. The Board may deny a request to hold a Parade/Demonstration on a particular day if the organizers have not provided enough advance notice for the Town to coordinate plans for alternative traffic routes, crowd control and other security measures in a manner protective of the safety and welfare of participants and the general public. In such a case, the Board will provide a written explanation of its decision within five (5) business days of the denied application.

400-26 : TOLL BOOTH/VOLUNTARY BOOT DRIVE POLICY *(Adopted 3/26/12- Amended 8/7/17; Amended 9/17/18)*

Policy Regarding “Boot Drives” or other Fundraising Events on Public Ways

Any group or organization who wishes to obstruct a public way for any amount of time for the purposes of fundraising in any manner shall obtain permission from the Board of Selectmen. The request shall be made in writing on the approved Town form not less than 21 days prior to the event to allow the Board a satisfactory amount of time to take action on the request and to arrange for provision of any Town services that may be required in connection therewith.

The organization must commit that the proceeds of the boot drive shall be used for charitable purposes for the residents of Winchendon.

Organizations conducting such activity **shall** adhere to the following requirements:

- 1) NO inappropriate coercion during the collection of donations.
- 2) Persons in the road shall be at least 18 years of age and all persons under 18 shall remain on the sidewalk.
- 3) All persons in the road shall wear DOT (ANSI 107 compliant Class II vest, Class III Highway Safety garment, or ANSI 207 Public Safety vest) approved reflective clothing to minimize danger while they are in the roadway.
- 4) Appropriate signage, providing notice of the upcoming boot drive and identifying the name of the charitable organization, shall be employed at least 100 yards in advance of the collection location.
- 5) Orange highway cones shall be co-located with the signage and at the collection location.
- 6) Submit to the Town Manager a completed hold harmless/waiver of liability form for **each** participant no later than the Thursday prior to the event.
- 7) Attend a follow-up meeting with the Board of Selectmen for review and feedback of the permitted boot drive. Provide a written summary to the Town Manager within thirty days. Said summary will be provided to the Board at their next meeting.

Failure to comply with these requirements shall be grounds for denial of a permit, immediate suspension of fundraising activity, and potentially for denial of permit for future events. The Chief of Police and all other police officers of Winchendon Police Department are authorized by law, and hereby appointed as agents of the Board for purposes of enforcing this policy.

400-27 : BLOCK PARTY RULES AND CONDITIONS

A. Application Process. No so-called “block party” involving the closure of any street in the Town of Winchendon shall be held without a permit from the Board of Selectmen issued under this Policy, as follows:

1. The application form may be obtained from, and shall be submitted **no later than 45 days prior to the date of the event** to: Town of Winchendon, Town Manager, 109 Front Street, Dept. 1, Winchendon, MA 01475, Phone (978) 297-0085. The application is also found on the Town web-site at www.townofwinchendon.com.
2. The application shall not be granted unless signatures are submitted from 100% of all households within the block party area indicating their consent, along with the liability waiver (use attached Page 3 Signature Authorization Form and Page 4 Waiver Release of Liability Form – make additional copies as needed).
3. At the time of application, a non-refundable \$50.00 Block Party Application Fee shall be paid, and a \$200.00 refundable clean-up deposit shall be submitted. If the permit is not granted, such deposit shall be returned forthwith. If the permit is granted, such deposit shall be returned provided that the street is clean and clear within one hour after sunset as required in Section B(7).
4. Incomplete or improperly completed applications will not be processed.

5. Applications for block parties shall be submitted to appropriate departments for review and recommendations.
6. All permits issued under this policy shall indicate that the holder of a permit issued under this policy shall be subject to all other Town ordinances and governmental restrictions, and further that applicants and event participants shall comply with all other applicable town, county, state and federal regulations.
7. Block parties shall be permitted only on local residential streets.
8. The closure of a street shall not exceed one block or 300 feet, whichever is lesser.
9. No street shall be eligible for a block party permit more than one time per year.
10. While not a permit condition, the Town of Winchendon encourages the use of recycling receptacles for disposal of block party-related cans/bottles, paper and cardboard.

B. Permit Approval Criteria: A permit shall be issued only under the following conditions:

1. Block party permit recipients shall provide at their own expense green or orange barricade cones, 24 inches or higher, and shall place the same every four feet across the street. Vehicles, picnic benches and chairs shall not be used for such purposes in order to allow easy access for emergency vehicles, if necessary.
2. Nothing shall be placed in the street(s).
3. Adult supervision shall be provided at all times.
4. Noise levels shall be kept within Town of Winchendon code limits.
5. There shall be no alcohol on public property (see current by-law).
6. There shall be no hydrant use.
7. Clean-up shall be the responsibility of the applicant, and street and sidewalks shall be clear and clean by 1 (one) hour after sunset.
8. All activities and games shall be conducted at the applicant's and participants' risk.

C. Enforcement: This policy may be enforced through any means available in law or in equity. In addition, failure to comply with the provisions of Section B(1)-(7) of this Policy shall result in the immediate cancellation of the permit and/or of the permitted block party. Failure to comply with Section B(7) shall result in forfeit of the \$200.00 clean-up deposit to cover the Town's costs in connection with the clean up..

400-28 : CITATIONS AND PROCLAMATIONS:

(Replaced Congratulatory Messages: Approved June 6, 2011)

- a) Citations - Any member of the Board of Selectmen shall have a citation issued as a congratulatory message to any person or business in Winchendon upon request to the Executive Office Staff. Citations will be signed by the Chairman..
- b) Proclamations may be made on behalf of the Town of Winchendon by majority vote of the Board of Selectman in accordance with the following guidelines:

Proclamations are ceremonial documents signed by the Board of Selectman and issued for:

- Public awareness
- Charitable fundraising campaigns
- Arts and cultural celebrations
- Special honors

Proclamations will not be issued for:

- Matters of political controversy, ideological or religious beliefs, or individual conviction
- Events or organizations with no direct relationship to the Town of Winchendon

Other:

- The Board of Selectmen reserves the right to modify or deny any proclamation request.
- More than one cause can be proclaimed simultaneously.
- A person/organization does not have exclusive rights to the day, week or month of their proclamation.
- A citation is an alternative where proclamation criteria are not met.

Who can make a proclamation request?

- Request must be made by a Town of Winchendon resident to the Office of the Board of Selectmen.

How should a proclamation request be made?

- All requests must be made in writing. Requests can be mailed, faxed or hand-delivered or emailed. If mailed or faxed, please call to verify receipt by our office.
- Requests should be made at least thirty days in advance of the date the document is needed. Exceptions to this rule may be made when required.

What must the request include?

- Contact person's first and last name, address, and telephone number
- A brief summary and/or background of the event or organization
- The name and date(s) of the day, week, month or event to be proclaimed
- Draft text for the proclamation, including 4-6 "whereas" clauses
- An indication of whether the proclamation should be mailed or will be picked up and the date
- A date when the proclamation is needed (should be at least 45 days after the date of request.)

400-29 : TOWN MEETINGS:

1) Annual Town Meetings

It has been the practice of the Town of Winchendon to hold its Annual Town Meeting on the third Monday in May. The Board of Selectmen may, however, call the Annual Town Meeting for any date allowed by the Massachusetts General Laws and Town By-Laws.

2) Special Town Meetings

The Board of Selectmen may call a Special Town Meeting when deferment of the particular matter(s) proposed for inclusion on the warrant for the Annual Town Meeting will not serve the interest of the Town, or otherwise at its discretion. The Board of Selectmen shall call a Special Town Meeting if it receives a written request, signed by 200 registered voters of the Town. It is the practice of the Town of Winchendon to address major issues at the Annual versus a Special Town Meeting whenever practical.

**400-30 : OPEN SPACE PRESERVATION APPRAISAL AND/OR SURVEY FUND
POLICY:**

1. There shall be a fund in the Town of Winchendon known as the Open Space Preservation Appraisal Revolving Fund (the "Fund") and the following shall serve as the policy framework detailing its use.
2. There shall be an Open Space Preservation Appraisal and/or Survey Revolving Fund Advisory Committee (the "Committee") seated to consider and make recommendations to the Board of Selectmen regarding applications for assistance from the fund in accordance with this policy.
3. The Committee shall be comprised of one (1) member of the Agricultural Commission, one (1) member of the Conservation Commission, one (1) member of the Planning Board and two (2) citizen at large appointees made by the Board of Selectmen.
4. The Fund is hereby established with a principal balance of \$10,000 from a gracious gift made by the Robinson Broadhurst Foundation and the Girouard/Morlock families for this purpose.
5. The purpose of the Fund is to provide temporary financial assistance to the owners of Winchendon property(ies) that have been identified as having a particular community value relating to forest preservation, agricultural preservation, wetlands protection and or general open space preservation (the "properties").
6. Owners of such properties, at their request, will be considered for an interest free loan from the Fund for the purpose of conducting real estate appraisals of the properties but only if the appraisal is being conducted as a part of a process under which the appraised land will become preserved in perpetuity as deed restricted forest, agricultural or open space land.
7. Loans from the fund shall be made in accordance with the following guidelines:
 - a. Landowner must fill out Fund application including written proof of intended deed restriction and/or preservation program being used.
 - b. Landowner must submit letters of support from participating stakeholders (i.e. Mount Grace, DCR, Mass Fish and Game, Forest legacy, etc.)
 - c. Land Owner must submit three cost estimates for the appraisal
 - d. If approved, the interest free loan must be paid back within eighteen months of disbursement.

400-31 : WATER SHUTOFF POLICY:

When a water and sewer account is in arrears a minimum of 50 days after the due date, a termination notice shall be mailed by letter to the customer and notification of the impending shutoff will be distributed in the form of a door hanger at each residence/business that will be impacted by the water shutoff. This notice will be mailed no less than 15 days and no more than 30 days before the shutoff date and will include the following:

- The amount then due and payable for such water service;
- The date on or after which such service will be shut off,
- The right to a hearing prior to the termination of service.

When a customer is unable to make full payment, the Town urges the customer to contact the Town to establish a payment plan agreement, which shall be satisfactory to the customer and the Tax Collector. If the customer fails to make payments in accordance with the agreement, the Collector reserves the right to send a notice that will indicate that the water may be shut off on the next scheduled shutoff date.

Once the shut off date that was included in the shut off notification letter has passed, unpaid accounts will be forwarded to the Public Works Director for termination of service. Charges for shutting off and turning water on will be charged to the account and borne by the customer, including overtime charges, if applicable. A list of all accounts scheduled for termination of service shall be forwarded to the Health Agent and Board of Health prior to the termination of the water service. The list will include the property owners name and billing address along with the anticipated shut off date.

The employees of the Department of Public Works may, upon any business day between the hours of 8:00 A.M. and 4:00 P.M., enter upon the premises of a customer whose payments are in arrears and close a valve, remove or disconnect a meter pipe or fitting, if necessary, for the purpose of shutting off the flow of water as above authorized, provided that the customer has been given thirty-six hours' notice in person or by registered or certified mail directed to his last address furnished to the Town. If such address is different from the address of the premises affected a copy of such notice shall also be so mailed to the address thereof. Upon entering the premises to shut off water, the Town representative shall, before shut-off, state to an occupant, if present, that service is to be shut off.

Under no circumstances will an employee of the Water Division accept any payment at the time of termination. Water service will only be restored by making payment in full by cash or certified check only.

400-32 : AMBULANCE BILLING / COLLECTIONS POLICY:

(Approved 3.11.19)

I. PURPOSE

The purpose of this policy is to outline ambulance billing and collection procedures for use by the fire department emergency medical services. This policy applies to all users and/or responsible parties and establishes a consistent fee schedule as shown in “Schedule A” of this policy. This policy will also establish consistent billing / collection procedures to best serve the community.

II. SCOPE

This policy is applicable to all ambulance users or responsible parties, except as provided below:

1. Town employees injured while in the performance of their appropriate, assigned duties and requiring ambulance transport shall not be responsible for payment of their ambulance transport.
2. Employees of communities engaged in providing appropriate mutual aid support for any town department and requiring ambulance transport shall not be responsible for payment for said transport.

III. POLICY PROVISIONS

1. The Board of Selectmen shall establish a fee schedule outlining the associated ambulance charges for use of the Winchendon Fire Department ambulance service(s). Said schedule shall be listed as “*Schedule A*” of this policy.
2. The schedule of fees may be reviewed annually by the Board of Selectmen with the assistance of the Winchendon Fire Chief.
3. Patients transported by the Winchendon Fire Department Ambulance may be billed for the services according to “*Schedule A*”
4. Whenever possible the fire department’s ambulance personnel shall obtain insurance information from transported patients. At no point shall transport be delayed or denied due to lack of insurance or unavailable information.
5. Whenever possible the town’s ambulance billing service shall submit a bill directly to the patient’s insurance carrier. The billing company will send out a series of bills as follows:
 - Initial bill
 - Second bill 31 days later
 - Third bill 31 days later
 - Fourth bill 31 days later (bright pink).
 - After twelve months (12) the bill would be deemed uncollectable by the billing company and turned over to the town to pursue collections through a collection agency if determined proper.

6. After twelve (12) months from original bill the town's collection agency is authorized to report to the credit bureau outlined in the contractor's policies.
7. Credit bureau reporting may be foregone with the arrangement of a payment plan that provides repayment of at least \$10.00 per month, every month until the balance is paid off in full. Failure to continue a payment plan may result in credit bureau reporting.
8. Requests for bill write-offs or reductions shall be submitted in writing to the Accounting Department for the Town of Winchendon and then forwarded to the Board of Selectmen for approval or denial. Each request shall detail collection efforts and reasons for the write-off request. Along with the write-off request a copy of the patient's (or legal guardians) previous two years Federal tax returns, and/or unemployment documentation shall also be provided to assist in the write-off decision.
9. Yearly prior to the end of the fiscal year the fire chief will receive from the collections agency accounts that have been deemed uncollectable by them. This report will be presented to the Board of Selectmen for final write-off decisions.

400-32-01 : AMBULANCE HARDSHIP BILL REDUCTION POLICY:

(Approved 3/11/19))

I. PURPOSE

The purpose of this policy is to address financial hardships regarding costs associated with ambulance transport without exposing the patient's medical information.

II. SCOPE

This policy is applicable to any party transported in the Winchendon Fire Department ambulance that has a financial hardship request or an unusual billing situation identified by the Town and its ambulance billing company.

III. POLICY PROVISIONS

1. A person seeking some or all of the fee of an ambulance bill must complete a hardship application and submit it to the Fire Chief for consideration.
2. Upon receiving a hardship request the Winchendon Fire Chief will review the information provided to determine if a reduction in the ambulance bill is warranted due to hardship. The Fire Chief may request additional information if felt necessary to determine validity.
3. The Fire Chief will notify the individual seeking the hardship of his decision.

IV. APPEALS PROCESS

1. Any decision made by the Fire Chief can be appealed to the Winchendon Board of Selectmen for reconsideration.
2. Any decision made by the Winchendon Board of Selectmen in this appeals process would be final.

400-33 : VACANT AND ABANDONED BUILDING REGULATION:

400-33-01 Purpose and Authority

Unsecured, vacant, and abandoned buildings present danger to the safety and welfare of public safety officers and the public and, as such, constitute a public nuisance. This Regulation is enacted to promote the health, safety and welfare of the public and to minimize hazards to public safety personnel inspecting or entering such buildings by preventing unauthorized persons from gaining entry to abandoned and vacant buildings.

This Regulation is, therefore, enacted by the Fire Chief, with the approval of the Board of Selectmen, in accordance with the authority set forth in Massachusetts General Laws, Chapter 148, sections 28 and 30, to prevent or remedy conditions in buildings or structures which may tend to become a fire hazard or to cause fire; and to provide adequate safety requirements for the protection of the public in the event of a fire.

400-33-02 Definitions

The following words and phrases, when used in this Regulation, shall have the following meanings:

Abandoned Building

- 1) A vacant building, the ownership responsibilities of which have been surrendered or relinquished, whether intentionally or by failure to occupy and maintain such property; or
- 2) Buildings, structures and premises, for which the owner cannot be identified or located by delivery of certified mail at the last known or registered address, which persistently or repeatedly becomes vacant, unprotected or unsecured or which are or have been occupied by unauthorized persons.

Building

Any combination of materials having a roof and enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons or property, excluding accessory structures that are incidental to the principal structure located on the same lot, such as but not limited to doghouses and storage sheds, structures used on a seasonal basis, such as vacation premises or resort facilities, and structures that are temporarily vacant for owner or tenant change or for remodeling.

Certificate of Building Closure

Certificate issued by the Commissioner to the owner of a vacant building or abandoned building upon compliance with the provisions of Section III herein.

Commissioner

The Winchendon Building Commissioner or his or her designee

Dangerous Building

Any unoccupied building that has been neglected and deteriorated or abandoned, vacated, unused or open to weather to such an extent that is a danger or potential danger to life or property.

Director

The Winchendon Director of Public Health or his or her designee

Fire Chief

The Winchendon Fire Chief or his or her designee

Owner

A person, trust, partnership, corporation or other entity capable of owning legal or equitable title to real property or capable of possessing legal or equitable interest in real estate or an authorized agent of the person or entity holding legal or equitable interest to real property. This term shall include a mortgagee in possession and any person or entity designated by the owner to have legal control over the property.

Unsecured Building

Any vacant or abandoned building not continuously secured, maintained, locked or boarded to prevent unauthorized entry or which fails to provide protection from weather damage.

Vacant Building

- 1) Any unoccupied real property which is empty or remains empty and is not continuously maintained for 21 consecutive days or longer by occupants having custody or legal right of entry to said property; or
- 2) Any building which exhibits dilapidated walls, roof or doors which fail to prevent the entry of a trespasser.

400-33-03 Certificate of Building Closure and Other Requirements

- A. No Owner shall allow a building to become an Abandoned Building, a Dangerous Building, an Unsecured Building or a Vacant Building, as those terms are defined herein, without first obtaining a Certificate of Building Closure in accordance with this Regulation.
- B. Any Owner who knows or reasonably should know that a building owned by said Owner is or will become vacant or abandoned as those terms are defined herein or any Owner who intends to abandon or vacate a building owned or controlled by said Owner shall forthwith:
 - 1) File an application for certificate of building closure on a form prescribed and amended from time to time by the Director, Commissioner and the Fire Chief setting forth the following: the status of such building, the name, address and telephone number of the owner; the location of the building; length of time the building has been vacant; the estimated time the building will remain vacant; and the nature of the contents of the building.
 - 2) As may be required by the Fire Chief, the application shall be accompanied by two sets of space utilization floor plans for said building, which plans shall be kept on file with the Fire Chief and the Commissioner.
 - 3) The application shall include the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. Said individual shall be available twenty-four hours per day, seven days per week

and shall be able to personally appear at the property within fifteen minutes of being called.

- 4) The application shall be accompanied by the appropriate certification fee or certification renewal fee as set forth in the fee schedule set forth by the Commissioner. Said fee may be reviewed and amended from time-to-time.

C. No Certificate of Building Closure shall be issued until the interior and exterior of the building has been inspected by the Fire Chief, Commissioner and Director, or their designees, and they have certified, in writing, that the building does not contain any condition which would pose a threat to public health or safety or risk of fire.

D. All Certificates of Building Closure shall be subject to the following conditions:

- 1) The correction of any condition which may pose a threat to public health and safety or a risk of fire, to the satisfaction of the Fire Chief, Commissioner and Director, which may include but not be limited to the removal of all hazardous materials, as that term is defined in MGL c. 21k, as that statute may be amended from time to time, and all combustible materials;
- 2) Secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Prevention Initiative, Board Up Procedures, or provide twenty-four hour on-site security personnel in the building. When a building is located within a complex of buildings owned by a single owner, twenty-four-hour on-site security shall be provided within the building or within the complex wherein the building is located;
- 3) As may be required by the Fire Chief, Director, or Commissioner, post "No Trespassing" signs on the building and a sign identifying the name and number of the emergency contact person;
- 4) That the owner or the owner's representative examine the building on at least a weekly basis to ensure that the building remains properly secured and that owner shall repair any damage the building within twenty-four hours of receipt of notice thereof;
- 5) That the owner consents to entry by Town officials for purposes of inspection;
- 6) Maintain liability insurance on the building in an amount required by the Commissioner and furnish the Commissioner with a certificate of insurance.
- 7) Such other conditions as may be deemed necessary by the Fire Chief, Commissioner and/or Director for the protection of public health and safety.

E. Certificates of Building Closure shall be valid for a period not to exceed six months from the date of issuance. Said certificate may be renewed, at the discretion of the Commissioner, subject to re-inspection to confirm continued compliance with this Regulation and the payment of the appropriate renewal fee as set forth in the fee schedule set forth by the Commissioner.

400-33-04 Signs and Markings

When required pursuant to this Regulation, signs or markings shall be applied on the front of the building, and elsewhere as the Fire Chief may require, at or above the second

floor level and shall not be placed over doors, windows, or other openings. All signs/markings shall be a minimum of 24 inches by 24 inches, with lines of two-inch width, and shall have a reflective background, or be painted with reflective paint, in contrasting colors. Signs/markings shall be applied directly on the surface of the building and shall state the date of posting and the most recent date of inspection by the Fire Chief, Commissioner or Director.

400-33-05 Violations and Penalties

- A. Whoever violates any provision of this Regulation may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a fine of three hundred dollars (\$300) for each offense. Each day a violation exists shall constitute a separate offense. The Commissioner and the Fire Chief shall be enforcing persons for the purposes of this section.
- B. No owner of a building shall allow said building to become or remain unsecured or dangerous. If it appears that any vacant or abandoned building is unsecured or dangerous, the Commissioner shall send written notification to the owner requiring that the owner promptly secure or cause the building to be secured. If the owner fails to comply with any order issued pursuant to this section, the Fire Chief or Commissioner may issue such orders as are deemed necessary to protect public health and safety.
- C. The Commissioner or Fire Chief, upon being informed of the existence of an abandoned, dangerous, unsecured or vacant building without a certificate of building closure, shall cause notice to issue to the owner of the status of said building and shall order said person to immediately obtain a certificate of building closure and to take all actions deemed necessary to protect public safety.
- D. All abandoned, dangerous, unsecured or vacant buildings shall be immediately referred to the Director and Commissioner for a determination relative to whether the building is a nuisance or dangerous pursuant to MGL c. 111, MGL c.139 and/or MGL c.143 and procedures promulgated thereunder.
- E. The Fire Chief may enforce this regulation or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

400-33-06 Liability for Expenses

- A. The owner of an abandoned, dangerous, unsecured or vacant building shall be liable to the Town for any expenses incurred by the Town in securing such building and such expenses shall be recovered by the Town in accordance with this regulation and the procedure set forth in Massachusetts General Laws, Chapter 139, Section 3A.
- B. Any owner with a non-compliant building shall not be issued a permit at any address in Winchendon until the balance due on the lien has been paid in full and said abandoned or vacant building has been brought up to the standard of this Regulation.

400-33-07 Notices

- A. Notices required pursuant to this Regulation shall be served in the following manner:

- 1) Personally on the owner, or the lessee, or the mortgagee in possession, or the contact person specified pursuant to Section III(B)(3) of this Regulation;
- 2) Left at the last and usual place of abode of the owner, or contact person specified pursuant to Section III(B)(3), if such place of abode is known;
- 3) By certified or registered mail, return receipt requested, to the owner, or the lessee, or the mortgagee or contact person specified pursuant to Section III(B)(3), if such address is known.

B. If the residence and whereabouts of the owner or the owner's lessee or the mortgagee or the owner's agent are unknown, then the notice shall be served by posting a copy thereof in a conspicuous place on the property and by advertising it for at least three out of five consecutive days in one or more newspapers of general circulation within the area with any costs being incurred addressed as per Section VI of this Regulation.

400-33-08 Interaction with Other Laws

This Regulation is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning the maintenance of property and the abatement of nuisances.

Nothing in this Regulation is intended to limit or restrict the authority of the Board of Selectmen, the Board of Health, the Building Commissioner, Conservation Commission, the Fire Chief, or any other board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction.

Notwithstanding the issuance of a Certificate of Building Closure, the Town expressly reserves the right to take any action deemed necessary for the protection or public health and safety, including but not limited to issuance of an order of demolition in accordance with applicable law.

400-33-09 Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this regulation shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

400-34 : SELECTMEN'S FILES:

It shall be the policy of the Board of Selectmen that no original materials (no files, law books etc.) shall be removed from the Town Hall. Members are encouraged to make copies.

400-35 : SELECTMEN STATIONARY

SECTION 1. POLICY OBJECTIVE

Section 1.1 This policy is to insure that Selectmen's stationery is used only for the official business of the Town.

SECTION 2. DEFINITIONS

Section 2.1 Definitions Unless the context clearly requires otherwise, the following words shall have the following meanings:

Board: The Board of Selectmen

Chairman: The Chairman of the Board of Selectmen

Business Day: A day when the Town Hall is open to the public.

Letters: Letters or memos issued on behalf of the Board

Required by Law: The action is required either by federal or state law or regulation, by town charter, bylaw, Board policy, or town regulation.

Secretary: The secretary of the Board, an assistant secretary or an employee in the Town Manager's office.

Selectmen's Stationery: Selectmen's stationery shall include letterheads, memo forms and forms used with electronic mail that indicate the message is of an official nature originating with the Board. Regular stationery shall include the words "Office of Board of Selectmen" and the facsimile of town seal.

SECTION 3. PROCEDURES

Section 3.1 Preparation of Letters

Any Board member may prepare a letter to be transmitted on Selectmen's stationery. Such letter shall be submitted to the Board for its approval at a meeting by a vote prior to being signed or transmitted to other than Board members or the secretary.

SECTION 4. GENERAL APPLICABILITY

Section 4.1 Use of Selectmen's stationery

The use of Selectmen's stationery shall be limited to official correspondence and notices by or on behalf of the Board. It may not be used by individual members except as herein authorized.

Section 4.2 Use by Individual Members

A Board member who has been duly designated to carry out a special Board function may use Selectmen's stationery for communications necessary for the conduct of his/her assigned duties.

Section 4.3 Use by the Secretary

Selectmen's stationery may be used by the secretary in the ordinary conduct of the Selectmen's business.

SECTION 5 RESPONSIBILITIES

Section 5.1 Responsibility of persons using Selectmen's stationery

It shall be the responsibility of every member and the secretary to provide each member of the Board with a copy of each document issued on Selectmen's stationery.

400-36 : POLICY ADOPTION REVIEW AND REPEAL:

SECTION 1. POLICY OBJECTIVE

Section 1.1 The objective of this policy is to provide a mechanism for the careful consideration, adoption or repeal of policies by the Board of Selectmen.

SECTION 2. DEFINITIONS

Section 2.1 Unless the context clearly requires otherwise, the following words shall have the following meanings:

Policy: A carefully considered and definitive statement of the methods and procedures to be followed in the conduct of the town business, including regulations.

Emergency: The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action. [Town charter, section 7-7 (c)]

SECTION 3. POLICY ADOPTION PROCEDURES

Section 3.1 Conformity

All policies of the town shall conform to the provisions of the federal constitution and laws. They shall also conform to the provisions of the Massachusetts Constitution, Massachusetts statutes and regulations and to the Winchendon Home Rule Charter and the town bylaws.

Section 3.2 Policy Proposals

All proposals for adoption or repeal of a policy shall be placed on the agenda for a Regular Board Meeting under the heading of "New Business" listing the policies to be adopted or amended. A complete draft of a proposed policy shall be included in the member packet for the meeting at which it is to be considered.

Section 3.3 First consideration of the proposal

At the first meeting at which the policy proposal is considered, the proposal may be debated, amended, referred for study or comment, postponed, withdrawn, defeated or any other usual parliamentary action except adoption. At the end of such consideration it may be ordered placed on the next or any subsequent agenda.. The proposed policy, in the form then existing, shall be posted on a town hall bulletin board and copies shall be available to citizens in the office of the Town Manager. The Board may also request the opinion of the Town Manager, of town counsel, and other persons affected be submitted for the scheduled second consideration.

Section 3.4 Second consideration of the proposal

At the second meeting at which the policy is considered it may again be subject to any usual parliamentary treatment and may be adopted or repealed, as the case may be, by majority vote provided all members are in attendance. If, however, there have been substantive changes to the language of the proposal; it shall be treated as a first consideration. The official copy of an adopted policy shall be dated when voted by a majority of the members of the Board.

Section 3.5 Effective Date

Unless a specific effective date is included in the policy, policies shall become effective immediately upon adoption.

SECTION 4. PUBLICATION OF ADOPTED POLICIES

Section 4.1 Codification

Upon adoption of a policy, the Executive Office staff shall codify the policy according to its subject matter so that the policy may be easily accessed.

Section 4.2 Official Policy Manual

The Executive Office Staff shall maintain in the office of the Town Manager an official policy manual which shall contain all policies currently in effect. This shall be available during normal business hours as a public record to all persons as required by law. Copies of specific policies shall be available on the Town's web-site (www.townofwinchendon.com) and provided for review without charge to any person requesting the same.

Section 4.3 Board Member Manuals

Each member of the Board of Selectmen shall be provided with a copy of the policy manual which copies shall include all the policies then in effect. Each Board member shall be provided with a copy of each new or amended policy to include in the manual and shall be responsible for keeping the manual up to date.

Section 4.4 Filing, Posting and Dissemination

Upon adoption of a policy, the Executive Office Staff shall file copies thereof in the office of the Town Clerk and at the Beals Memorial Library. The policy shall be posted on the town hall bulletin board for at least seven days, and on the Town's Website at www.townofwinchendon.com, and shall further provide copies to all officers and agencies that may be affected thereby.

SECTION 5. ANNUAL POLICY REVIEW

Section 5.1 Annual Policy Review

The Policies of the Winchendon Board of Selectmen shall be reviewed from time to time or at the request of a Board member.

SECTION 6. EMERGENCY CLAUSE

Section 6.1 Adoption of Emergency Policies

Emergency circumstances may arise that require immediate policy action. In those cases the Board of Selectmen may adopt an emergency policy at any meeting for which notice is provided in accordance with the Open Meeting Law.

Section 6.2 Duration of an Emergency Policy

Any policy that has been adopted under section 6.1, supra, shall expire thirty days after its adoption unless it is readopted in accordance with the procedures set forth herein.

400-37 : SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this policy, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Policy or any part thereof.

400-38: Flags Flown Policy (Adopted 12.12.23)

The Board of Selectmen authorizes the following flags to be flown on Town-owned flagpoles, as an official expression of the Town's governmental speech, to which the strictures of the First Amendment do not apply:

- The official flag of the United States of America;
- The official flag of the Commonwealth of Massachusetts;
- The official flag of the Town of Winchendon;
- The official flags of the various branches of military services of the United States of America; and/or
- The official MIA-POW flag.

No other flags shall be allowed to be flown on Town of Winchendon-owned flagpoles, as those flagpoles and this policy are not intended to establish or serve to create a forum for private expression.

END OF BOARD OF SELECTMEN POLICIES & PROCEDURES

Authorization of Policies and Procedures:

The forgoing policies shall take full force and effect on March 11, 2019.

Audrey LaBrie, Chair

Austin Cyganiewicz, Vice-Chair

Michael Barbaro, Selectman

Barbara Anderson, Selectwoman

Board Member Acknowledgement:

I acknowledge that I have received a copy of the Town of Winchendon Board of Selectmen General Policies and Procedures. I further acknowledge that it is my responsibility to become familiar with them and to abide by them.

Board Member or Employee's Name

Date