

**TOWN OF WINCHENDON
MUNICIPAL CODE
WINCHENDON, MASSACHUSETTS 01475**



(last updated: 11/13/07)

(BOARD OF SELECTMEN Section Only)

INDEX

Series Number	Department Regulations
100	Home Rule Charter
200	Town General Bylaws
300	Town Zoning Bylaws
400	Selectboard Policies
500	Town Manager Policies
600	Town Meeting Voter's Guide
700	Planning Board Rules and Regulations
800	Zoning Board of Appeals
900	Board of Health Regulations

400.
BOARD OF SELECTMEN
GENERAL POLICIES & PROCEDURES
(last updated 11/13/07)

TABLE OF CONTENTS

400-01: Purpose 207

400-02: Nature of Policies and Procedures 207

400-03: Procedure to Establish Policies and Procedures 207

400-04: Authority 207

400-05: Election Qualification and Recall 207

400-06: Vacancies on the Board..... 208

400-07: Role of the Board of Selectmen 208

400-08: Role of the Town Manager 208

400-09: Role of the Support Staff 208

400-10: Board Rules and Ethics 209

400-11: Organization of the Board..... 210

400-12: Responsibilities of the Chairman 210

400-13: Responsibilities of the Vice Chairman..... 211

400-14: Regular Board Meetings 211

400-15: Special Board Meetings 211

400-16: Emergency Board Meetings..... 211

400-17: Working Board Meetings..... 211

400-18: Meeting Procedures..... 212

400-19: Executive Sessions 212

400-20: Agenda Procedures 214

400-21: Minutes..... 215

400-22: Appointments 216

400-23: Advisory Committees of the Board of Selectmen 217

400-24: Relations with other Town Boards, Committees and Commissions	217
400-25: Relations with Citizens	217
400-26: Hearings before the Board	218
400-27: Procedure for Conducting Dog Hearings.....	219
400-28: Original & Renewed License.....	220
400-29: Liquor License Hearings.....	220
400-30: Parade and Demonstration Permits.....	222
400-31: Congratulatory Messages.....	222
400-32: Selectmen’s Files	222
400-33: Town Meetings	223
400-34: Policy Adoption, Review & Repeal.....	223
400-35: Selectmen’s Stationary.....	225
400-36: Reimbursement	227
400-37: Severability	227
Authorization of Policies and Procedures	228
Appendix 400-A	229

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 Support 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 shall contain items relating to topics that are not addressed elsewhere. Subjects that would more appropriately be addressed in a statute, by-law or regulation shall not be addressed in this format. These policies are not intended to be all-inclusive.

It should be understood that these policies and procedures represent the rules that govern the manner in which the members of the Winchendon Board of Selectmen and their staff shall perform their respective functions. Accordingly, any violation of these policies and procedures may constitute grounds for either sanction or disciplinary action, whichever is appropriate.

400-03: PROCEDURE TO ESTABLISH POLICIES AND PROCEDURES:

Draft policies and procedures shall be placed on the agenda for any regularly scheduled meeting of the Board. Drafts shall be in writing, and may be introduced only by a member of the Board or the Town Manager. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary.

The Board shall not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary. A majority vote of the board is necessary for adoption.

The Town Manager shall be responsible for the maintenance of all policies and procedures.

400-04: AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the Winchendon Home Rule Charter and the By-Laws of the Town of Winchendon.

400-05: ELECTION, QUALIFICATION AND RECALL:

The Board shall consist of five duly elected members. Before assuming official duties, each newly elected member shall be sworn to faithful performance of official responsibilities by the Town Clerk. A duly elected member of the Board of Selectmen can be recalled from office in accordance with the provisions of the Town of Winchendon's Recall Petition in the Charter.

400-06: VACANCIES:

1) Vacancies on the Board of Selectmen-

When a vacancy occurs in the membership of the Board of Selectmen, the Board or its remaining members shall fill the unexpired term or terms in accordance with the Massachusetts General Laws.

2) Vacancies on Board Which the Selectmen are Appointing Authority-

When a vacancy occurs to which the Board of Selectmen has appointing authority, the Board shall:

- (1) Officially declare the position open
- (2) Publicly post said vacancy for a period of two weeks
- (3) Following said posting, the appointing authority shall, as prescribed by law, hold public interviews of all eligible candidates.
- (4) The vacancy shall then be filled by a majority vote of those Board members present and voting

400-07: ROLE OF THE BOARD OF SELECTMEN:

The Board is the chief executive body of the town. The Board sets the community's vision. The Board is responsible for developing policy and reviewing for compliance. The Town Manager supports the Board on policy formulation and policy implementation.

Concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Manager, and the responsibility for addressing these issues is thus carried out through the Town Manager.

400-08: ROLE OF THE TOWN MANAGER:

The Board appoints a Town Manager who functions as the Town's Chief Administrative Officer. The primary duties of the Town Manager shall be the day-to-day administration of the general government as outlined in the Charter

The Town Manager must strive to maintain a working relationship with all members of the Board. He/she shall regularly brief the Board on all relevant issues.

In order to provide the Town with continuity of management and the Town Manager with job security, the Selectmen are committed to maintaining an employment contract with the Town Manager, as permitted by statute.

400-09: ROLE OF THE SUPPORT STAFF:

The Support Staff is appointed by the Town Manager and offers support for the Board as approved by the Town Manager. The Support Staff must maintain a working relationship with all members of the Board and the Town Manager.

The primary duties of the Support Staff shall be as outlined in each of the position's job description. He/she shall perform varied office administration functions as directed by the Town Manager.

400-10: BOARD RULES AND ETHICS:

1. A member of the Board of Selectmen, in relation to his or her community should:
 - A. Realize that his or her basic function is to make policy, with day to day administration delegated to the Town Manager.
 - B. Realize that he or she is one of a team and should abide by, and carry out, all board decisions once they are made.
 - C. Be well informed concerning the duties of a board member on both local and state levels as detailed in the General Laws, the Charter and the By-Laws.
 - D. Remember that he or she represents the entire community at all times.
 - E. Accept the office of Selectman as a means of unselfish service and not benefit personally or politically from his or her board activities.
 - F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
 - G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit or injure someone personally.

Recognize that Selectmen are governed by the provisions of Chapter 268A of the Massachusetts General Laws. This chapter provided minimum standards of conduct for all public employees and includes both civil and criminal penalties for the violation of such standards.

The purpose of the conflict of interest law is to ensure that public agent's private financial interests and relationships do not conflict with their public obligations to act objectively and with integrity.

Areas covered by the law include bribes, acceptance of gifts, acting on matters that involve your own or your family's business/financial interests, obtaining municipal contracts, misusing your official position and representing private parties in town matters. The law is enforced by the office of the State Ethics Commission of the Commonwealth of Massachusetts.

2. A member of the Board of Selectmen, in his or her relations with the Town Manager should:
 - A. Endeavor to establish sound, clearly defined policies for the benefit of the people of the community.
 - B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 - C. Give the Town Manager full responsibility for discharging his or her duties.
3. A member of the Board of Selectmen, in his or her relations with fellow board members, should:

- A. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the board outside of such meetings.
- B. Not make statements or promises of how he or she will vote on matters that will come before the board until he or she has had an opportunity to hear the pros and cons of the issue during a board meeting.
- C. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- D. Make decisions only after all facts on a question have been presented and discussed.
- E. Treat with respect the rights of all members of the board despite differences of opinion.

400-11: ORGANIZATION OF THE BOARD:

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. The Board at any time may remove the Chairman by a majority vote. The Chairman shall not serve consecutive years in any given term, unless by a unanimous vote of the Board. A majority vote shall constitute an election. Nominations require a second. The immediate past Chairman shall preside as Chairman pro tem until the Chairman is elected. If there is no immediate past Chairman, the senior member in terms of current service shall serve as Chairman pro tem. If a vacancy occurs in the office of Chairman, the Vice Chairman will assume the role of Chair until the Board elects a successor.

400-12: RESPONSIBILITIES OF THE CHAIRMAN:

The Chairman of the Board shall:

- 1) Preside at all meetings of the Board. In doing so he/she 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 Chairman.
- 3) Call special meetings in accordance with the Open Meeting Law.
- 4) Prepare agendas with the Town Manager.
- 5) Arrange orientation for new members.
- 6) Represent 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 Chairman.
- 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.

400-13: RESPONSIBILITIES OF THE VICE CHAIRMAN:

The Vice Chairman of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman. The Vice Chairman 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.

400-14: REGULAR BOARD MEETINGS:

Regular Board Meetings are held on a schedule voted by the Board. The schedule shall be the 2nd and 4th Monday of each month. Unless in the case of an emergency, the Board shall not meet on days designated as legal holidays.

400-15: SPECIAL BOARD MEETINGS:

A meeting that is called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Special meetings may be called by any member provided that a majority of the members agree to meet, all Board members are notified and the meeting is posted in conformance the Open Meeting Law.

400-16: EMERGENCY BOARD MEETINGS:

A meeting that is called for any time other than the regular meetings and that is called without the required forty-eight (48) hour posting shall be known as a "Special Emergency Meeting". The same rules as those established for regular meetings will apply. Special Emergency meetings may be called by any member provided that the subject matter is of an emergency nature, a majority of the members agree to meet, due diligence is used in notifying all Board members and the meeting is posted in conformance with the Open Meeting Law.

400-17: WORKING BOARD MEETINGS:

The Board may conduct informal "working sessions" from time to time as the situation warrants. At such meetings, which will be posted in conformance with the Open Meeting Law, no official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

400-18: MEETING PROCEDURES:

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedures will be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification.

Although the public and the press have a right to be present at open meetings of the Board of Selectmen, they do not have the right to participate unless they are recognized by the Chair.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, such as the adoption of policy or appointments, shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. In split votes, if any, the members vote shall be identified by name.

If it appears that a Board member's participation in any particular matter may place that member in an illegal conflict of interest, the member shall publicly state that fact, recuse himself or herself from consideration of the matter and temporarily leave the Board table. This action shall be recorded in the minutes.

The Town Manager is expected to be in attendance at all meetings of the Board. The Town Manager shall attend in order to keep the Board informed and advised on all matters that fall within the jurisdiction of his/her office. To the extent that they are policy matters and do not conflict with the laws or the Charter, he/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

400-19: EXECUTIVE SESSION:

Executive Sessions of the Board shall only be held in accordance with the provisions of Massachusetts General Law Chapter 39, section 23B.

Executive sessions may be held only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) to speak in his own behalf.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) to speak in his own behalf.

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

(4) To discuss the deployment of security personnel or devices.

(5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

(8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

(9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.

The attached Executive Session Form shall be utilized for each such session.

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify the exemption under which the session is sought to enter Executive Session. A majority of the members present must vote to enter Executive Session by roll call vote. The motion must state whether or not the Board will reconvene into open session.

400-20: AGENDA PROCEDURES:

The responsibility for coordinating and planning the meeting agenda is that of the Town Manager in consultation with the Chairman. Each of the Board Members and the Town Manager may place items on the agenda. The Town Manager, in consultation with the Chairman, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda are expected to be submitted to the Town Manager at least two business days before any regularly scheduled meeting. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "new business".

Agenda items normally include:

1. Call Meeting to Order
2. *Pledge Alliance to the Flag of the United States*
3. Accept Minutes and Agenda
4. Selectmen Comments
5. Student Selectmen Comments
6. Public Comments
7. Boards/Commissions/Committees (1st of month)
8. Guests
9. Web-site update (if any)
10. Town Manager Report
11. New Business
12. *Old Business*
13. Executive Sessions (if any)
14. Adjournment

Members of the Board, Town Manager, staff or others who prepare background material for the meeting should make an effort to have such material available on the Friday before any regularly scheduled meeting. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The Board's meeting packet shall be compiled by the Support Staff. The agenda and all substantiating documents will be arranged in order and be placed in a sealed envelope for each member. The envelopes will be placed *in* a location to be picked up as determined by a Board vote.

The agenda shall be available to the public and the press at the Selectmen's office on the Friday before the meeting date and shall be posted at the Town office bulletin board and/or Town of Winchendon Web-site.

Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

400-21: MINUTES:

The Support Staff may record open meetings of the Board by tape recorder, and he/she shall draft minutes from the tape.

Minutes shall be in order for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all motions made and voted by the Board and of the disposition of all proposals for action. Approved minutes shall be transferred to the "Minute Manager" software program under the control of the Town Clerk's Office.

Minutes of Executive Sessions shall be processed in the same manner as above and kept in a separate binder. Executive session minutes shall first be voted to be approved and then in a separate vote they shall be voted to be released but shall only be voted to be released after the matter of the executive session is no longer entitled to the executive session privilege under which the session was held.

Minutes are open for public inspection as provided for by law.

400-22: APPOINTMENTS:

The Board makes numerous appointments each year. Appointments are generally 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. Appointments generally are made on or before June 30th of each year. In the case of appointments, a second to the nomination or motion will be required prior to Board action.

Committee Appointments: Whenever possible the Board will seek variety in backgrounds, interests, ages, gender and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable. Vacancies could be advertised on *the town website* as well as on Cable TV. Appointments should be based on merit and qualifications rather than political merit.

The Support Staff shall:

- a. Provide by May 1st a list of the appointment vacancies to be filled by the Board.
- b. Notify the chairman of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies.
- c. Notify incumbents and request their statements of availability regarding reappointment.

All candidates seeking appointment for the first time to a position shall submit a short written letter of interest or resume. This letter/resume shall be included in the Board agenda in advance of the meeting. The Board may consider reappointments to positions at their pleasure. A statement/resume will only be requested from a candidate seeking reappointment by specific request of a member of the Board.

Notice of candidates being interviewed shall be included in the agenda provided to the Board. Candidates not being interviewed may, at the discretion of the Board, still be considered upon receipt of a resume/statement.

Appointments will normally be made only when all members of the Board are present. Appointments will be made by a majority vote of the Selectmen.

400-23: 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. Each committee must report in writing at least annually to the Selectmen. The Selectmen's Office shall be sent copies of all committee agendas and minutes. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and law.

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. Re-appointments 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.

In order to attract qualified and interested persons, vacancies will be made public as far in advance, but at least two weeks in advance, of an appointment as practicable.

400-24: RELATIONS WITH OTHER TOWN BOARDS, COMMITTEES AND COMMISSIONS:

The Board of Selectmen is aware that coordination and cooperation is needed among the town's major boards, committees and commissions and will place a Board, Committee or Commission on the Selectmen's meeting agendas on the 1st of the month to:

- 1.) set town-wide goals, priorities and vision,
- 2.) develop a process for dealing with federal and state government.

400-25: RELATIONS WITH CITIZENS:

The Board recognizes that it both represents and is accountable to all the citizens of the town. It is the Board's policy to make every effort to strengthen communications with citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board at the town meeting which will affect them. To this end the following steps will be taken:

1. An individual citizen or group of citizens may request an appointment before the Board by contacting a Board member or the Town Manager, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. With a place on the agenda the participants shall be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments concerned prior to the appointment insofar as possible so that all parties involved can have a reasonable understanding of the subject matter. Citizens are encouraged to have written materials submitted for the Board's meeting packet.
2. Persons who will be directly affected by proposed Board discussion and/or action will be notified by the Support Staff of the date and time of meeting at which the matter will be discussed or acted upon by the Board.
3. In considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman or upon request of any member of the Board.
4. All citizen questions are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen shall be answered promptly by the Chairman, after consulting with the Board. Those needing prompt attention by the Board should be referred to the Chairman for inclusion in the next meeting agenda.

Complaints about day to day operations are to be reduced to writing and referred to the Town Manager's Office for review and action. Said complaints, if not resolved to the complaining party's satisfaction, may be reduced to writing and presented to the Board of Selectmen as a complaint against the Town Manager in accordance with the terms of this section.

400-26: HEARINGS BEFORE THE BOARD:

Hearings before the Board of Selectmen generally shall be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters. The procedure for conducting ~~dog and utility~~ hearings are hereinafter outlined:

1. Notice: The Support Staff will advertise the hearing and notify interested persons, such as abutters, as required by statute or as directed by the Chairman in the absence of statutory requirements.
2. Hearings will be held in open session unless otherwise voted by the Board in compliance with the Open Meeting Law.

3. The Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chairman will outline the procedure to be followed. All questions shall be addressed to the Chair.
4. The order of presentation will be:
 - a. Presentation by Proposer
 - b. Receipt of recommendations from any Town agency or officer
 - c. Statements by proponents
 - d. Statements of opponents
 - e. Rebuttal statements by proponents and opponents
 - f. Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted first from members of the Board.
5. The Board may permit persons not desiring to speak to record themselves as in favor or against the proposal. In the discretion of the Board a show of hands may be taken.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

400-27: PROCEDURE FOR CONDUCTING DOG HEARINGS:

When a problem is unable to be resolved with the Animal Control Officer and the Town Manager, a written complaint must be filed with Board of Selectmen. The complaint should describe and name the dog and fully identify the owner. The complaint should further specify why and how the dog is considered to be vicious. Specify all times, dates and reasons.

Upon receipt of a request for a hearing, the hearing will be included in the agenda for a regular meeting. The Support Staff will notify the Animal Control Officer and all involved persons. Hearings will be held in open session. The procedure for conducting a hearing is as follows:

1. Read complaint - fully identify and describe dog, present picture when available. Note: the hearing is being conducted under Chapter 140 of the Massachusetts General Laws.
2. Swear in the complainant so that all information and statements are the whole truth and nothing but the truth.
3. Hear reports from Animal Control Officer and/or health officer or interested town agent -- make sure dog is fully identified here.
4. Take testimony from complainants - directly question as to why dog is considered vicious or dangerous. Are they fearful of dog? Is there excessive barking, etc.?
5. Take testimony from owner and/or others speaking on his behalf.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.
7. Unless requested by the Board, the dog shall not attend the hearing.

400-28: 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.
- 1.2 Inspections will be performed in accordance with the attached schedule.
- 1.3 The license inspection schedule will be reviewed at least annually by the Board of Selectmen.
- 1.4 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 support 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.

400-29: LIQUOR LICENSE HEARINGS:

A. Upon receipt of applications for an original alcoholic beverage license, or any transfer of same, that the Secretary of the Board be instructed to prepare and publish the necessary notice of meeting without further action by this Board.

B. Before the application can be forwarded to the Alcoholic Beverage Control Commission (ABCC), the Board must be in receipt of a certified check in accordance with the fee schedule made out to the ABCC to be forwarded with same.

Information to Applicants for Liquor Licenses:

The following procedure must be followed on all applications for original licenses whether the same are for package store or for restaurants or bars in which liquors are sold to be consumed on the premises.

1. An application furnished by the Board of Selectmen must be completed in every detail.
2. Within ten (10) days after the receipt of this application, the secretary to the Board of Selectmen shall cause a notice thereof to be published in a local newspaper. This publication must 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 may not be acted upon by the Board of Selectmen except after the hearing.
4. This hearing shall not be held sooner than ten (10) calendar days after the publication of the notice.
5. The applicant for the license must, 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 Assessor's records.
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 him or 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 must be borne by the applicant.

The Board of Selectmen, aka the Local Licensing Authority, may consider for the granting of a new liquor license the assessment of public want and the appropriateness of a liquor license at a particular location. (See *Ballarin, Inc v. Licensing Board of Boston*, 49 Mass. App. Ct. 506, 730 N.E. 2d 904 (2000). The "7 Ballarin Factors" to aid in the determination of granting a license are:

1. Consideration of the number of existing dispensaries in a locality is a proper concern.
2. Views of the inhabitants of the locality in which a license is sought.
3. Traffic.
4. Noise.
5. Size.
6. The sort of operation that carries the license.
7. The reputation of the applicant may also be taken into consideration.

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.)

400-30: 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. This written detail must be submitted to the Board at least thirty (30) days prior to the Parade date. This will enable the Police Department to coordinate plans for alternate traffic routes, crowd control, etc.

Any application for a permit may be changed by the Board before final approval of permit.

400-31: CONGRATULATORY MESSAGES:

The following is adopted to serve as a guideline in the Board's recognition of Winchendon citizens who have achieved significant milestones, or for special achievements.

The Board of Selectmen shall, when made aware of same, send appropriate congratulatory communication to any citizen with residence in Winchendon for the preceding ten (10) years, on the following occasions:

- Birthdays – 90 year, 95 year, 100 year
- Anniversaries – 50 year, 60 year, 70 year

The Board of Selectmen may, at its sole discretion give what they deem appropriate recognition to but not limited to:

- Special Achievements (Arts, Sports, Heroism, etc.)
- Special Contributions or Service to the Welfare of Winchendon

400-32: SELECTMEN'S FILES:

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

400-33: TOWN MEETINGS:

1) Annual Town Meetings

The Town Meeting warrant is the Selectmen's warrant by Statute. Articles for the warrant may be submitted as per the Winchendon Home Rule Charter and the General Laws. It has been the practice of the Town of Winchendon to hold its Annual Town Meeting on the second Monday in May. The Selectmen may, however, call the Annual Town Meeting for any time allowed by the Massachusetts General Laws and By-Laws. The warrant for the Annual Town Meeting shall be either printed in a newspaper of local circulation or mailed to every house with a registered voter at least one (1) week prior to the Annual Town Meeting.

2) Special Town Meetings

The Selectmen will 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. The Selectmen must call a Special Town Meeting if they receive a written request, signed by the number of voters called out in the General Laws. It is the practice of the Town of Winchendon to address major issues at the Annual versus a Special Town Meeting.

Articles for the warrant may be submitted as per the Winchendon Home Rule Charter and the General Laws.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters, the Selectmen shall strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Selectmen may consult with other town committees, officials, and staff as appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted before the calling of any Town Meeting.

400.34 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 town policy is a carefully considered and definitive statement of the methods and procedures to be followed in the conduct of the town business.

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 a regular agenda under the heading of new business. A substantially complete draft of a proposed policy shall be included in the regular 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 date for such consideration shall be not less than seven days thereafter. 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. It shall only be placed on a subsequent agenda as provided in section 3.2.2. The official copy of an adopted policy shall be signed 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 secretary of the Board shall codify the policy according to its subject matter so that the policy may be easily accessed.

Section 4.2 Official Policy Manual

The secretary of the Board 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 Board secretary shall file copies thereof in the office of the Town Clerk and at the Beals Memorial Library. The policy shall be posted on a town hall bulletin board for at least seven days and shall further provide copies to all officers and agencies that may be affected thereby. If provisions have been made to post such documents on a town Internet web site, it shall be so posted at www.townofwinchendon.com.

SECTION 5. GENERAL APPLICABILITY

Section 5.1 Regulations and other actions of general application shall be proposed, considered, and adopted by the Board only under the same procedure as is required for policy adoption.

SECTION 6. ANNUAL POLICY REVIEW

Section 6.1 Annual Policy Review

The Policies of the Winchendon Board of Selectmen shall be reviewed annually in the month of October.

SECTION 7. EMERGENCY CLAUSE

Section 7.1 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. This action may be taken without advance notice but shall require the affirmative vote of all members present for adoption.

Section 7.2 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 under the provisions of sections 3.2.1 through 3.2.3, supra.

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

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 REIMBURSEMENT

The objective of this policy is to establish procedures and eligibility criteria for reimbursing employees for expenses incurred in the performance of their duties. All reimbursements for expenses will be made by the most current policy set forth by the Town Accountant pursuant to M.G.L. (See appendix 400-A)

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.

The Board of Selectmen hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or ineffective.

END OF BOARD OF SELECTMEN POLICIES & PROCEDURES

Authorization of Policies and Procedures:

The forgoing policies shall take full force and effect on this ___th day of this month of _____ in the year _____. These policies and procedures shall not be amended without a vote of the Board of Selectmen. Any vote of change shall be committed to writing, signed, dated and attached hereto.

Keith R. Barrows

Keith R. Barrows, Chairman

Mark S. Shea

Mark S. Shea, Vice-Chairman

Burton E. Gould, Jr.

Craig G. Bourque

Craig G. Bourque, Member

Walter Moriarity, Memeber

Board Member or Employee 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

APPENDIX 400-A

TOWN OF WINCHENDON REIMBURSEMENT POLICY

Updated August 2, 2005

Professional Development, mileage reimbursement, contractual reimbursements (such as clothing allowance) and incidental food expenses for meetings may be reimbursed. Employees should not be seeking reimbursements that should be paid directly to vendors. The Town of Winchendon has established vendor accounts and new vendor accounts may be opened as necessary. It is the employee's responsibility before incurring an expense to understand the documentation required for reimbursement.

No third party reimbursements will be allowed. The individual requesting the reimbursement must be the one who incurred the cost. For example, a credit card statement in your brother-in-law's name cannot be used for your reimbursement. The statement must be in your name or your spouse's.

Originals

All reimbursement requests are to be accompanied by original receipts from the vendor (not a photocopy or a faxed copy). Credit card statements alone are not acceptable. The original credit / debit card receipt given by the vendor showing the date, vendor, item, price and payment attached to a copy of the credit card statement is required. It is acceptable to black out or cut out any non-pertinent information on the credit card statement.

Credit versus Debit Card – All credit card purchases must have the original receipt attached to a copy of the credit card statement. For debit card purchases, the original printed vendor receipt must state "Debit" for the receipt to be treated as a cash payment. If the receipt does not state the purchase was completed with a debit card, a copy of the bank statement or credit card statement must be attached to the original receipt.

Money Orders – the original stub along with a copy of the money order. Attach a copy of the course, seminar, order form, catalog page, etc.

Cash - for items paid in cash, the original receipt must be marked "paid in cash" and signed by the vendor if the receipt does not identify a cash payment. Have the vendor itemize the receipt if the register does not. For items paid by check, a copy of the cancelled check must be provided along with the original receipt.

Itemized Receipt and Non-reimbursable Items

An original vendor receipt must state the date, vendor, item purchased, price and payment in full. Detailed restaurant receipts must be submitted, not just the summary slip. The Town does not reimburse for Massachusetts sales tax, alcohol, finance charges or late fees. Flowers and gifts may only be paid from unrestricted special revenue funds; usually

an unrestricted gift account. Shipping charges on catalog orders may be reimbursed along with the clothing cost, prorated if necessary. It is best to ring up personal items separately at the register. The Town will require the original receipt.

Professional Development

Registration for seminars, courses and training sessions should be done through the regular warrant process. If the seminar is paid by the employee, proof of payment must be submitted as well as proof of completion. Acceptable proof of payment is the cancelled check (not a photocopy of a check written but not yet cashed) or a bank statement copy of the check. Attach a copy of the registration form that states the date, vendor, course and price. A credit card statement along with the original credit card receipt (make sure you ask for a receipt) will only be accepted if the date, vendor and dollar amount exactly matches what is stated on the registration form. Proof of attendance or certificate of completion must also be submitted in addition to the proof of payment.

Mileage Reimbursement

The date(s) of travel, destination, miles and purpose must be stated on a mileage reimbursement request.

Authorization

The employee being reimbursed may not authorize (sign) their own reimbursement.