

ARTICLE 1

INCORPORATION AND POWERS

Section 1 - 1 INCORPORATION

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

Section 1 - 2 SHORT TITLE

This instrument shall be known and may be cited as Winchendon Home Rule Charter.

Section 1 - 3 DIVISION of POWERS

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

Section 1 - 4 POWERS of the TOWN; INTENT of the VOTERS

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

Section 1 - 5 INTERPRETATION of POWERS

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

Section 1 - 6 INTERGOVERNMENTAL RELATIONS

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

ARTICLE 2

LEGISLATIVE BRANCH

Section 2 - 1 OPEN TOWN MEETING

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

Section 2 - 2 PRESIDING OFFICER

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

Section 2 - 3 COMMITTEES

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

(b) **Finance Committee**—There shall be a Finance Committee which shall be appointed by the Moderator. The number of members, the term of office and further conditions of appointment, and service may be provided by bylaw. Not less frequently than annually, the committee shall choose a chairman and such officers as it may deem desirable. All articles which are contained in the warrant for any town meeting shall be referred to the Finance Committee by the Board of Selectmen for its consideration at the earliest practicable time. The Finance Committee shall report, in writing, its recommendations of each article in every warrant together with a brief statement of the reason for each such recommendation. Prior to every town meeting, the Finance Committee shall hold one or more public hearings to permit general discussion of each article contained in the warrant for such town meeting, which shall be in addition to the public hearing required on the proposed budget as provided in Section 5 - 6 (a).

(c) **Planning Board**—There shall be a Planning Board consisting of five members, appointed by the Board of Selectmen, to serve for terms of three years each. The terms of members shall be arranged that as nearly an equal number of such terms as possible shall expire each year. The Town may, by Bylaw, establish special qualifications required to be represented in the membership of the Planning Board. The Planning Board shall make careful studies of the resources, possibilities and needs of the Town and shall make and review plans for the development of the Town. The Board shall have the power to make a comprehensive or master plan, setting forth in graphic and in textual form, policies to govern the future growth and development of the entire Town. The Board shall have the power to regulate the subdivision of land by the adoption of rules and regulations governing such development and by the administration of such rules and regulations. The Planning Board shall make recommendations to the town meeting on all warrant articles which would affect land use and development, in addition to the recommendations required by law under the zoning bylaw.

Section 2 - 4 ANNUAL TOWN MEETING

The annual town meeting shall be held on such date as may from time to time be fixed by bylaw.

Section 2 - 5 SPECIAL TOWN MEETINGS

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

Section 2 - 6 WARRANTS

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

Section 2 - 7 INITIATION OF WARRANT ARTICLES

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

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

Section 2 - 8 AVAILABILITY of TOWN OFFICIALS

Every Town agency shall designate a representative to attend all sessions of the town meeting at which warrant articles pertinent to that agency are or may be taken up, for the purpose of providing information pertinent to such articles at the town meeting. If any person so designated is not a town resident, he shall, notwithstanding, be entitled to speak in order to provide the town meeting with information relative to his responsibilities.

Section 2 - 9 PROCEDURES

(a) **Clerk of the Meeting**—The Town Clerk shall be the clerk of the town meeting, give notice thereof, record its proceedings, and perform such other duties as may be assigned by General law, by Bylaw or by other vote of the Town.

(b) **Rules of Procedure**—The town meeting shall, by Bylaw, adopt and from time to time amend, revise or repeal rules to govern the conduct of all town meetings.

ARTICLE 3

ELECTED OFFICIALS

Section 3 - 1 IN GENERAL

(a) **Elective Offices**—The Town offices to be filled by the voters shall be a Board of Selectmen, a School Committee, a Town Moderator, and a Board of Health. In addition, members of a Housing

Authority and representatives to the Regional Vocational School District and such other regional authorities or districts as may be established by law or interlocal agreement may also be filled by the voters.

(b) **Eligibility**—Any voter shall be eligible to hold any elective Town office provided however, no person shall simultaneously hold more than one elected Town office as defined in this section.

(c) **Town Election**—The annual election of town officers, for the election of representatives to regional authorities or districts and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by Bylaw.

(d) **Recall of Elected Officers**

(1) **Application**—Any person who holds an elected Town office, with more than six months remaining of the term of office, may be recalled from the office by the voters, in the manner provided by this section.

(2) **Recall Petitions**—Fifty or more voters may file with the Town Clerk an affidavit and a statement of the grounds for recall. If the said petition is found to be valid, the Town Clerk shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the Board of Selectmen; they shall contain the names of the ten persons to whom they are issued; the name of the officer whose recall is sought and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the Town Clerk. The recall petitions shall be returned to the office of the Town Clerk within twenty days following the date they are issued, signed by at least fifteen percent of the total number of persons registered to vote as of the date of the most recent Town election.

The Town Clerk shall, within twenty-four hours following such filing with him, submit the petitions to the Board of Registrars of Voters which shall within five days thereafter, certify thereon the number of signatures which are the names of voters.

(3) **Recall Elections**—If the petitions shall be certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit the same with his certificate to the Board of Selectmen. Upon its receipt of the certified petition, the Board of Selectmen shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, the Board of Selectmen shall order a special election to be held not less than thirty-five nor more than sixty days after the date of the certification of the Town Clerk that the petition is sufficient; provided, however, if a regular Town election is to be held within ninety days, the recall election shall be held at such time in conjunction with such regular election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(4) **Nomination of candidates**—An officer whose recall is sought may not be a candidate to succeed himself in the event the vote on the question of recall is in the affirmative. Nor may a person who has resigned from office while a recall petition is pending against him be a candidate to be elected to the vacancy thus created. The number of signatures of voters required to place the name of a candidate on the official ballot for use at a recall election shall be not less than twenty-five. The publication of the warrant for the recall election shall be in accordance with the General Laws regulating elections.

(5) **Propositions on the Ballot**—Ballots used at the recall election shall state the proposition in the order indicated: For the recall of (name of officer) Against the recall of (name of officer) Adjacent to each proposition shall be a place to vote for either of said propositions.

After the said proposition shall appear the word "candidates" and the names of candidates arranged alphabetically. If a majority of the votes cast on the proposition is against the recall, the votes for candidates need not be counted. If a majority of the votes cast is in favor of the recall, and provided at least twenty percent of the total number of voters as of the date of the most recent town election have participated at such recall election, the officer shall be deemed to be recalled and the ballots for candidates shall be declared elected.

(6) **Officeholder**—The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is not then recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as provided in Section (7) below. If the officer is recalled, he shall be deemed removed upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(7) **Repeat of Recall Petition**—No recall petition shall be filed against an officer within six months after he takes office, or in a case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

Section 3 - 2 BOARD of SELECTMEN

(a) **Composition, Term of Office, Remuneration**—There shall be a Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year. The members of the Board of Selectmen shall serve without salary, but shall be entitled to reimbursement of expenditures incurred in the execution of their duties as set forth in this charter, said expenditures to be reimbursed only after submission of an expense voucher listing in detail the monies sought for reimbursement, the reasons therefore, and only after said vouchers have been reviewed and approved by the Town Manager. Reimbursements based on such vouchers shall be paid as soon as is possible and practical after the end of the month in which the said vouchers are approved by the Town manager. *(Amended March 4, 1985)*

(b) **Powers and Duties**—The executive powers of the Town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office in the Town. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise. The Board of Selectmen shall serve as the chief policy making agency of the Town. It shall be responsible for the issuance of policy directives and guidelines to be followed by all Town agencies serving under it and, in conjunction with other elected Town officers to develop and to bring all agencies of the Town into harmony. Provided, however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of them, to become involved in the day-to-day administration of any Town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority. The Board of Selectmen shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Board of Selectmen shall appoint a Town Manager as provided in Article 4.

(c) **Appointment Powers**—The Board of Selectmen shall appoint a Town Manager, a Town Accountant, the Registrars of Voters (but not including the Town Clerk) and other election officers, the Board of Appeals, and the Conservation Commission.

The Board of Selectmen shall also appoint such other Town officers as may be provided by Bylaw.

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

Section 3 - 3 SCHOOL COMMITTEE

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

(b) **Powers and Duties**—The School Committee shall have all the powers and duties which are given to school committees by General Laws and it shall have such additional powers and duties as may be authorized by the Charter, by Bylaw, or by other town meeting vote. The powers of the School Committee shall include, but are not intended to be limited to the following:

(i) To appoint a superintendent of schools and all other officers and employees connected with the schools, to fix their compensation and to define their duties, make rules concerning their tenure in office and to discharge them.

(ii) To make all reasonable rules and regulations consistent with the law for the administration and management of the public school system and for the conduct of its own business and affairs.

Section 3 - 4 TOWN MODERATOR

(a) **Terms of Office**—There shall be a Town Moderator elected for a term of three years.

(b) **Powers and Duties**—The Town Moderator shall be the presiding officer of the town meeting, as provided in Section 2 - 2

Section 3 - 5 WINCHENDON HOUSING AUTHORITY

(a) **Composition, Terms of Office**—There shall be a Housing Authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. Four of these members shall be elected by the voters and the fifth member shall be appointed by the Secretary of Communities and Development of the Commonwealth (or as may otherwise be provided by law).

(b) **Powers and Duties**—The Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by General Law.

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

One representative to the Montachusett Regional Vocational School District Committee shall be elected by the voters of Winchendon. The term of office of such member shall be for four years, unless other arrangement is made by interlocal agreement.

Section 3 - 7 BOARD OF HEALTH (*Added March 1, 1993*)

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

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

(c) This article shall take effect as follows: At the annual Town election in the year following the year in which this Charter amendment is adopted, the terms of office of all members of the Board of Health then serving shall expire notwithstanding the years in which they were appointed. At the said annual Town election in the year following the year in which the Charter amendment is adopted, a new five member Board of Health shall be elected as follows:

The two candidates who receive the highest number of votes shall be declared elected for a term of three years, the two candidates who receive the next highest number of votes shall be declared elected for a term of two years, the candidate who receives the fifth highest number of votes shall be declared elected for a term of one year. As the terms of office of members so elected expire, successors shall be chosen as provided in Section 3 of the Charter.

ARTICLE 4

TOWN MANAGER

Section 4 - 1 APPOINTMENT, QUALIFICATIONS, TERM OF OFFICE

The Board of Selectmen shall appoint a Town Manager to serve for an indefinite term of office, and shall fix his compensation within the limits of available appropriations. The office of Town Manager shall not be subject to the consolidated personnel Bylaw, if any, of the Town.

The Town Manager shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a person of proven professional ability, especially fitted by education, training and previous experience in business or public administration to perform the duties of the office. He need not be a resident of Winchendon at the time of his appointment, but he shall establish such residence within six months following the effective date of his appointment: provided, however, the Board of Selectmen, may, by majority vote of the full Board, extend such time or waive this requirement. The Town Manager shall devote his full time to the office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term, unless such action is approved in advance, in writing, by the Board of Selectmen. The Town may, by Bylaw, from time to time, establish additional qualifications for the office of Town Manager.

Section 4 - 2 POWERS and DUTIES

The Town Manager shall be chief administrative officer of the Town and shall be responsible to the Board of Selectmen for the proper discharge of all duties of the office and for the proper administration of all Town affairs placed under his charge by or under the Charter.

The powers and duties of the Town manager shall include, but need not be limited to the following:

(a) He shall supervise, direct and be responsible for the efficient administration of all functions under his control, as may be authorized by the Charter, by Bylaw, by other town meeting vote or by the vote of the Board of Selectmen, including all officers appointed by him and their respective departments.

(b) He shall appoint, and may remove, subject to the Civil Service Law and such collective bargaining agreement as may be applicable, all department heads, all officers and subordinates and employees for whom no other method of selection is provided by the Charter, except persons serving under other elected officers or multiple member bodies. Appointments or removals made by the Town manager shall become effective on the fifteenth day following the day notice of proposed appointment or removal is filed with the Board of Selectmen,

unless the Board of Selectmen shall, within said period, by a vote of at least four members of the Board, reject such appointment or removal, or has sooner voted to affirm it. Copies of notices of proposed appointments or removals as filed with the Board of Selectmen shall simultaneously be posted on the Town bulletin board.

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

(d) He shall fix the compensation of all Town officers and employees appointed by the Town Manager within the limits established by appropriations.

(e) He shall attend all regular and special meetings of the Board of Selectmen, unless excused at his own request, and shall have a voice, but no vote, in all discussions.

(f) He shall attend all sessions of the Town meeting and shall answer all questions concerning warrant articles which are directed to him and which relate to matters under his general supervision.

(g) He shall see that all provisions of General Laws, the Charter, the Bylaws and other votes of the town meeting and all the votes of the Board of Selectmen, which require enforcement by him, or officers and employees subject to his direction and supervision are faithfully carried out, performed, executed and enforced.

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

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

(j) He shall assure that full and complete records of the financial and administrative activities of the Town are kept and shall render full reports to the Board of Selectmen at the end of each fiscal year and at such other times as it may be reasonably require.

(k) He shall have jurisdiction over the rental and use of all Town facilities, except those under the jurisdiction of the School Committee. He shall be responsible for the maintenance and repair of all Town facilities including, if authorized by a Town meeting vote, school buildings and grounds

(l) He may at any time inquire into the conduct of office of any Town officer, employee or agency under his general supervision.

(m) He shall assure that a full and complete inventory of all property of the Town, both real and personal, is kept, including all property under the jurisdiction of the School Committee.

(n) He shall be responsible for the negotiation of all contracts with Town employees over wages, hours, and other terms and conditions of employment; provided, however, that any such contract as he may propose may be rejected by a majority vote of the full Board of Selectmen within fifteen days following the date it is submitted to such Board for review

(o) He shall be responsible for the purchase of all supplies, materials and equipment, and shall award all contracts for supplies, materials and equipment for all departments and activities of the Town, except books and other instructional materials and supplies for school or library use, and except in case of emergency. He shall examine and inspect, or cause to be examined and inspected, the quality and condition of all supplies, materials and equipment delivered to or received by any Town agency.

(p) He may, in the manner provided in Article 6, reorganize, consolidate or abolish Town agencies under his general supervision, provide for new town agencies, and, when incident to any such reorganization, with the approval of the Finance Committee, transfer all or a portion of the appropriation made for one Town agency to another .

(q) He may authorize any subordinate officer or employee to exercise any power or function which he is authorized to exercise, provided, however, that all acts performed under any such delegation shall be deemed to be his acts.

(r) He shall perform such other duties as may be required of him by the Charter, by Bylaw, by Town meeting vote, or by vote of the Board of Selectmen.

Section 4 - 3 ACTING TOWN MANAGER

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

(b) **Vacancy**—Any vacancy in the office of town manager shall be filled as soon as possible by the Board of Selectmen, but, pending such full time appointment they shall designate some other qualified person to perform the duties of the Town Manager on a temporary basis.

Such temporary appointment shall not exceed three months; but one renewal, not to exceed a second three months, may be voted by the Board of Selectmen.

(c) **Powers and Duties**—The powers and duties of an Acting Town manager under (a) or (b), above, shall be limited to matters not admitting of delay.

Section 4 - 4 REMOVAL and SUSPENSION

The Board of Selectmen may, by majority vote of the full Board, terminate and remove or suspend the Town Manager from his office in accordance with the following procedure:

Before the Town Manager may be removed, if he so demands, he shall be given a written statement of the reasons alleged for his removal and shall have a right to be heard publicly thereon at a meeting of the Board of Selectmen prior to a final vote on his removal, but pending and during such hearing, the Board of Selectmen may suspend him from his office. The action of the Board of Selectmen in suspending or removing the Town manager from office shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Board of Selectmen. The Town Manager shall continue to receive his salary until the effective date of a final vote of removal. The Town may, by Bylaw, establish a procedure for removal or suspension of a Town Manager in such detail as it may deem necessary or desirable.

ARTICLE 5

FISCAL PROCEDURES

Section 5 - 1 FISCAL YEAR

The fiscal year of the Town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by General Law.

Section 5 - 2 SCHOOL COMMITTEE BUDGET

(a) **Submission to Town Manager**—The budget as adopted by the School Committee shall be submitted to the Town Manager in sufficient time to enable him to consider its effect on the total Town budget he is required to submit under this Article.

(b) **Public Hearing**—At least seven days before the date on which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper, a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. The notice shall also indicate the times and places where complete copies of the Committee's draft budget are available for public examination, and, the date, time and place when a public hearing will be held by the School Committee on its proposed budget, not less than seven days following such publication.

Section 5 - 3 SUBMISSION AND NOTICE

Within a time fixed by Bylaw before the date on which the Town meeting is scheduled to begin its session at which annual appropriations are to be made, the Town Manager, with the approval of the Board of Selectmen, shall submit to the Finance Committee his proposed budget for the ensuing fiscal year, with the accompanying budget message and supporting documents. He shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. The notice shall also indicate the times and places at which complete copies of the proposed budget and accompanying materials are available for public examination.

Section 5 - 4 BUDGET MESSAGE

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

Section 5 - 5 THE PROPOSED BUDGET

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

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by Town agency, function and work programs, and the proposed method of financing such expenditures.

(b) Proposed capital expenditures during the ensuing year, detailed by Town agency, and the proposed methods of financing such expenditures.

(c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5 - 6 ACTION ON PROPOSED BUDGET

(a) **Public Hearing**—The Finance Committee shall forthwith upon receipt of the proposed budget provide for the publication in a local newspaper of a notice stating the date, time and place, not

less than seven nor more than fourteen days following such publication, when a public hearing will be held by the Finance Committee on the proposed budget.

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

(c) **Presentation to the Town Meeting**—The Finance Committee shall file a report containing its recommendations for actions on the proposed budget which shall be available at least seven days prior to the date on which the Town meeting acts on the proposed budget. When the proposed is before the Town meeting for action, it shall first be subject to amendment, if any, by the Finance Committee.

Section 5 - 7 CAPITAL IMPROVEMENT PROGRAM

The Town Manager shall submit a Capital Improvement Program to the Board of Selectmen and to the Finance Committee at least thirty days before the day fixed by Bylaw for the submission of the proposed operating budget. The Capital Improvement Program shall include, but need not be limited to the following:

(a) A clear, concise general summary of its contents.

(b) A listing of all capital expenditures proposed to be made, by years, during the five fiscal years next ensuing, with supporting information as to the need for each such expenditure.

(c) Cost estimates, methods of financing and recommended time schedules.

(d) The estimated annual cost of operating and maintaining any new facility or piece of major equipment involved. The information contained in the Capital Improvement Program shall be revised each year with regard to each item still pending, or in the process of being acquired, improved or constructed.

The Capital Improvement Program shall be based on recommendations made to the Town Manager by the Planning Board acting as a Capital Outlay Planning Committee.

ARTICLE 6

ADMINISTRATION ORGANIZATION

Section 6 - 1 ORGANIZATION OF TOWN AGENCIES

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

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

(b) **Administrative Code**—The Town Manager after consultation with the Board of Selectmen, may from time to time, prepare and submit to the Town meeting, plans of organization, or reorganization of Town agencies, as provided in Section 4 - 2 (p) Whenever the Town Manager prepares such a plan he shall, in conjunction with the Board of Selectmen, hold one or more public

hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal. Before any such plan shall become effective, the Town Manager shall provide that the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, be submitted to a session of the Town meeting. The authority of the Town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the Town meeting shall not vote to amend or to alter the proposed plan.

ARTICLE 7

GENERAL PROVISIONS

Section 7 - 1 CHARTER CHANGES

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

Section 7 - 2 SEVERABILITY

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

Section 7 - 3 SPECIFIC PROVISIONS TO PREVAIL

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

Section 7 - 4 RULES AND REGULATIONS

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

Section 7 - 5 NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender shall include the feminine gender.

Section 7 - 6 PERIODIC REVIEW, CHARTER AND BYLAWS

(a) **Charter Review**—At least once every ten years, in every year ending in zero, a special committee shall be appointed by the Town Moderator, For the purpose of reviewing the provisions of the charter and to make a report, with recommendations, to the Town meeting, concerning any proposed amendments or revision which said committee may deem to be necessary or desirable.

(b) **Bylaws**—At least once in every five years, in years ending in a five, or in a zero, the Town Moderator shall appoint a special committee which shall be charged with the responsibility to review the then existing bylaws of the Town for the purpose of determining if any amendments or revision may be necessary or desirable. Such review shall be conducted under the supervision of the Town Counsel, or, if the Town meeting so directs, by special counsel retained for that purpose. A report, with recommendations, shall be submitted to the Town meeting not more than ten months following the date such committee is appointed.

(c) **Copies of Charter and Bylaws**—Copies of the charter and bylaws of the Town, as most recently amended or revised, shall be kept available for distribution to any person who may request the same at the office of the Town Clerk.

A charge, not to exceed the actual cost of reproduction of the said material, may be charged. In any interval between publication of the charter or bylaws, as amended or revised, supplements shall be published which shall contain all enactments affecting the charter or bylaws since last published in consolidated form.

Section 7 - 7 DEFINITIONS

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

(a) **Charter**—The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.

(b) **Days**—The word "days" shall refer to business days, not including Saturdays, Sundays, and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.

(c) **Emergency**—The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(d) **general laws**—The words "general laws" (all lower case letters) shall mean laws which apply alike to all cities and towns, or to all towns or to a class of municipalities of which Winchendon is a member.

(e) **General Laws**—The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of the statutes enacted on December 22, 1920 and including all amendments thereto subsequently enacted.

(f) **Local Newspaper**—The words "local newspaper" shall mean a newspaper of general circulation in the Town of Winchendon.

(g) **Majority Vote**—The words "majority vote" shall mean a majority of those present and voting, provided a quorum is present when the vote is taken, unless a higher number is required by law or by its own rule.

(h) **Multiple Member Body**—The words "multiple member body" shall mean any town committee, commission, board, sub-committee or other body consisting of two or more persons; whether elected, appointed, or otherwise constituted.

(i) **Town**—The word "town" shall mean the Town of Winchendon.

(j) **Town Agency**—The words "town agency" shall mean any multiple member body, department, division, or office of the Town of Winchendon.

(k) **Town Bulletin Boards**—The words “town bulletin boards” shall mean the bulletin board in the Town Hall on which official notices are posted, and those at such other locations within the town which may, from time to time, be established by the Board of Selectmen.

(l) **Voters**—The word “voters” shall mean persons who are registered to vote in the Town of Winchendon.

Section 7 - 8 VACANCIES IN OFFICES

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

Section 7 - 9 LOSS OF OFFICE, EXCESSIVE ABSENCE

If any person appointed to serve as a member of a multiple member body shall fail to attend six or more consecutive meetings, or more than one-half of all meetings held during one calendar year, the remaining members of the multiple member body may, by vote of a majority of the remaining members, declare the office of such person vacant, provided, however, that prior to the vote on such question, written notice of an intention so to do, shall be given in hand, or mailed to the last known address of such person.

ARTICLE 8

TRANSITIONAL PROVISIONS

Section 8 - 1 EFFECT ON LAWS, ETC.

All general laws, Town bylaws, Town meeting votes, and rules and regulations of or pertaining to the Town that are in force when this charter takes effect and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed or rescinded by due course of law or until they expire by their own limitation.

Section 8 - 2 CONTINUATION of GOVERNMENT

All Town agencies shall continue to perform their duties until reappointed, or re-elected, or until successors to their respective positions are duly appointed or elected or until their duties have been transferred and assumed by another Town agency.

Section 8 - 3 TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of any agency or part thereof, the powers and duties of which are assigned in whole or in part to another Town agency, shall be transferred forthwith to such agency.

Section 8 - 4 CONTINUATION OF PERSONNEL

Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this charter for

the performance of such duties by another person or agency. No person in the permanent full time service or employment of the Town on the date this charter is adopted shall forfeit his pay grade or time in service. Each such person shall be retained in a capacity as similar to his former capacity as is practical.

Section 8 - 5 TIME OF TAKING EFFECT

This charter shall become fully effective upon the ratification by the voters, except as is otherwise provided in this section:

(a) Forthwith following the election at which this charter is adopted, each town agency shall designate some person to represent it at the session of the Town meeting held subsequent to such election, as provided in Section 2-8.

(b) At the annual Town election in the year following the year in which this charter is adopted the terms of office of all members of the School Committee then serving shall expire notwithstanding the year in which they were elected. At the said annual Town election in the year following the year in which the charter is adopted a new five member School Committee, as provided in Section 3-3, shall be elected, as follows:

(c) Forthwith following the election at which this charter is adopted the board of selectmen shall initiate procedures to recruit qualified applicants for the position of Town Manager. In addition to the general qualifications for the office as stated in Section 4-1, the initial qualifications for the office shall include not less than three years experience in a municipal management position. No final decision on the appointment of the first Town manager shall be made until after the special election provided for in Section (d), below. The appointment to fill the position shall be made effective not later than September 15 in the year in which the charter is adopted.

(d) A special election for the purpose of increasing the number of members of the Board of Selectmen from three to five shall be held on the third Monday in June in the year in which the charter is adopted. Candidates shall be nominated, and the election shall be held in accordance with the laws relating to town elections. The candidate who receives the highest number of votes at such special election shall serve until the Town election in the second year following the year in which the charter is adopted and the candidate who receives the next highest number of votes shall serve until the Town election in the year following the year in which the charter is adopted; thereafter candidates shall be elected to fill expiring terms in the manner provided in Section 3-2.

(e) It is recognized that it would not be possible for the first person appointed to the office of Town Manager to begin at once to exercise all of the powers, duties and responsibilities which are assigned to that office by this charter. The Town Manager shall be held responsible for the preparation of a proposed budget, as provided in Article 5, during his first six months in office and to establish a plan and a process for the gradual assumption of the full powers and duties of the office and for their assumption not later than the first day of July in the year following the year in which the charter is adopted. The members of the Board of Public Works in office on the date this charter is adopted shall continue to hold their office, subject to the general supervision of the Town Manager, until the Town election in the year following the year in which this charter is adopted, at which time such office shall be deemed to be abolished; provided, however, the Town Manager may, in his sole discretion but after consultation with the Board of Selectmen, retain such body or a similar one, its members to be appointed by him, to advise him with respect to public works related matters.

(f) Until such time as another salary range shall be established for the office of Town Manager by the Board of Selectmen, and in order to indicate the range believed to be necessary to attract a competent person to serve the Town of Winchendon, the salary range for the office of Town Manager shall not be less than twenty-four thousand nor more than twenty-eight thousand dollars per year.

(g) Until such time as the Town may act by bylaw, to amend or to revise or to repeal them, the following shall have the force of Town bylaws:

(1) Submission of Proposed Budget—

The Town Manager shall submit a proposed budget as provided in Section 5-3, not later

than sixty days before the date the Town meeting is scheduled to meet in its annual session.

(2) Annual Town Election—Annual Town Meeting—

The annual election of Town officers shall be held on the first Monday in March, annually; and the business session of the Town meeting shall begin on the first Saturday in May 1984, and annually thereafter during the first full week of May at a date set by the Board of Selectmen. *(Amended March 5, 1984)*

(3) Notice of Vacancies—

Whenever a vacancy occurs in any Town agency, or in Town employment, or when by reasons of a retirement or the expiration of a fixed term of office a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of the vacancy or impending vacancy to be posted on the Town bulletin board for not less than ten days. Such notice shall contain a description of the duties of the office or position and listing of the necessary or desirable qualifications for appointment to fill it. No permanent appointment to fill an office or position shall be effective until at least fourteen days shall have elapsed following the date the notice was first posted in order to permit reasonable consideration of all applicants. This section shall not apply to positions covered under the civil service law and rules or if in conflict with the terms of a collective bargaining agreement. This section shall not be construed so as to prevent the appointment of a temporary officer when the public need or good so requires.

(4) Procedures Governing Multiple Member Bodies:

(a) Meetings -

All multiple member bodies, however constituted, shall meet regularly at such times and places within the Town as they may, by vote, prescribe. Special meetings of any multiple member body shall be held upon the call of its chairman, or by one-third of the members thereof, by written notice to each member, except in case of emergency, at least forty-eight hours in advance of the time set, and which indicates the subject to be acted upon. A copy of the same notice shall be posted on the Town bulletin board. Regular meetings of all multiple member bodies shall be held in places to which the public has a convenient right of access and with sufficient space to accommodate any voter who shall want to observe such meeting.

(b) Rules and Journals -

Each multiple member body shall determine its own rules and order of business, unless another provision is made by law or this charter, provided, however, that each multiple member body shall provide some reasonable period of time at each of its meetings for members of the public who may be present to ask questions, state opinions, and to interchange information with the members of the multiple member body.

Copies of the rules and the journal of proceedings of each multiple member body shall be kept available for public inspection in the office of the Town Clerk and in the Beal's Memorial Library.

(c) Voting -

If requested by any member, any vote of any multiple member body shall be taken by a roll call vote and the vote of each member shall be recorded in the journal.

(d) Quorum -

A majority of the full membership of a multiple member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time. While a quorum is present, unless another provision is made by law, or its own rules, all business shall be determined by a majority of those present and voting.

(5) Conflict of Meetings—

The Board of Selectmen and the School Committee shall so establish the schedule of their regular meetings as to assure that regular meetings of the said multiple member bodies are not in conflict with one another.

(6) Coordination of Town Government—

In order to provide the opportunity for the exchange of views and of information concerning the activities, plans and undertaking of the various Town agencies whose powers, duties and responsibilities are interrelated, the Board of Selectmen shall meet not less than quarterly with the School Committee, not less than semi-annually with the Housing Authority, and not less than annually with the Finance Committee; the School Committee shall meet not less than quarterly with the Board of Selectmen, not less than quarterly with the Town's representative to the Regional Vocational School district, and not less than annually with the Finance Committee. In the event such meetings are not otherwise scheduled the Town Clerk shall call such meetings.

(h) The composition, the term of office, and the powers and duties of each office in effect on the date the charter is adopted shall continue in effect until the same may be altered in accordance with the provisions of Article 6. Until such time as any such re-organization may be adopted the following is recognized as the structure in effect on the date the charter is adopted, and as amended by the provisions of this charter : A Town Clerk, appointed by the Town Manager, to serve a term of three years. A Town Treasurer, appointed by the Town Manager, to serve a term of three years. A Town Collector, appointed by the Town manager, to serve a term of three years. A Board of Assessors to consist of three members, appointed by the Town Manager for terms of three years each such that the term of one member shall expire each year. A Board of Health to consist of three members, appointed by the Town Manager, for terms of three years each, such that the term of one member shall expire each year. A Town Counsel, appointed by the Town Manager, to serve an indefinite term. A Chief of Police, appointed by the Town Manager, in accordance with the civil service law and rules. A Fire Chief, appointed by the Town Manager, to serve an indefinite term. A Superintendent of Public Works, appointed by the Town Manager to serve an indefinite term. Such number of Constables as the Board of Selectmen deems to be necessary, to be appointed by the Board of Selectmen for terms of three years each, so arranged that as nearly an equal number of such terms as possible shall expire each year. A Board of Library Trustees to consist of six members, to be appointed by the Board of Selectmen for terms of three years each such that the terms of two members shall expire each year. A Council on Aging, to be appointed by the Board of Selectmen in accordance with the town bylaws. A Town Accountant, to be appointed by the Board of Selectmen, to serve a term of three years. A Board of Registrars of Voters, to be appointed by the Board of Selectmen, to serve for terms of three years each such that the term of one member shall expire each year. A Development and Industrial Commission, to be appointed by the Board of Selectmen in accordance with town bylaws, or vote. A Town Forest Committee, to be appointed by the Board of Selectmen, in accordance with the town bylaws, or vote. A Historic District Commission, to be appointed by the Board of Selectmen, in accordance with the town bylaws, or vote. A Conservation Commission, to be appointed by the Board of Selectmen, in accordance with the town bylaws, or vote. An Industrial Development Financing Authority, to be appointed and to serve as is provided in Chapter 40D of the General Laws. A Board of Appeals to be appointed by the Board of Selectmen in the manner provided in the Zoning Bylaw of the Town. A Finance Committee, to be appointed by the Town Moderator, in accordance with the town bylaws. The composition, term of office and the appointing authority for any office or position not mentioned in the preceding list shall continue as it has been heretofore until some other provision shall have been made concerning it, in accordance with the provisions of Article 6.

(i) The incumbents of the following offices, including those elected at the election at which this charter is adopted, to wit: the Town Treasurer, the Town Collector, the Town Clerk, the members of the Board of Assessors, the Board of Health, the Library Trustees, the Planning Board and Constables, which offices prior to the election at which this charter was adopted were filled by town election, shall continue to serve for the balance of the terms for which they were elected. Upon the expiration of each such term, or if a vacancy in any such office shall sooner occur, such office shall be filled in the manner provided in this charter.

(j) The Town Moderator shall appoint a special committee as provided in Section 7 - 6 (b) to consist of seven members to review the existing bylaws of the town, and the temporary bylaws provided in this section of the charter, for the purpose of bringing all such bylaws into harmony with one another and to fully implement the provisions of this charter. The Moderator shall appoint such committee as soon after the town meeting in the year in which this charter is adopted as may be practicable.

(k) Chapter 43 of the Acts of 1936 establishing a Board of Public Works for the Town of Winchendon is hereby repealed. Insofar as any powers of the town related to public works are required by law to be exercised by a multiple member body, such powers shall be exercised by the Board of Selectmen, including, but not limited to, certain duties of a "Board of Public Works" for the Town of Winchendon specified in Chapter 742 of the Acts of 1967.

(l) Chapter 78 of the Acts of 1938 establishing a Fire Department under a Board of Fire Commissioners is hereby repealed, and the said board abolished.