

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## Table of Contents

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

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## ARTICLE 1 INCORPORATION AND POWERS

### SECTION 1-1 INCORPORATION

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

### SECTION 1-2 SHORT TITLE

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

### SECTION 1-3 DIVISION OF POWERS

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

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

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

### SECTION 1-5 INTERPRETATION OF POWERS

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

### SECTION 1-6 INTERGOVERNMENTAL RELATIONS

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

## ARTICLE 2 LEGISLATIVE BRANCH

### SECTION 2-1 OPEN TOWN MEETING

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

### SECTION 2-2 PRESIDING OFFICER

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

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## SECTION 2-3 COMMITTEES

(a) General - Unless otherwise provided by the Charter, by By-law, 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 By-law, 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.

(c) Planning Board: There shall be a Planning Board consisting of 5 members, appointed by the Board of Selectmen, to serve for terms of 3 years each. The terms of members shall be arranged so that as nearly an equal number of such terms as possible shall expire each year. The Planning Board shall have the duties conferred upon it by the General Laws, Town By-law or a vote of the Town meeting.

(d) Capital Planning Committee: There shall be a Capital Planning Committee which shall be composed by 5 registered voters of the Town. Further composition will be determined by Bylaw. Member terms shall be for 1 year. The principal duties of the committee shall be to examine the need for capital improvements, determine how such projects should be funded, and advise the town manager and the town meeting in a manner to be prescribed by By-law in regard to the annual capital improvement budget. Further conditions of appointments, vacancies and the powers and duties of the committee shall be provided by Bylaw.

## SECTION 2-4 ANNUAL TOWN MEETING

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

## SECTION 2-5 SPECIAL TOWN MEETINGS

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

## SECTION 2-6 WARRANTS

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

## SECTION 2-7 INITIATION OF WARRANT ARTICLES

(a) Requests - The Board of Selectmen shall include in the warrant for an annual Town meeting all subjects which are timely submitted to it by voters in the manner provided by General Law. The Board of Selectmen shall also include in the warrant for any Town meeting, annual or special, all subjects timely requested by any Town meeting, annual or special, 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.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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(b) Time and Manner of Submission - Whenever the Board of Selectmen shall determine to call a special town meeting, it shall post a notice of such intention on the Town bulletin board. The warrant for any special town meeting shall not be closed until at least 72 weekday hours, exclusive of Saturdays, Sundays and legal holidays, have elapsed following such posting. The warrant for the annual town meeting shall not be closed more than 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 By-law 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, and a Town Moderator and a Board of Health. In addition, 4 members of a Housing Authority and representatives to regional authorities or districts established by law or inter local agreement may also be filled by the voters.

(b) Eligibility - Any voter shall be eligible to hold any elective Town office; provided, however, that a person shall not simultaneously hold more than 1 elected Town office 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 By-law.

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

(e) Recall of Elected Officers

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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1. Application - Any holder of an elected Town office who has held such office for at least 6 months, and who has more than 6 months remaining in office, may be recalled and removed from office by the registered voters of the Town in the manner provided by this section.

2. Filing of Affidavit - Any registered voters of the Town comprising no less than 5 per cent of the total number of voters registered at the most recent Town election may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and stating the specific grounds for recall. Grounds for recall shall include: lack of fitness for office, corruption, neglect of duties, misfeasance, or malfeasance.

3. Preparation and filing of petition - The Town Clerk shall thereupon issue to the 10 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 10 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 20 days following the date they are issued, signed by at least 15 per cent of the total number of persons registered to vote as of the date of the most recent Town election.

4. The Town Clerk shall, within 24 hours following such filing with him, submit the petitions to the Board of Registrars of Voters which shall within 10 days thereafter, certify thereon the number of signatures which are the names of voters.

5. Order for Recall Election - If the petitions shall be certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit the same with 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 5 days following delivery of the said notice, the Board of Selectmen shall order a special election to be held not less than the minimum number of days required by the General Laws to fill a vacancy by election in a Town office, nor more than 100 days after the date of the certification of the Town Clerk that the petition is sufficient; provided, however, if a regular Town election is to be held within 90 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.

6. Recall Election - Any officer sought to be recalled may be a candidate to succeed himself, and unless he requests otherwise in writing, the Town Clerk shall place his name on the official ballot without nomination. The number of signatures of votes required to place the name of a candidate on the official ballot for use at a recall election shall be in accordance with the General Laws regulating elections. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the General Laws regulating elections.

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

For the Recall (removal) of (name of officer) from (name of office)

Against the Recall (removal) of (name of officer) from (name of office)

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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Adjacent to each proposition shall be a place to vote for either of said proposition. 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 the majority of the votes cast is in favor of the recall, and provided at least 20 per cent 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 then be counted and the candidate receiving the highest number of votes shall be declared elected, and shall forthwith take the oath of office.

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

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

## SECTION 3-2 BOARD OF SELECTMEN

(a) Composition, Term of Office, Remuneration - There shall be a Board of Selectmen consisting of 5 members elected for terms of 3 years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year. The members of the Board of Selectmen shall 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 promulgate policy guidelines designed to bring all agencies of the Town into harmony; provided, however, that nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of them, to become involved in the day-to-day administration of any Town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority. The Board of Selectmen shall cause a record of all its official acts to be kept. 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 those offices and multiple member bodies listed below in accordance with any requirements relative thereto that may be set forth by the town By-laws;

- Town Manager

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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- Town Accountant
- Board of Registrars of Voters and other election officers, but not including the Town Clerk
- Board of Appeals
- Conservation Commission
- Planning Board
- Constables
- Board of Library Trustees
- Council on Aging
- Development and Industrial Commission
- Town Forest Committee
- Historic District Commission
- Capital Planning Committee (as provided in section 2-3(d))
- Industrial Development Financing Authority, as provided in chapter 40D of the General laws

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

(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 license.

## SECTION 3-3 SCHOOL COMMITTEE

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

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

## SECTION 3-4 TOWN MODERATOR

(a) Term of Office - There shall be a Town Moderator elected for a term of 3 years.

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

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

## SECTION 3-5 WINCHENDON HOUSING AUTHORITY

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

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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

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

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

## SECTION 3-7 BOARD OF HEALTH *(Added march 1, 1993)*

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

(b) Powers and Duties - The Board of Health shall have all the powers and duties conferred upon Boards of Health by General Laws and it shall have such additional powers and duties as may be authorized by the Charter, by By-law 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 5 member board of Health shall be elected as follows: The 2 candidates who receive the highest number of votes shall be declared elected for a term of 3 years, the 2 candidates who receive the next highest number of votes shall be declared elected for a term of 2 years, the candidate who receives the fifth highest number of votes shall be declared elected for a term of 1 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 By-law, 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 6 months following the effective date of his appointment; provided, however, that 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.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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## SECTION 4-2 POWERS AND DUTIES

The Town Manager shall be the chief administrative officer of the Town and shall be responsible to the Board of Selectmen for the proper discharge of all duties of the office and for the proper administration of all Town affairs placed under his charge by or under the Charter. The powers and duties of the Town Manager shall include, but 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 By-law, by other Town meeting vote, or by 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.

(c) He shall appoint the following positions:

- Town Clerk
- Town Treasurer
- Town Collector
- Board of Assessors
- Town Counsel
- Chief of Police
- Fire Chief
- Superintendent of Public Works
- Building Commissioner

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

(e) Appointments 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 4 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.

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

(g) 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 of its discussions.

(h) He shall attend all sessions of the Town meeting and shall answer all questions concerning warrant

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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articles which are directed to him and which relate to matters under his general supervision.

(i) He shall see that all provisions of the General Laws, the Charter, the By-laws and other votes of the Town meeting, and all 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.

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

(k) 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.

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

(m) 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.

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

(o) 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.

(p) 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 15 days following the date it is submitted to such board for its review.

(q) 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.

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

(s) 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

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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deemed to be his acts.

(t) He shall perform such other duties as may be required of him by the Charter, by By-law, 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 10 working days have elapsed. Following the expiration of the said 10 working days, or if the person so designated is for any reason unable to serve, the Board of Selectmen may designate some other qualified person to serve as Acting Town Manager until the Town Manager shall return.

(b) Vacancy - Any vacancy in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen, but, pending such full time 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 3 months; but one renewal, not to exceed a second 3 months, may be voted by the Board of Selectmen.

(c) Powers and Duties - The powers and duties of an Acting Town Manager under subsection (a) or (b) 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.

## ARTICLE 5 FISCAL PROCEDURES

### SECTION 5-1 FISCAL YEAR

The fiscal year of the Town shall begin on July 1 and shall end on June 30 unless another provision is made by general law.

### SECTION 5-1 SCHOOL COMMITTEE BUDGET

(a) Submissions 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.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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(b) Public Hearing - At least 7 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 By-law 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 an 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 the General Laws, or by the Charter, it shall be in the form the Town Manager deems desirable or as the Board of Selectmen may require. In 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 fiscal year, detailed by Town agency, and the proposed methods of financing such expenditures.

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

## SECTION 5-6 ACTION ON PROPOSED BUDGET

(a) Public Hearing - The Finance Committee shall forthwith upon receipt of the proposed budget

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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provide for the publication in a local newspaper of a notice stating the date, time and place, not less than 7 nor more than 14 days following such publication, when a public hearing will be held by the Finance Committee on the proposed budget.

(b) Review - The Finance Committee shall consider, in open public meeting, the detailed expenditures proposed for each Town agency and may confer with representatives of any Town agency in connection with its review and consideration. The Finance Committee may require the Town Manager or any other Town agency to furnish it with such additional 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 budget 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 30 days before the day fixed by By-law 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 5 fiscal years next ensuing, with supporting information as to the need for each expenditure.

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

(d) The estimated annual cost of operating and of maintaining any new facility or piece of major equipment 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.

## 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) By-laws - Subject only to an express prohibition in the General Laws or as otherwise provided in this Charter, the Town Meeting may, by By-law, 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.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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(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 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 10 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.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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(b) Bylaws - At least once in every 5 years, in years ending in a 5, or in a zero, the Town Moderator shall appoint a special committee which shall be charged with the responsibility to review the then existing By-laws 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 10 months following the date such committee is appointed.

(c) Copies of Charter and Bylaws - Copies of the Charter and By-laws 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 By-laws, as amended or revised, supplements shall be published which shall contain all enactments affecting the Charter or By-laws since last published in consolidated form.

## SECTION 7-7 DEFINITIONS

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

(a) Charter - The word “charter” shall mean this Charter and any amendments to it which may hereafter be adopted.

(b) Days - The word “days” shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than 7 days; when the time set is 7 days or more, every day shall be counted.

(c) Emergency - The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(d) general laws - The words “general laws”, 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.

(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 rules.

(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.

# CHARTER OF THE TOWN OF WINCHENDON, MASSACHUSETTS

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(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 words “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 30 days following delivery of such written notice to the appointing authority, said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of the unexpired term by a majority vote of the remaining members.

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

If any person appointed to serve as a member of a multiple member body shall fail to attend 6 consecutive meetings, or more than one-half of all meetings held during 1 calendar year, the appointing authority or 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 by regular first class and by certified mail.

## ARTICLE 8 TRANSITIONAL PROVISIONS

### SECTION 8-1 TIMING OF CHANGES

Proposed changes to this Charter approved by a majority vote at the May 18, 2009, Town Meeting shall take effect upon enactment by the General Court, and, if so required by the General Court, approval by the voters of the Town at an Annual or Special election.

**SECTION 1A.** Subsection (c) of section 3-7 of section 1 shall take effect as of March 1, 1993.

**SECTION 2.** This act shall take effect upon its passage.

*Approved, January 14, 2011.*