

SENATE No. 2333

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act amending the town of Winchendon’s town charter.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The following shall be the charter of the Town of Winchendon:

2 ARTICLE 1

3 INCORPORATION AND POWERS

4 SECTION 1-1 INCORPORATION

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

7 SECTION 1-2 SHORT TITLE

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

9 SECTION 1-3 DIVISION OF POWERS

10 The administration of all the fiscal, prudential and municipal affairs of the Town of
11 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.

32 SECTION 2-2 PRESIDING OFFICER

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

39 SECTION 2-3 COMMITTEES

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

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

50 (c) Planning Board: There shall be a Planning Board consisting of five members,
51 appointed by the Board of Selectmen, to serve for terms of three years each. The terms of
52 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 Bylaw or a vote of the Town meeting.

(d) Capital Planning Committee: There shall be a Capital Planning Committee which shall be composed by five registered voters of the Town. Further composition will be determined by Bylaw. Member terms shall be for one 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 Bylaw) 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 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.

74 SECTION 2-7 INITIATION OF WARRANT ARTICLES

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

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

87 SECTION 2-8 AVAILABILITY OF TOWN OFFICIALS

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

93 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, and a Town Moderator and a Board of Health. In addition, four members of a Housing Authority and representatives to regional authorities or districts as may be 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, 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) 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.

(e) Recall of Elected Officers

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

2. Filing of Affidavit - Any registered voters of the Town comprising no less than five percent (5%) 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 ten (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 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 (15%) of the total number of persons registered to vote as of the date of the most recent Town election.

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

138 5. Order for Recall Election - If the petitions shall be certified by the
139 Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit the same with his
140 certificate to the Board of Selectmen. Upon its receipt of the certified petition, the Board of
141 Selectmen shall forthwith give notice, in writing, of said petition to the officer whose recall is
142 sought. If said officer does not resign his office within five days (5) following delivery of the
143 said notice, the Board of Selectmen shall order a special election to be held not less than the
144 minimum number of days required by the General Laws to fill a vacancy by election in a Town
145 office, nor more than one hundred (100) days after the date of the certification of the Town Clerk
146 that the petition is sufficient; provided, however, if a regular Town election is to be held within
147 ninety (90) days, the recall election shall be held at such time in conjunction with such regular
148 election. If a vacancy occurs in the office after a recall election has been ordered, the election
149 shall nevertheless proceed as provided in this section, but only the ballots for candidates need be
150 counted.

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

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

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

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

161 Adjacent to each proposition shall be a place to vote for either of said proposition.

162 After the said proposition shall appear the word “candidates” and the names of candidates

163 arranged alphabetically. If a majority of the votes cast on the proposition is against the recall,

164 the votes for candidates need not be counted. If the majority of the votes cast is in favor of the

165 recall, and provided at least twenty percent (20%) of the total number of voters as of the date of

166 the most recent Town election have participated at such recall election, the officer shall be

167 deemed to be recalled and the ballots for candidates shall then be counted and the candidate

168 receiving the highest number of votes shall be declared elected, and shall forthwith take the oath

169 of office.

170 7. Incumbent - The incumbent shall continue to hold office and to perform

171 his duties until the recall election, unless he sooner resigns. If he is not then recalled, he shall

172 continue in office, and shall not be subject to recall for the remainder of his unexpired term.

173 8. If the officer is recalled, he shall be deemed removed upon certification of

174 the election results. The candidate who receives the highest number of votes shall, upon

175 qualification for office, serve for the balance of the unexpired term.

176 SECTION 3-2 BOARD OF SELECTMEN

177 (a) Composition, Term of Office, Remuneration - There shall be a Board of

178 Selectmen consisting of five members elected for terms of three years each, so arranged that the

179 terms of as nearly an equal number of members as is possible shall expire each year. The
180 members of the Board of Selectmen shall serve without salary, but shall be entitled to
181 reimbursement of expenditures incurred in the execution of their duties as set forth in this
182 Charter, said expenditures to be reimbursed only after submission of an expense voucher listing
183 in detail the monies sought for reimbursement, the reasons therefore, and only after said
184 vouchers have been reviewed and approved by the Town Manager. Reimbursements based on
185 such vouchers shall be paid as soon as is possible and practical after the end of the month in
186 which the said vouchers are approved by the Town Manager. (Amended March 4, 1985)

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

201 (c) Appointment Powers - The Board of Selectmen shall appoint those offices and
202 multiple member bodies listed below in accordance with any requirements relative thereto that
203 may be set forth by the town Bylaws;

204 Town Manager

205 Town Accountant

206 Board of Registrars of Voters (but not including the Town Clerk) and other election
207 officers

208 Board of Appeals

209 Conservation Commission

210 Planning Board

211 Constables

212 Board of Library Trustees

213 Council on Aging

214 Development and Industrial Commission

215 Town Forest Committee

216 Historic District Commission

217 Capital Planning Committee (as provided in section 2-3(d))

218 Industrial Development Financing Authority, as provided in Chapter 40D of the General
219 laws

220 At no time shall any one person serve concurrently as a member of more than one of the
221 following multiple-member bodies: Planning Board, Board of Appeals, Board of Health or the
222 Conservation Commission.

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

229 SECTION 3-3 SCHOOL COMMITTEE

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

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

235 SECTION 3-4 TOWN MODERATOR

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

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

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

242 SECTION 3-5 WINCHENDON HOUSING AUTHORITY

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

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

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

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

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

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.

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.

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, QUALITIFCATIONS, 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

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

290 SECTION 4-2 POWERS AND DUTIES

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

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

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

300 (b) He shall appoint, and may remove, subject to the civil service law and such
301 collective bargaining agreement as may be applicable, all department heads, all officers and
302 subordinates and employees for whom no other method of selection is provided by the Charter.

303 (c) He shall appoint the following positions:

304 Town Clerk

305 Town Treasurer

306 Town Collector

307 Board of Assessors

308 Town Counsel

309 Chief of Police

310 Fire Chief

311 Superintendent of Public Works

312 Building Commissioner

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

(e) Appointments or removals made by the Town Manager shall become effective on the fifteenth (15th) 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 (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 articles which are directed to him and which relate to matters under his general supervision.

(i) He shall see that all provisions of general laws, the Charter, the Bylaws and other votes of the Town meeting, and all votes of the Board of Selectmen, which require enforcement by 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

339 other Town officers concerning the financial conditions and needs of the Town as he may deem
340 necessary or expedient.

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

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

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

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

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

357 (q) He shall be responsible for the purchase of all supplies, materials and equipment,
358 and shall award all contracts for supplies, materials and equipment for all departments and
359 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 deemed to be his acts.

(t) 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.

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 the first day of July and shall end on the thirtieth day of June, 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.

(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 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 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 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 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 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 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 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) Bylaws - Subject only to an express prohibition in a General Law or as otherwise provided in this Charter, the Town Meeting may, by Bylaw, reorganize, consolidate or abolish,

486 create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member
487 body, the number of members of any Town agency, in whole or in part, establish new Town
488 agencies and may prescribe the functions, powers, duties and responsibilities of any such Town
489 agency.

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

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

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

502 ARTICLE 7

503 GENERAL PROVISIONS

504 SECTION 7-1 CHARTER CHANGES

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

508 SECTION 7-2 SEVERABILITY

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

513 SECTION 7-3 SPECIFIC PROVISIONS TO PREVAIL

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

516 SECTION 7-4 RULES AND REGULATIONS

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

520 SECTION 7-5 NUMBER AND GENDER

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

524 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:

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

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

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

553 (d) general laws - The words “general laws” (all lower case letters) shall mean laws
554 which apply alike to all cities and Towns, or to all Towns or to a class of municipalities of which
555 Winchendon is a member.

556 (e) General Laws - The words “General Laws” (used with initial capital letters) shall
557 refer to the General Laws of Massachusetts, a codification and revision of the statutes enacted on
558 December 22, 1920 and including all amendments thereto subsequently enacted.

559 (f) Local Newspaper - The words “local newspaper” shall mean a newspaper of
560 general circulation in the Town of Winchendon.

561 (g) Majority Vote - The words “majority vote” shall mean a majority of those present
562 and voting, provided a quorum is present when the vote is taken, unless a higher number is
563 required by law or by its own rules.

564 (h) Multiple Member Body - The words “multiple member body” shall mean any
565 Town committee, commission, board, sub-committee or other body consisting of two or more
566 persons; whether elected, appointed, or otherwise constituted.

567 (i) Town - The word “town” shall mean the Town of Winchendon.

568 (j) Town Agency - The words “town agency” shall mean any multiple member body,
569 department, division, or office of the Town of Winchendon.

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

573 (l) Voters - The words “voters” shall mean persons who are registered to vote in the
574 Town of Winchendon.

575 SECTION 7-8 VACANCIES IN OFFICES

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

582 SECTION 7-9 LOSS OF OFFICE, EXCESSIVE ABSENCE

583 If any person appointed to serve as a member of a multiple member body shall fail to
584 attend six or more consecutive meetings, or more than one-half of all meetings held during one
585 calendar year, the appointing authority or the remaining members of the multiple member body
586 may, by vote of a majority of the remaining members, declare the office of such person vacant,
587 provided, however, that prior to the vote on such question written notice of an intention so to do

588 shall be given in hand, or mailed to the last known address of such person by regular first class
589 and by certified mail.

590 ARTICLE 8

591 TRANSITIONAL PROVISIONS

592 SECTION 8-1 TIMING OF CHANGES

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

596 SECTION 2. This act shall take effect upon passage.