

SEC. 61 PAYMENT OF TAXES

Resolved, that taxes for fiscal years commencing on and after July 1, 2009 shall be payable in two installments, one-half on July 1 and the second half on the following January 1 unless the total tax payable on any list shall be less than \$100.00 in which case the full amount shall be due and payable on July 1 in each year, commencing July 1, 2009.

**ADOPTED AT ANNUAL TOWN MEETING HELD OCTOBER 4, 1965;
AMENDED 1/20/09, PUBLISHED IN THE REPUBLICAN-AMERICAN 1/30/09
AND TO BE EFFECTIVE 2/14/09.**

SEC. 62 BOARD FOR ADMISSION OF ELECTORS

The Board for Admission of Electors of the Town shall consist of the Town Clerk and the Registrars of Voters.

ADOPTED AT ANNUAL TOWN MEETING HELD OCTOBER 4, 1965.

SEC. 63 ORDINANCE ESTABLISHING A RETIREMENT PLAN FOR THE
TOWN EMPLOYEES

Section 1. *Retirement Administration Board*

The Retirement Plan for the Town of Winchester (the "Plan") shall be administered by the Retirement Administration Board, hereinafter called the Board, consisting of the "Ex-Officio" - Town Manager, two citizens at large and two non-supervisory employees of the Town appointed by the Board of Selectmen. Of the citizen and employee members so appointed initially one citizen member and one employee member shall be appointed to serve for two years and one citizen member and one employee member shall be appointed to serve for four years, and thereafter the citizen and employee members shall be appointed to serve for four years. The members of the Board shall serve without compensation.

The Board shall have full authority:

- (a) To make rules and regulations for the administration of the Plan and to prescribe procedures to be followed and forms to be used in applying for benefits;
- (b) To adopt procedures for the establishment of the date of birth and credited service of members;
- (c) To make determinations as to the rights of any participant or beneficiary applying for or receiving benefits;
- (d) To construe the Plan and to correct any defect or supply any omission or reconcile any inconsistency, including authority to make any technical changes or additions which would not affect the cost of the Plan or the benefits payable thereunder;
- (e) To employ such actuarial, medical, clerical and other services as are necessary for the proper operation of the Plan.

The Board shall select and appoint a trust company qualified to act as a depository for Town funds to manage the retirement fund. All funds appropriated by the Town or contributed by the employees of said Town pursuant to this Plan shall be paid over to the trustee, which shall have the right and power to invest and reinvest the same in securities legal under the General Statutes of Connecticut for investment of trust funds, including common trust funds. The trustee shall make payments from said trust fund from time to time on the written direction of the Board pursuant to this Plan. The Board shall enter into a written agreement with said trustee specifically outlining the duties of said trustee which shall be in all respects in accordance with and consistent with this Plan. The Board shall not be liable for any negligence, misfeasance or malfeasance on the part of such trustee in managing said fund.

The Board shall act by a majority of its members at the time in office, and such action may be taken either by a vote at a meeting or in writing without a meeting.

The Board may authorize any one or more of its members to execute any document or documents on behalf of the Board, in which event the Board shall notify the trustee in writing of such action and the name or names of its member or members so designated. The trustee thereafter shall accept and rely upon any document executed by such member or members as representing action by the Board until the Board shall file with the trustee a written revocation of such designation.

Section 2. *Membership*

The terms of this Plan shall apply to all persons regularly employed on a full-time basis by the Town who have attained their twenty-first (21st) birthday and completed their probationary period, which for the purpose of this Plan shall be six (6) months from the date of such full-time employment, provided said terms shall not apply to employees covered either by the State Municipal Employees' Retirement System or by the State Teachers' Retirement System who are eligible to receive benefits from either of such plans now or in the future, or to employees whose employment is governed by the terms of a collectively bargained agreement between employee representatives and the Town under which retirement benefits were the subject of good faith bargaining between the parties, unless such agreement expressly provides for such coverage in this Plan, or to alternative funding source employees, unless pursuant to an agreement with the alternative funding source applicable to such employee which expressly provides for such coverage in this Plan. For purposes of this section, a person is considered to be employed by the Town on a full-time basis if such person is scheduled to work at least 1,000 Hours of Service (as hereinafter defined) in any calendar year. Each employee who is or becomes eligible to participate in this Plan may do so at his option. In order to become a participant of this Plan, an employee must elect to have the employee contributions specified in Section 8 of this Plan deducted from his pay. Any employee who does not have employee contributions deducted from such employee's pay will not be eligible for any benefits under this Plan.

Any employee who was previously excluded from participation in the Plan because the employee had attained the age of fifty five (55) on the employee's initial date of hire by the Town may elect to participate retroactively in the Plan as of January 1, 1988, provided such employee had been employed by the Town on a full-time basis for at least six (6) months as of such date and further provided that such employee makes employee contributions, pursuant to Section 8, for the period from January 1, 1988 to December 31, 1991 plus interest at the annual rate of 3% of the amount of such unpaid contributions for the period January 1, 1988 through December 31, 1990 and at the annual rate of 5% of such unpaid contributions for the period January 1, 1991 through the date of final payment. Any such eligible employee shall be entitled to make such an election at any time until December 31, 1991, and an employee making such an election shall have a period of twelve months from the date of election over which to make such retroactive payments of contributions and interest by payroll deduction. Notwithstanding the foregoing, in the event that during any portion of the period January 1, 1988 through March 31, 1991 the Town made contributions on the employee's behalf to the ICMA Retirement Corporation Deferred Compensation Plan, then such employee shall not be eligible for retroactive participation in the Plan for such portion of period.

In addition, effective as of January 6, 2000 for non-union employees, January 13, 2000 for employees who are members of the Civil Service Employees Association, July 13, 2000 for employees who are members of the National Association of Government Employees Union Local R1-221, and such other date(s) as this change may be accepted by the bargaining units which other employees are members of, any employee who was previously excluded from the participation in the Plan because the employee had ceased to have employee contributions deducted from his or her pay after the previously applicable maximum of twenty five (25) years of such deductions had been made may elect to participate retroactively in the Plan, provided such employee had been employed by the Town on a full-time basis for at least six (6) months as

of the applicable effective date and further provided that the employee makes employee contributions, pursuant to Section 8, for the period from the date such employee ceased to have employee contributions deducted from pay to the applicable effective date plus interest at the annual rate of 5% of the amount of such unpaid contributions for such period. Any such eligible employee shall be entitled to make such an election at any time until the first anniversary of the applicable effective date, and an employee making such an election shall have a period of twelve months from the date of election over which to make such retroactive payments of contributions and interest by payroll deduction.

For purposes of the first paragraph of this section, "Hour of Service" shall mean each hour for which an employee is paid, or entitled to payment, by the Town for the performance of duties.

Section 3. *Normal Retirement*

The normal retirement date under the Plan is the latest of the following dates:

- (a) the first day of any month coincident with or next following an employee's 65th birthday;
- (b) the date as of which an employee has been employed by the Town for five (5) years;
- (c) January 1, 1993, for an employee who was hired by the Town after attaining age 55 but before January 1, 1988.

Section 4. *Early Retirement*

- (a) Any participant in the Plan who has attained the age of 55 and completed ten (10) years of continuous full-time employment with the Town may retire at any time prior to such participant's normal retirement date. Upon such early retirement, such participant will be entitled to the benefit under Section 7 computed on the basis of the participant's years of credited service to the date of early retirement, but the retirement benefit will be reduced by four percent (4%) per year (or, in the case of alternate funding source employees, to an equivalent actuarial value, as defined in Section 13(d)(iii) of the Plan) because of the early commencement of such benefit. Any participant in the Plan who has attained the age of 58 and completed twenty five (25) years of continuous full-time employment with the Town, and, effective as of January 6, 2000 for non-union employees, January 13, 2000 for employees who are members of the Civil Service Employees Association, July 13, 2000 for employees who are members of the National Association of Government Employees Union Local R1-221, and such other date(s) as this change may be accepted by the bargaining units which other employees are members of, any participant in the Plan whose age in years plus years of continuous full-time employment with the Town at the time of the participant's termination of employment equals or exceeds seventy five (75), may retire early under this section with no reduction of the participant's early retirement benefit. Any participant who is eligible to retire early under this Section 4 shall be entitled to commence receiving an early retirement benefit at any time prior to the participant's normal retirement date.
- (b) Any participant who meets the above requirements for early retirement and terminates employment, may elect to have his or her retirement benefit deferred to the participant's normal retirement date provided that such participant does not withdraw his or her own contributions to the fund.

Section 5. *Disability Retirement*

- (a) Service connected - A participant who is totally and permanently disabled in the line of duty shall receive the greater of: (i) the retirement benefit under Section 7 computed on the basis of the participant's years of credited service earned to the date of disability; or (ii) fifty percent (50%) of the participant's base pay at the time of disability, exclusive of overtime pay, reduced by any Social Security payments which the participant shall then or thereafter be entitled to receive arising on account of such disability.
- (b) A participant who has fifteen (15) or more years of credited service and becomes totally disabled while in the service of the Town otherwise than in line of duty shall receive a retirement benefit under Section 7 computed on the basis of the participant's years of credited service earned to the date of disability.
- (c) The disability retirement benefit under this Section shall be reduced by payments to the participant under any Workers' Compensation Law.
- (d) As used herein, total and permanent disability shall mean total and permanent incapacity of a participant to engage in any occupation for wage or profit, provided that such incapacity (i) did not result from and was not due to habitual intemperance, narcotic addiction, intentional self-infliction of injury, or service in any armed forces, and (ii) did not occur during the commission of any felony. Such incapacity shall be deemed to exist when certification is made by a physician appointed by the Board, which physician's decision shall be final.
- (e) The Board may, from time to time, call for medical evidence that the participant continues totally disabled. In the event that the Board shall, upon competent medical evidence, conclude that the disability for which the participant is receiving pension no longer exists, or if it establishes that such employee is engaged in gainful occupation the Board shall thereupon order a discontinuance of the pension payable to such employee.
- (f) A disability benefit or pension under this section is payable only for the period of time for which the employee is eligible for and receives disability benefits under the Social Security Act.
- (g) Notwithstanding the foregoing, the benefit payable to any alternate funding source employee under this Section 5 shall not exceed the equivalent actuarial value, as defined in Section 13(d)(iii) of the Plan, of the retirement benefit under Section 7 computed on the basis of the participant's years of credited service earned to the date of disability.

Section 6. *Vested Deferred Benefits*

- (a) A participant whose employment with the Town is terminated for any reason except death or disability after five (5) years of continuous full-time employment with the Town and who is not entitled to receive any early retirement benefit under Section 4 will be entitled to a Vested Deferred Benefit equal to the retirement benefit under Section 7 computed on the basis of the participant's credited service to the time of termination of employment, such benefit to commence at the participant's normal retirement date; provided, however, that if such participant shall elect to withdraw his or her own

contributions at the time of his or her termination or thereafter, as hereinafter provided, such participant shall forfeit his or her Vested Deferred Benefit.

- (b) A former employee who is entitled to a Vested Deferred Benefit must make application for his or her benefit in writing to the Retirement Administration Board not earlier than six (6) months prior to his or her normal retirement date. Benefit payments will commence on the first day of the month coinciding with or next following his or her normal retirement date or the date such former employee applied for a retirement benefit, whichever is later.

Section 7. *Benefit Formula*

- (a) The basic retirement benefit is an annual pension payable in monthly installments for life in an amount equal to 50% of Final Average Compensation reduced proportionately for years and fractions of years of credited service less than 25. Notwithstanding the foregoing, effective as of January 6, 2000 for non-union employees, January 13, 2000 for employees who are members of the Civil Service Employees Association, July 13, 2000 for employees who are members of the National Association of Government Employees Union Local R1-221, and such other date(s) as this change may be accepted by the bargaining units which other employees are members of, the basic retirement benefit is an annual pension payable in monthly installments for life in an amount equal to 2% of Final Average Compensation multiplied by the number of years and fractions of years of credited service, not exceeding 35 years.
- (b) Final Average Compensation means the average annual compensation for any three (3) consecutive calendar years during the ten (10) calendar years immediately prior to termination of employment or, if earlier, the discontinuance of employee contributions for reasons other than having made employee contributions for 25 years (35 years, effective as of January 6, 2000 for non-union employees, January 13, 2000 for employees who are members of the Civil Service Employees Association, July 13, 2000 for employees who are members of the National Association of Government Employees Union Local R1-221, and such other date(s) as this change may be accepted by the bargaining units which other employees are members of). Compensation excludes overtime pay, pay for accrued vacation time, and pay for unused sick leave and includes employee contributions to the ICMA Retirement Corporation Deferred Compensation Plan. Annual compensation for any calendar year shall not exceed \$150,000 (\$200,000, effective as of January 1, 2002) as adjusted for cost of living increases in accordance with Section 401(a)(17)(B) of the Code.
- (c) Credited Service shall mean all years and completed months of full-time employment with the Town during which an employee makes the required contributions to the Plan pursuant to Section 7(e) or Section 8 and which are subsequent to the later of:
 - (i) the employee's twenty-first (21st) birthday, or
 - (ii) the completion of the employee's probationary period as specified in Section 2.

If an employee initially rejects plan membership or elects a return of his or her employee contributions and then later elects to have employee contributions deducted from his or her pay, such an employee will only receive credit for the service accrued after this later election. An exception of the preceding will apply only to employees who elected a return of their employee contributions prior to June 30, 1984. If such employees elect to pay back their employee contributions with interest in accordance with Section 10(e) of this Plan, they will receive credit for service as if these employee contributions had never been returned to them in the first place. If a participant elects to discontinue contributions but does not elect to withdraw contributions, no credit for service will be received for the period of employment during which contributions could have been made but were not.

- (d) Leave of Absence - Period of absence of not more than ninety (90) days in any one calendar year during the course of such service shall not be considered as breaking the continuity of full-time employment. Periods of absence of more than ninety (90) days by reason of a leave of absence or any disability necessitating the regular attendance of a physician, unless such requirement be waived if such attendance is declared unnecessary by medical authority satisfactory to the Board, shall not be considered as breaking the continuity of full-time employment, but such periods shall not be included in the period of service in determining the amount of the retirement allowance. For purposes of determining full-time employment, any period of absence which constitutes leave permitted under the Family and Medical Leave Act of 1993 shall be disregarded.
- (e) Leave of absence for military service –
 - (i) Prior to December 12, 1994, Leave of Absence for military service in the Armed Forces of the United States of America shall not be considered as breaking the continuity of full-time employment provided the participant shall be reemployed within ninety (90) days of his actual discharge from military service. If, within one year after reemployment such participant shall pay into the pension fund the amount such participant would have contributed if such participant had been in the active employ of the Town during the period of absence, based upon such participant's salary at the beginning of the leave of absence, such participant will receive credited service under the Plan for the period of such participant's military service; otherwise such participant's years of credited service shall not include the period of military service.
 - (ii) Effective December 12, 1994, leave of absence for service in the uniformed services, as defined below ("Qualified Military Service") shall not be considered as breaking the continuity of employment, provided the participant is discharged with not less than an honorable discharge and reports to, or submits an application for reemployment to, the Town upon conclusion of Qualified Military Service within the period prescribed by law (which varies depending upon the length of Qualified Military Service), and further provided, that the cumulative length of absence and of all previous absences from employment by reason of Qualified Military Service does not

exceed five years. If, within a period of no more than three times the length of the period of Qualified Military Service, such participant shall pay into the pension fund the amount such participant would have contributed if such participant had been in the active employ of the Town during the period of Qualified Military Service, based upon the rate of compensation such participant would have received but for the period of Qualified Military Service (or if such rate of compensation is not reasonably certain, the participant's compensation in the 12 months immediately prior to leave for Qualified Military Service, or such shorter period, if the participant was employed less than 12 months) such participant will receive credited service under the Plan for the period of such participant's Qualified Military Service, provided such make-up contributions are completed within five years of such participant's reemployment date; otherwise such participant's years of credited service shall not include the period of Qualified Military Service.

- (1) For the purposes hereof, the term "uniformed services" includes the U.S. Armed Services (including the Coast Guard), the Army National Guard and the Air National Guard and the Commission Corps of the Public Health Service.
- (2) The term "service in the uniformed services" means the performance of duty on a voluntary or non-voluntary basis in uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and time for which a person is absent due to an examination to determine fitness to perform such duty.

Section 8. *Employee Contributions*

- (a) As soon as an employee becomes eligible to participate in this Plan, he or she may elect to contribute two and one-half percent (2-1/2%) of his or her pay on his or her Social Security earnings base and five percent (5%) on the excess above the Social Security earnings base (effective as of January 6, 2000 for non-union employees, January 13, 2000 for employees who are members of the Civil Service Employees Association, July 13, 2000 for employees who are members of the National Association of Government Employees Union Local R1-221, and such other date(s) as this change may be accepted by the bargaining units which other employees are members of, five percent (5%) of his or her pay) toward the cost of the benefits provided herein. Such contributions shall be collected as deductions from pay and transmitted promptly to the Board.
- (b) Employee contributions will not be deducted from any earnings which are excluded in the definition of compensation found in Section 7.
- (c) All employees will cease to have employee contributions deducted from their pay after twenty five (25) years (thirty five (35) years effective as of January 6, 2000 for non-union employees, January 13, 2000 for employees who are members of the Civil Service Employees Association, July 13, 2000 for employees who are members of the National Association of Government Employees Union Local R1-221, and such other date(s) as this change may be

accepted by the bargaining units which other employees are members of) of such deductions.

- (d) A participant may withdraw or discontinue his or her contributions at any time during his or her period of service with the Town.
- (e) A participant who elected to withdraw or discontinue his or her contributions may again elect to have employee contributions deducted from his or her pay. Such election may be made any time after one (1) year from the date the participant elected to withdraw or discontinue his or her contributions.

Section 9. *Contribution by the Town*

The Town shall pay over to the Retirement Administration Board annually such amounts, in addition to the contributions by the participants, as are necessary to fund the benefits on a sound actuarial basis. The Town shall also appropriate annually such amounts as shall be necessary for the administration of the Plan. Alternative funding sources shall pay over to the Retirement Administration Board such amounts, in addition to the contributions by the alternative funding source participants, as are necessary to fund their benefits on a sound actuarial basis, at such times and in such amounts as may be agreed upon between the alternative funding source and the Town.

Section 10. *Return of Employee Contributions*

- (a) The contributions of a participant who terminates prior to becoming entitled to an immediate retirement benefit or a Vested Deferred Benefit, or who dies before the participant has commenced to receive a retirement benefit, will be refunded to the participant or the participant's legal representatives with interest at a rate of 3% compounded annually for contributions made before January 1, 1991, and 5% compounded annually for contributions made on or after January 1, 1991.
- (b) If a participant who is receiving benefits dies before having received an amount equal to such participant's contributions and interest accumulated thereon to the date of retirement, the balance will be paid to the participant's legal representatives.
- (c) A participant who is entitled to the Vested Deferred Benefit may elect to forfeit such benefit and withdraw his or her contributions plus interest any time prior to the commencement of such benefit.
- (d) A participant who continues to be employed by the Town and who elects to discontinue employee contributions may elect to withdraw such contributions plus interest any time prior to the commencement of any retirement or disability benefits to which such participant may be entitled. Once a participant withdraws his or her employee contributions plus interest, such employee contributions may never be returned by the participant to the Plan and all credited service associated with such employee contributions will be forfeited forever except as provided in Section (e) below.
- (e) Participants who elected to withdraw their employee contributions with interest prior to June 30, 1984 may elect to return such employee contributions with interest. In addition, employee contributions that would have been made since such elective withdrawal with interest may also be paid by these participants.

Participants must make this election prior to December 31, 1984. Such employee contributions with interest may be paid to the Town in one lump sum prior to June 30, 1985 or on an installment basis which is acceptable to the town. In no event shall the installment period run beyond December 31, 1987. Credit for service attributable to these employee contributions will not be counted until all of the employee contributions with interest have been received by the Town.

- (f) If no claim is made for the return of the contributions of a participant prior to the date when the participant would have reached age 70, if then living, such contributions and the accumulated interest thereon will be forfeited and will become part of the fund.

Section 11. *Amendment*

The Town of Winchester shall have the right at any time, and from time to time, to amend, in whole or in part, any or all of the provisions of this Plan. However, no such amendment shall authorize or permit any part of the pension assets (other than such part as is required to pay taxes and administrative expenses) to be used or diverted to purposes other than the exclusive benefit of the participants or their beneficiaries, and no such amendment which affects the rights, duties, or responsibility of the trustee of the fund may be made without the trustee's written consent.

Section 12. *Termination of the Plan*

- (a) The Town shall have the right at any time to terminate this Plan.
- (b) Upon termination of the Plan, the Retirement Administration Board shall cause an actuarial valuation of the Plan's assets and liabilities to be made and shall allocate the assets of the trust fund for the following purposes and in the following order of priority:
 - (i) To provide the benefits of the Plan for retired participants and their contingent beneficiaries, if any.
 - (ii) To provide the benefits of the Plan for participants who have reached their normal retirement dates when the Plan is terminated but have not started to receive benefits, and their contingent beneficiaries, if any.
 - (iii) To provide the benefits of the Plan for participants who are eligible to retire under the early retirement provisions of the Plan when the Plan is terminated but who have not started to receive benefits, and their contingent beneficiaries, if any.
 - (iv) To provide the benefits of the Plan for participants who are employees when the Plan is terminated and who have acquired vested rights.
 - (v) To provide the benefits of the Plan for participants who are separated from the Town's service before the Plan is terminated but after they have acquired vested rights and for whom the payment of benefits has been deferred.
 - (vi) To provide benefits of the Plan for participants who are employees at the time of termination of the Plan and who do not have vested rights but do have pension interests because of their respective credits for past and future service at the time of such termination.

There shall first be allocated to each of such group, without priority between them, an amount equal to the contributions plus accumulated interest of the participants in each group. In computing the amount of such contributions and accumulated interest, the contributions and accumulated interest of any participant shall be reduced by the amount of any benefits he or she has received under the Plan.

The remaining assets shall then be allocated to the extent sufficient to the groups in order of priority. The allocations in groups 1, 2 and 3 shall be based upon immediate life annuity values with death benefits. The allocations in groups 4, 5 and 6 shall be based upon deferred life annuity values without death benefits. If the trust assets are insufficient to provide the benefits in any one group, the reduction in benefits for such group shall be determined by the actuary in an equitable manner.

Section 13. *Miscellaneous*

- (a) Rights of Employees - the Plan shall not be construed as creating any contract of employment between the Town and any employee, and the Town shall have the right in all respects to deal with its employees, their hiring, discharge, compensation and conditions of employment as though the Plan did not exist. No employee shall have any right to question the action of the town in terminating the Plan or any part thereof.
- (b) Benefits Not Subject to Anticipation - The funds contributed and held under the terms of the Plan are for the purpose of providing for the support of persons who are to receive benefits under the Plan. No benefits payable at any time under the Plan shall be subject in any manner to alienation, sale, transfer, assignment, pledge, attachment, garnishment, or encumbrances of any kind. Any attempt to alienate, sell, transfer, assign, pledge or otherwise encumber any such benefits, whether presently or thereafter payable, shall be void.
- (c) Pre-Retirement Spouse's Benefit - A qualified spouse of a deceased participant who, at the time of his death, had completed fifteen (15) years of continuous full-time employment with the Town, had attained age fifty (50) and had elected this pre-retirement spouse's benefit is entitled to a monthly benefit commencing on the first day of the month following the participant's date of death.
 - (i) The monthly spouse's benefit is equal to fifty percent (50%) of the retirement benefit that would have been paid to the participant if the participant had retired on the participant's date of death and had elected a 50% contingent annuitant option. The 4% per year early retirement reduction which applies to retirements which occur between age 55 and 65 will also be applied when determining retirement benefits for purposes of the preceding sentence with respect to participants who die between ages 50 and 55. Benefits payable to the spouse, or to the participant if the participant survives to actual retirement, will be reduced by 1/2% for each year of spouse's benefit coverage.
 - (ii) As used herein, a qualified spouse shall mean the spouse of a participant who has been married to the participant for at least one year at the time of the participant's death.

- (d) Optional Form of Retirement Benefits - Any participant, by written notice received by the Board prior to the due date of the first payment of his retirement benefit, may elect to convert such participant's retirement benefit into an optional benefit of equivalent actuarial value, in accordance with one of the options hereinafter described:
- (i) Contingent Annuitant Option - A reduced retirement benefit payable during the participant's life, with the provision that after his death the same amount or a specified proportion thereof (not more than 100%) shall be paid during the life of, and to, the beneficiary designated in writing duly executed by the participant and filed with the Board. If said beneficiary is not the participant's spouse, less than fifty percent (50%) of the value of the retirement benefit shall be payable to the beneficiary.
 - (ii) Ten Year Certain and Life Annuity Option - A reduced retirement benefit payable to the participant for ten years certain and life thereafter, with provision that any guaranteed payments becoming due in the event of the death of the participant prior to the expiration of the ten-year guarantee period shall be paid to a designated beneficiary or if no beneficiary designation is on file the commuted value of the balance of payments will be paid to the estate of the last surviving annuitant or beneficiary.
 - (iii) Effective July 1, 2001, for purposes of determining equivalent actuarial value, an interest rate of seven (7%) percent and the Blended 1983 Group Annuity Mortality Table shall be used.

If the participant or the beneficiary designated under option (i) above dies prior to the due date of the first payment of the participant's retirement benefit, the election shall thereby be revoked, unless such death occurs subsequent to the participant's normal retirement age, in which event the participant or the beneficiary, as the case may be, shall receive payments in accordance with the option elected.

The election of an optional benefit may be revoked or changed by a participant only by written notice executed by him and received by the Board at least 30 days prior to the date of the first payment of this retirement benefit.

- (e) Notwithstanding anything in the Plan to the contrary, no benefits shall be paid from the Plan in excess of the limits imposed by Section 415 of the Internal Revenue Code of 1986, as amended.

OPERATIVE JULY 15, 1964, AS AMENDED EFFECTIVE JANUARY 1, 1965, SEPTEMBER 27, 1965, FEBRUARY 15, 1972, JUNE 15, 1975, JUNE 11, 1982, NOVEMBER 14, 1983, JANUARY 30, 1984, APRIL 2, 1984, APRIL 1, 1991, and JANUARY 1, 2000, or as otherwise set forth herein.

THIS ORDINANCE WAS PUBLISHED ON FEBRUARY 27, 2002 IN THE REGISTER CITIZEN. TO BE EFFECTIVE MARCH 14, 2002. AMENDMENT PUBLISHED JANUARY 3, 2003.

SEC. 64 ORDINANCE CREATING A SEWER AUTHORITY

- a) The Town of Winchester hereby creates a Sewer Commission and designates said Commission as the Sewer Authority of the Town of Winchester, with all of the powers, purposes and objectives set forth in Chapter 103 of the General Statutes of Connecticut, Revision of 1958, and amendments thereto.
- b) Said Commission shall consist of five electors of the Town of Winchester who shall be appointed by the Board of Selectmen and serve without compensation. The said five members shall serve for terms of five years, except that the members of the Commission first appointed shall be appointed for such terms that the term of one member shall expire at the end of each year for the next five years. Terms shall expire on June 30 in each year. Whenever a vacancy occurs, the Selectmen shall appoint a successor to hold office for the unexpired portion of the term. A Commissioner shall continue in office until his successor is appointed.
- c) The Commission shall elect a chairman from among its own members at the first meeting and annually thereafter at the first meeting held after the first day of July in each year. The Commission shall appoint a clerk who need not be a member of the Commission, an attorney and such other employees as it may deem necessary and shall prescribe and define their duties. The clerk shall keep a complete record of the proceedings of the Commission and, when ordered by the Commission shall file the same with the Town Clerk. All such records shall be open for public inspection at reasonable hours. Meetings of the Commission may be called by the chairman or any two members upon twenty-four hours notice thereof.
- d) The Commission shall maintain proper accounting and financial records and shall make an annual report to the Selectmen. The Commission shall prepare annually a budget of estimated revenues and expenditures for the ensuing fiscal year.
- e) A Commissioner may be removed for inefficiency or neglect of duty or misconduct in office by the Board of Selectmen after a hearing conforming to recognized standards of due process of law; a Commissioner shall be removed only after opportunity to be heard in person or by counsel before the Board of Selectmen at least ten days prior to which he shall have been given a copy of the charges against him. In the event of the removal of any Commissioner, a record of proceedings together with the charges and findings thereon, shall be filed in the office of the Clerk of the Town of Winchester.

**ADOPTED AT SPECIAL TOWN MEETING HELD JANUARY 4, 1965.
OPERATIVE JANUARY 20, 1965.**

SEC. 65 ORDINANCE REGULATING HOURS OF PARKS AND BEACHES
AT HIGHLAND LAKE

- (a) Except for unusual and unforeseen emergencies all Town-owned parks and beaches at Highland Lake shall be closed to the public every day of the year between the hours of 10:00 p.m. and 8:00 a.m., and no person shall frequent any such park or beach or congregate thereat during such hours when the parks or beaches are so closed.
- (b) Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars.

OPERATIVE AUGUST 1, 1967.

**SEC. 66 ORDINANCE AUTHORIZING PARTICIPATION IN REGIONAL
PLANNING**

REPEALED EFFECTIVE APRIL 28, 1980.

See Section 122.

SEC. 67 HOUSING CODE

REPEALED EFFECTIVE MARCH 8, 1982.

See Section 124.

**SEC. 68 INTENTION OF TOWN TO JOIN WITH INTERESTED
MUNICIPALITIES IN THE FORMATION OF A REGIONAL
AIRPORT COMMISSION**

- (a) Pursuant to the terms of Sections 7-339(a) through 7-339 (1) of the Connecticut General Statutes as amended by Public Act 516 (1967) Section of the Connecticut General Assembly, the Town of Winchester hereby signifies its interest in joining with other interested municipalities in forming a Regional Airport Commission to investigate and determine the advisability of:
1. Establishing a Regional Airport to benefit the area composed of such municipalities and for the increase of their commerce and prosperity; and, if such be determined favorably by such commission;
 2. To create a Regional Airport Authority to establish and operate such airport.

ADOPTED AT SPECIAL TOWN MEETING HELD APRIL 1, 1968.

SEC. 69 CONSERVATION COMMISSION ESTABLISHED

There is hereby established in the Town of Winchester a Conservation Commission pursuant to the provisions of Section 7-131a of the General Statutes, for the development and conservation of natural resources, including water resources, within the Town. The Commission shall consist of seven members. Four of the members first appointed shall hold office for four years and three of the members first appointed shall hold office for two years, and thereafter each new member shall be appointed for a term of four years.

ADOPTED AT ANNUAL TOWN MEETING HELD OCTOBER 7, 1968.

SEC. 70 ABANDONING AND STORAGE OF JUNKED VEHICLES
PROHIBITED: REMOVAL OF SAME

- (a) It shall be unlawful to abandon, store or permit the storage of a junk vehicle on private lots or yards or anywhere in the open within the Town of Winchester. For the purposes of this Ordinance, the following definition shall apply:
- (1) "Private lots or yards" shall include any land which is privately owned within the Town of Winchester and which is not properly licensed as a motor vehicle junkyard;
 - (2) "In the open" shall mean a vehicle not housed in a structure or not completely shielded from view;
 - (3) "Junk vehicle" shall mean any unregistered motor vehicle, any uninspected motor vehicle, any vehicle which has been abandoned, any vehicle which is incapable of being lawfully operated on a public highway, and any vehicle in the state of major disrepair.
- (b) In any prosecution charging a violation of this section proof that the defendant named in the complaint was the last registered owner of such vehicle shall constitute a prima facie presumption that such person was the person who abandoned such vehicle at the point where and for the time during which such violation occurred.
- (c) Any person, firm or corporation who violates this section shall, on conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars.
- (d) The record owner of any property on which a junk vehicle is stored or located in the open and the owner of said vehicle, on the receipt of written notice from the Town of Winchester Police Department, shall within the time stated in such notice remove such junk vehicle or correct the condition stated in such notice. Should the said owners, after such service, and the lapse of time therein stated, fail, refuse or neglect to remove said vehicle or correct such condition, the Police Department of the Town of Winchester shall have the authority to make final determination as to the disposition of the vehicle. After the issuance of written order of removal the Chief of Police, or any person or persons at his direction is hereby authorized to go upon the said property and remove said junk vehicle and charge the said owner of either of them with the reasonable cost of said removal.

OPERATIVE JULY 1, 1969; AS AMENDED EFFECTIVE OCTOBER 30, 1988.