

**HOUSE . . . . . No. 03256**

**[LOCAL APPROVAL RECEIVED.]**

The Commonwealth of Massachusetts

PRESENTED BY:

*Sarah K. Peake*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act amending the charter of the town of Eastham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>

# HOUSE . . . . . No. 03256

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 3256) of Sarah K. Peake and Daniel Wolf (by vote of the town) for legislation to make certain changes in the charter of the town of Eastham. [Local Approval Received.] [Municipalities and Regional Government].

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act amending the charter of the town of Eastham.

*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. Subsection B of section 2-8 of the charter of the town of Eastham, on file in the  
2 office of the archivist of the commonwealth as provided by section 12 of chapter 43B of the  
3 General Laws, is hereby amended by striking out the words “to new voters at time of  
4 registration,” .

5 SECTION 2. Subsection E of section 3-4 of said charter is hereby amended by striking out, in  
6 line 1, the word “All” and inserting in place thereof the following words:- Unless otherwise  
7 specified,

8 SECTION 3. Subsection G of section 3-8 of said charter is hereby amended by striking out, in  
9 each instance they appear, the words “school committee” and inserting in place thereof in each  
10 instance, the following words:- Eastham Elementary School Committee .

11 SECTION 4. Said section 3-8 is hereby further amended by striking out subsection H and  
12 inserting in place thereof the following subsection:-

13 H. At least one representative shall be elected to the Nauset Regional School Committee for a  
14 term of three years. Any terms shall be arranged so that they will expire in different years.

15 SECTION 5. Said section 3-8 is hereby further amended by striking out subsection I and  
16 inserting in place thereof the following subsection:-

17 I. There shall be a board of library trustees of 5 members, elected for 1- or 2-year overlapping  
18 terms at an annual election.

19 SECTION 6. Paragraph (5) of subsection C of section 4-3 of said charter is hereby amended by  
20 striking out the words "Prepare and present to the board of selectmen" and inserting in place  
21 thereof the following words:- Prepare and present simultaneously to the board of selectmen and  
22 the finance committee.

23 SECTION 7. Subsection C of section 4-5 of said charter is hereby amended by inserting after  
24 the word "action" the following word:- shall.

25 SECTION 8. Said charter is hereby further amended by striking out section 5-2, and inserting in  
26 place thereof the following section:-

27 Section 5-2. Organizations and Procedures.

28 A. Each multi-member body shall act in accordance with the particular charge adopted for it by  
29 the board of selectmen, subject to any state law requirements.

30 B. In addition, all multi-member bodies shall:

- 31 1. Organize annually at the first meeting of the fiscal year.
- 32 2. Elect a chairperson, clerk, and any other necessary officers.
- 33 3. Adopt rules of procedure and voting.
- 34 4. Establish that a quorum, which is by statute a majority of committee members, must be  
35 present at all meetings.
- 36 5. Maintain minutes and all other records of proceedings, copies of which shall be a public  
37 record and shall be filed with the town clerk within 5 days of approval of the minutes.
- 38 6. Report to the board of selectmen annually.
- 39 7. Submit a report for inclusion in the annual report.
- 40 8. Conduct all meetings in accordance with the open meeting provisions of the General Laws.
- 41 C. Each appointed body shall consist of an odd number of members who shall be appointed for  
42 3-year overlapping terms unless otherwise specified in the charge to that body.
- 43 D. No member shall be appointed for more than 3 consecutive full terms. After reaching  
44 maximum service, an individual may be reappointed after 1 year elapses.
- 45 E. No member may be appointed to more than 3 committees or multi-member bodies.
- 46 F. Any person duly appointed or elected to any office or multi-member body shall take up the  
47 duties of the office immediately upon the date specified by statute or as soon as such person shall  
48 have been sworn to the faithful performance of those duties by the town clerk.

49 G. The absence without appropriate explanation of any member of an appointed body from 3  
50 consecutive meetings may serve to vacate the office. The decision to recommend that the office  
51 be vacated shall be made by majority vote of the multi-member body. After such majority vote  
52 the chairperson of the body shall advise the appointing authority forthwith. Upon receipt of such  
53 a recommendation, the appointing authority shall vote on whether to declare a vacancy. For any  
54 vacancy created in this manner, the appointing authority shall fill the vacancy in accordance with  
55 the General Laws and this charter.

56 H. A compensated town employee may serve on a multi-member body, with the exception of the  
57 finance committee, provided such body shall have no administrative responsibility over any such  
58 employee.

59 SECTION 9. Subsection F of section 6-1 of said charter is hereby amended by inserting, after  
60 the word "Selectmen", the following words:- and Finance Committee, simultaneously,

61

62 SECTION 10. Said charter of the town of Eastham is hereby further amended by striking out  
63 section 6-2 and inserting in place thereof the following section:-

64 Section 6-2. Action on Proposed Budget.

65 A. Within 30 days following the submission of the draft budget to the board of selectmen and  
66 the finance committee by the town administrator, the board of selectmen shall adopt its proposed  
67 budget, with or without amendments, and submit same with its recommendations to the finance  
68 committee.

69 B. On receipt of the budgets for the Eastham Elementary School Committee, Nauset Regional  
70 School Committee and Vocational School Committee, each budget shall be submitted  
71 simultaneously to the board of selectmen and the finance committee. The board of selectmen  
72 shall, within 30 days of each submission, submit its recommendations of the school committee  
73 budgets to the finance committee.

74 C. Meeting jointly, the board of selectmen and the finance committee shall conduct at least 1  
75 public hearing on the proposed town budget and the school budgets. The board of selectmen and  
76 the finance committee may hold additional non-joint public hearings on the budgets, if deemed  
77 necessary. The board of selectmen and the finance committee may jointly or separately require  
78 the town administrator, any town department, office, board, commission and committee to  
79 appear or furnish appropriate financial reports and budgetary information.

80 D. The finance committee shall vote and issue its printed recommendations and detailed  
81 explanations of all financial articles in an annual finance committee report, which shall be made  
82 available at least 14 days prior to the scheduled date of the annual town meeting.

83 E. The board of selectmen shall present the proposed budget to the annual town meeting.

84 SECTION 11. Section 9-2 of said charter is hereby amended by striking out subsection D and  
85 inserting in place thereof the following subsection:-

86 D. A notice of the availability of the warrant shall be published in a local newspaper at least 14  
87 days prior to any such town meeting.

88 SECTION 12. Subsection E of section 9-2 of said charter is hereby amended by striking out the  
89 words “on or before the day of their publication in a local newspaper” and inserting in place  
90 thereof the following words:- at least 14 days prior to any such town meeting .

91 SECTION 13. Subsection A of section 9-4 of said charter is hereby amended by striking out the  
92 words “preferably in public administration,”.

93 SECTION 14. Section 9-5 of said charter is hereby further amended by striking out subsection  
94 A and inserting in place thereof the following subsection:-

95 A. Search Committee. A search committee consisting of 7 members shall be appointed for 3-  
96 year overlapping terms. Three members shall be appointed by the board of selectmen; 2  
97 members shall be appointed by the moderator; and 2 members shall be appointed by the finance  
98 committee. The committee shall advise the board of selectmen and the moderator concerning the  
99 names and qualifications of residents of the town available to serve on multi-member bodies.

100 The search committee may establish procedures for soliciting candidates for consideration and  
101 may consult with town committee members or chairs to assist in determining preferred skills for  
102 the individuals to be considered. The search committee shall periodically review all town  
103 committee charges. Upon the appointment and qualification of the search committee, the office  
104 of search coordinator shall be abolished.

105 SECTION 15. Subsection J of said section 9-5 is hereby amended by inserting, after the words  
106 “seven members” the following words:- and two alternates .

107 SECTION16. Said section 9-5 is hereby further amended by striking out subsection L and  
108 inserting in place thereof the following subsection:-

109 L. Water Management Committee. A water management committee of 9 members shall be  
110 appointed by the board of selectmen for 3-year overlapping terms. Upon the appointment and  
111 qualification of the water management committee, the water resources advisory board shall be  
112 abolished.

113 SECTION 17. Said section 9-5 is hereby further amended by striking out subsection N and  
114 inserting in place thereof the following 2 subsections:-

115 N. Capital Projects Committee. Upon any successful votes at town meeting and town election  
116 which bonds a municipal project of \$500,000.00 or more, there shall be activated a capital  
117 projects committee to oversee the management of the project, including the expenditure of funds.  
118 The capital projects committee shall consist of 3 voting members and other non-voting members,  
119 as follows:

120 (1) A selectman, to be appointed by the board of selectmen (voting member);

121 (2) A member of the finance committee, to be appointed by the finance committee (voting  
122 member);

123 (3) The town administrator (voting member); and other non-voting members as may be required  
124 by statute or specified by town meeting vote. Should the project not be completed when either  
125 the selectman or the member of the finance committee have completed their tenure on those  
126 bodies, then the respective body shall appoint a replacement.

127 O. Other. The board of selectmen shall also have the power to appoint some or all members to  
128 such other boards, committees, or commissions as may be in existence on the effective date of  
129 this charter and for whom no other method of appointment is provided. The board of selectmen



130 shall also appoint the members of such other boards, committees, or commissions as may be  
131 hereafter established by General Laws, charter, by-law, town meeting vote, or vote of the board  
132 of selectmen.

133 SECTION 18. This act shall take effect upon its passage.