

**HOUSE . . . . . No. 03763**

**[LOCAL APPROVAL RECEIVED.]**

---

---

The Commonwealth of Massachusetts

\_\_\_\_\_  
PRESENTED BY:

*Paul McMurtry*

\_\_\_\_\_

*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 PROVIDING FOR A CHARTER FOR THE TOWN OF WESTWOOD.**

\_\_\_\_\_  
PETITION OF:

NAME:

*Paul McMurtry*

DISTRICT/ADDRESS:

*11th Norfolk*

# HOUSE . . . . . No. 03763

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3763) of Paul McMurtry (by vote of the town) relative to a revised charter for the town of Westwood. Municipalities and Regional Government. [Local Approval Received.]

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

### AN ACT PROVIDING FOR A CHARTER FOR THE TOWN OF WESTWOOD.

*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 Westwood:

2

3 Chapter C

4 CHARTER

5 PREAMBLE: We, the people of the Town of Westwood, Massachusetts, in order to reaffirm the  
6 customary and traditional liberties of the people with respect to the conduct of our local  
7 government and to take the fullest advantages inherent in the Home Rule Amendment of the  
8 Constitution of the Commonwealth, do hereby adopt the following Home Rule Charter for this  
9 town.

10 CHAPTER 1

11 POWERS OF THE TOWN

12 SECTION 1. Incorporation

13 1-1-1. The present Town of Westwood, Massachusetts, within its corporate limits as now  
14 established, shall continue to be a body politic and corporate under the name, Town of  
15 Westwood.

16 SECTION 2. Scope of Town Powers

17 1-2-1. The town shall possess and exercise all powers possible under the constitution and laws  
18 of the Commonwealth of Massachusetts as fully and completely as though those powers were  
19 expressly enumerated in this chapter.

20 SECTION 3. Form of Government

21 1-3-1. This charter provides for a selectmen — open town meeting — town administrator form  
22 of town government.

23 SECTION 4. Construction of Charter

24 1-4-1. The power of the town under this charter shall be construed liberally in favor of the town,  
25 and the specific mention of particular powers in the charter shall not be construed as limiting in  
26 any measure the general powers of the town as stated in section 1-2-1.

27 SECTION 5. Intergovernmental Relations

28 1-5-1. The town may exercise, consistent with the provisions of law, any of its powers, or  
29 perform any of its functions and may participate in the financing thereof, jointly or in

30 cooperation, by contract or otherwise, with any one or more civil divisions, subdivisions, or  
31 agencies of the Commonwealth, other states, or of the United States government.

## 32 CHAPTER 2

### 33 ELECTIONS AND TOWN MEETING

#### 34 SECTION 1. Legislative Power

35 2-1-1. The legislative powers of the town shall be exercised by a town meeting open to all  
36 registered voters of the town.

#### 37 SECTION 2. Town Elections

38 2-2-1. The annual town meeting shall be held on the last Tuesday in April of each year, but the  
39 only business to be conducted on that day shall be the election of town officers and the balloting  
40 on all matters which are to be determined by official ballot.

41 2-2-2. All General Laws regarding town elections shall apply, except as provided by this charter,  
42 or by special act of the legislature.

#### 43 SECTION 3. Elections to be Nonpartisan

44 2-3-1. All elections of town officers shall be nonpartisan, and election ballots for town officers  
45 shall be printed without any party mark, emblem or vignette, or designation whatsoever.

#### 46 SECTION 4. Eligibility of Town Voters

47 2-4-1. Any registered voter of the town shall be eligible for election to any elective office or  
48 board of the town. Any person duly elected to any such office or board shall take up the duties of

49 the office the day after the adjournment sine die of the town meeting at which the individual was  
50 elected, unless such office was vacant at the time of the election, in which case the individual  
51 shall take up the duties of the office immediately; provided, however, the individual shall first  
52 have been sworn to the faithful performance of the individual's duties by the Town Clerk.

53 SECTION 5. Initiative

54 2-5-1. Petition. Any 10 voters of the town may secure, by written petition to the board of  
55 selectmen, the inclusion of an article for the warrant of any duly scheduled annual town meeting,  
56 and at least 100 registered voters may secure the same for any duly scheduled special town  
57 meeting.

58 2-5-1.1. Pre-Petition.

59 (a) Any 5 voters of the town may submit to the board of selectmen or the finance and  
60 warrant commission by a date set by by-law prior to the annual town meeting a proposed warrant  
61 article, and shall designate a lead petitioner.

62 (b) The board of selectmen or the finance and warrant commission shall include the proposed  
63 article on an agenda at a regular or special meeting for discussion, and provide the lead petitioner  
64 with nonbinding guidance, if any, concerning the same by a date set by by-law which shall be no  
65 later than 7 days prior to the close of the warrant.

66 (c) Failure to submit an article under this section shall not prevent the filing of a petition  
67 under section 2-5-1 and any guidance to the petitioners under this section shall not be binding on  
68 the finance and warrant commission or board of selectmen in the event the same petition is  
69 submitted under section 2-5-1.

70 SECTION 6. Business Sessions of the Town Meeting

71 2-6-1. Business sessions of the annual town meeting shall be held on the first Monday in May,  
72 and may be continued on such additional days as may be decided by the town meeting. There  
73 shall also be a second business session of the annual town meeting held in the last 3 months of  
74 the calendar year on a date to be determined by the board of selectmen, which meeting shall be  
75 deemed an “annual town meeting” for purposes of the General Laws; provided, however, that the  
76 board of selectmen may at its discretion, cancel said fall annual town meeting no later than  
77 September 15 in any year, so long as no more than 10 petitioned articles have been submitted for  
78 inclusion on the warrant at said fall annual town meeting, and notice of the board’s action with  
79 regard to such meeting shall be posted on the Town’s website and principal bulletin board. The  
80 board’s decision as to whether to hold a fall town meeting shall not prohibit the board from  
81 calling for a special town meeting from time to time at its discretion.

82 2-6-2. Rules of procedure of the town meeting shall be determined through by-law.

83 2-6-3. A journal of the proceedings of the town meeting shall be kept, and it shall be a public  
84 record.

85 SECTION 7. Finance and Warrant Commission Recommendation

86 2-7-1. The finance and warrant commission shall consider all articles in warrants for all town  
87 meetings and shall report in writing before each town meeting in the manner provided by by-law  
88 its advice, estimates, and recommendations for consideration by the town meeting, and it shall  
89 hold a public meeting with respect to the warrant at least 14 days prior to any town meeting.  
90 Failure to timely post, publish or mail such advice, estimates, and recommendations in the  
91 manner provided by by-law shall not affect the validity of the town meeting.

92 SECTION 8. Quorum

93 2-8-1. The town meeting shall establish by by-law a quorum requirement for the conduct of its  
94 business, but a smaller number than the established quorum may adjourn forthwith any meeting  
95 to a stated date, time, and place.

96 SECTION 9. Presiding Officer

97 2-9-1. A moderator, who shall be a registered voter of the town, shall be elected for a 1 year  
98 term. The moderator shall preside at all sessions of the town meeting.

99 2-9-2. If the office of moderator becomes vacant, or if the moderator is absent, the board of  
100 selectmen shall appoint an acting moderator for a particular meeting or to serve until the next  
101 regular election of town officers.

102 2-9-3. No elected town officer shall be eligible to be appointed acting moderator.

103 CHAPTER 3

104 THE BOARD OF SELECTMEN

105 SECTION 1. Composition and Terms

106 3-1-1. A board of selectmen of 3 members shall be elected for 3 year overlapping terms. At each  
107 annual town election, 1 selectman shall be elected to fill the office the term of which is expiring.  
108 Members may receive such compensation as may be appropriated by the town meeting.

109 SECTION 2. Powers and Duties

110 3-2-1. The board shall exercise those powers and duties prescribed by the General Laws, this  
111 charter, and town by-laws.

112 3-2-2. The board shall have the power to establish, in the performance of its duties, rules and  
113 regulations not otherwise governed by the General Laws, this charter, and town by-laws.

#### 114 SECTION 3. Power of Investigation

115 3-3-1. The board may conduct investigations into the conduct and operation of any town  
116 department as authorized by the General Laws.

#### 117 SECTION 4. Power to Appoint Town Officers

118 3-4-1. The board shall have the power to fill by appointment the offices of: police chief, fire  
119 chief, department of public works director and town counsel.

#### 120 SECTION 5. Power to Appoint Town Boards and Commissions

121 3-5-1. The board shall have the power to appoint: a board of health, a council on aging, a  
122 conservation commission, a recreation commission, election officers, registrars of voters and  
123 such other boards, commissions and committees as are authorized by the General Laws, this  
124 charter, town by-laws or the town meeting, for whom appointment is not otherwise provided.

#### 125 SECTION 6. Power to Rescind Appointments

126 3-6-1. The board shall have the power to rescind any appointment to any board, commission,  
127 committee or individual office made under this chapter, provided that the appointee shall first  
128 have been served with written notice of the board's intention, and reasons, for rescinding said  
129 appointment.

130 CHAPTER 4

131 ELECTED TOWN BOARDS AND OFFICERS

132 SECTION 1. School Committee

133 4-1-1. A school committee of 5 members shall be elected for 3 year overlapping terms.

134 Members shall serve without compensation.

135 4-1-2. The committee shall have general charge of all public schools in the town, under the

136 General Laws, this charter and town by-laws.

137 SECTION 2. Board of Assessors

138 4-2-1. A board of assessors of 3 members shall be elected for 3 year overlapping terms.

139 Members may receive such compensation as may be appropriated by the town meeting.

140 SECTION 3. Sewer Commission

141 4-3-1. A board of sewer commissioners of 3 members shall be elected for 3 year overlapping

142 terms. Members may receive such compensation as may be appropriated by the town meeting.

143 4-3-2. The board of sewer commissioners shall be responsible for the development of general

144 goals and long term plans for the town's sewer system and shall also establish the fees, user

145 charges or rates necessary to fully fund the sewer system operations.

146 SECTION 4. Planning Board

147 4-4-1. A planning board of 5 members shall be elected for 3 year overlapping terms. Members

148 shall serve without compensation.

149 4-4-2. The board shall meet regularly and shall maintain a public record of its proceedings,  
150 resolutions and determinations. It shall be responsible for the general, physical, economic and  
151 environmental planning of the town under the general laws, this charter and town by-laws.

152 SECTION 5. Library Trustees

153 4-5-1. A board of 6 library trustees shall be elected for 3 year overlapping terms. Members shall  
154 serve without compensation.

155 4-5-2. The board shall be responsible for the administration and operation of the town library,  
156 including staffing, acquisitions, maintenance and the promulgation of library rules and  
157 regulations.

158 SECTION 6. Associate Members

159 4-6-1. Notwithstanding any general or special law to the contrary, there shall be not more than 2  
160 associate members of each board elected under this chapter who may participate in all board  
161 matters. The chairman of the elected board may designate the associate member(s) to sit on the  
162 board in the case of absence, inability to act, or conflict of interest, on the part of any member of  
163 the board or in the event of a vacancy on the board. The associate members shall be appointed  
164 for 3-year rotating terms by majority vote of a joint meeting of the board of selectmen and the  
165 elected board being augmented with the associate members. Any vacancies arising in said  
166 position shall be filled in the same manner as the original appointment for the remainder of the  
167 unexpired term.

168 SECTION 7. Elected Officers

169 4-7-1. The following town officers shall be elected by ballot of the whole town: a moderator for  
170 a term of 1 year, and a town clerk, a town treasurer, and a tax collector for terms of 3 years. Each  
171 officer may receive such compensation as may be appropriated by the town meeting.

172 SECTION 8. Recall

173 4-8-1. A holder of an elected office in the Town of Westwood may be recalled from that office  
174 by the registered voters of the town under this section, except that the maximum number of  
175 members of a board that may be recalled shall be a majority or as otherwise limited by section 4-  
176 8-7.

177 4-8-2. Any 200 registered voters of the Town of Westwood may initiate a recall petition by  
178 filing with the town clerk an affidavit containing the name of the officer sought to be recalled  
179 and a statement of the grounds for recall. Not more than 33 1/3 per cent of the signatures  
180 appearing on the affidavit may be from any 1 precinct of the town. The town clerk shall  
181 thereupon prepare a sufficient number of copies of petition blanks demanding such recall, a  
182 supply of which shall be kept on hand. Such blanks shall be issued by the town clerk, with the  
183 clerk's signature and official seal attached. Further, such blanks shall be dated, shall be  
184 addressed to the selectmen of the town and shall contain the names of the first 10 signers to the  
185 affidavit, as designated by the person identified as the lead petitioner at the time of filing of the  
186 affidavit, the name and office of the person whose recall is sought and the grounds of recall as  
187 stated in the affidavit, and shall demand the election of a successor to said office. A copy of the  
188 affidavit shall be entered in a record book to be kept in the office of the town clerk. The recall  
189 petition shall be returned and filed with the town clerk within 20 days after the recall petition  
190 blanks are made available to the lead petitioner and shall be signed by at least 15 per cent of the

191 registered voters of the town as of the date of the most recent regular town election, who shall  
192 add to their signatures their place of residence, including their street, number and precinct;  
193 provided, however, that not more than 33 1/3 per cent of the total number shall be from any 1  
194 precinct.

195 The town clerk shall, within 24 hours of receipt of the petition, submit the signed petition to the  
196 registrars of voters in the town and said registrars shall, within 5 working days, certify on the  
197 petition the number of signatures which are names of registered voters of the town.

198 4-8-3. If the petition shall be found and certified to be sufficient the town clerk shall submit the  
199 petition with a certificate to the selectmen within 5 working days, and the selectmen shall, within  
200 5 working days, give written notice of the receipt of the certificate to the officer sought to be  
201 recalled and shall, if the officer does not resign within 5 days thereafter, forthwith order an  
202 election to be held on a date fixed by them not less than 65 nor more than 90 days after the date  
203 the board of selectmen calls for said election; provided, however, that if any other town election  
204 is to occur within 100 days thereafter, the selectmen shall postpone the holding of the recall  
205 election to the date of such other election. If a vacancy occurs in said office after a recall  
206 election has been ordered, the election shall proceed as provided in this section.

207 4-8-4. An officer sought to be removed may be a candidate at such election and, unless such  
208 officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot  
209 without nomination. The nomination of other candidates, the publication of the warrant for and  
210 the conduct of the removal election, shall be in accordance with the law relative to elections  
211 unless otherwise provided in this chapter.

212 4-8-5. An incumbent shall continue to perform the duties of the office until a recall election is  
213 held. If not recalled, such officer shall continue in office for the remainder of the unexpired term  
214 subject to recall as before, except as provided in Section 4-8-7. If such officer is recalled in the  
215 recall election, the officer shall be deemed removed upon certification of the election results. If a  
216 successor fails to qualify within 15 days after receiving notification of election, the office shall  
217 thereupon be deemed vacant.

218 4-8-6. Ballots used in a recall election shall submit the following propositions in the order  
219 indicated:

220

221                   For the recall of (name and title of officer).

222                   Against the recall of (name and title of officer).

223

224                   Immediate at the right of each proposition there shall be a location in which a voter may  
225 vote for either of said propositions. Under the propositions shall appear the word "Candidates",  
226 the directions to the voters required by section 42 of chapter 54 of the General Laws and, beneath  
227 this, the names of candidates nominated in accordance with the provisions of law relating to  
228 elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the  
229 candidate receiving the highest number of votes shall be declared elected. If more than one-third  
230 of the votes on the question are in the negative, the ballots for candidates need not be counted.

231 4-8-7. No recall petition shall be filed against an officer within 90 days after the officer takes  
232 office, nor shall any officer be subject to recall if the officer's term of office expires within 90

233 days of the town clerk's certificate issued under Section 4-8-3. In the case of an officer  
234 subjected to a recall election and not recalled thereby, no recall petition shall be filed against  
235 such officer until at least 90 days after the election at which the officer's recall was submitted to  
236 the voters.

237 4-8-8. No person who has been recalled from an office or who has resigned from office after the  
238 filing of a recall petition shall be appointed to town office within 1 year after such recall or such  
239 resignation.

240

## 241 CHAPTER 5

### 242 APPOINTED TOWN BOARDS

#### 243 SECTION 1. Board of Health

244 5-1-1. A board of health of 3 members shall be appointed by the board of selectmen for 3 year  
245 overlapping terms. Members shall serve without compensation. One member of the board, who  
246 shall not necessarily be the chairman, shall be a doctor of medicine, certified to practice  
247 medicine in Massachusetts or a registered nurse with current and valid Massachusetts  
248 registration.

249 5-1-2. The board shall exercise such public health functions as may be prescribed by the General  
250 Laws, this charter and town by-laws.

#### 251 SECTION 2. Council on Aging

252 5-2-1. A council on aging of 9 members shall be appointed by the board of selectmen for 3 year  
253 overlapping terms. No member will be eligible for reappointment to a third term until and unless  
254 1 year has elapsed from and after the expiration of that member's second full term. Members  
255 shall serve without compensation.

256 5-2-2. The council shall coordinate and carry out programs designed to meet the problems of  
257 aging persons, in accordance with the General Laws, this charter and town by-laws.

### 258 SECTION 3. Conservation Commission

259 5-3-1. A conservation commission of 7 members shall be appointed by the board of selectmen  
260 for 3 year overlapping terms in accordance with the General Laws. Members shall serve without  
261 compensation.

262

263 5-3-2. The conservation commission shall exercise such conservation-related functions as may  
264 be prescribed by the General Laws, this charter and town by-laws.

### 265 SECTION 4. Recreation Commission

266 5-4-1. A recreation commission of 7 members shall be appointed by the board of selectmen for 3  
267 year overlapping terms. Members shall serve without compensation.

268 5-4-2. The commission shall be responsible for the development and supervision of a town  
269 recreation program.

### 270 SECTION 5. Zoning Board of Appeals

271 5-5-1. A zoning board of appeals of 3 regular members and 6 associate members shall be  
272 appointed by the board of selectmen for 3 year overlapping terms. Members shall serve without  
273 compensation.

274 5-5-2. The zoning board of appeals shall exercise such zoning-related functions as may be  
275 prescribed by the General Laws, this charter and town by-laws.

## 276 SECTION 6. Youth and Family Services

277 5-6-1. A youth and family services commission consisting of no fewer than 3 nor more than 17  
278 members shall be appointed by the board of selectmen for 3 year overlapping terms. A quorum  
279 of the commission shall be a majority of those members then in office; provided however, that a  
280 lesser number may adjourn from time to time.

281 5-6-2. The youth and family services commission shall carry out programs designed or  
282 established to support the development of youth of the town as may be prescribed by the General  
283 Laws, this charter and town by-laws.

## 284 SECTION 7. Associate Members

285 5-7-1. There shall be not more than 2 associate members of each board appointed under this  
286 chapter, other than the zoning board of appeals, and chapter 7, who shall be eligible to participate  
287 in all board matters. The chairman of the appointed board may designate the associate members  
288 to sit on the board in the case of absence, inability to act, or conflict of interest, on the part of any  
289 member of the appointed board or in the event of a vacancy on the appointed board. The  
290 associate members shall be appointed for 3-year rotating terms by the board or officer

291 responsible for appointing the board itself, and any vacancies arising in said position shall be  
292 filled in the same manner as the original appointment for the remainder of the unexpired term.

## 293 CHAPTER 6

### 294 TOWN ADMINISTRATOR

#### 295 SECTION 1. Town Administrator

296 6-1-1. The board of selectmen shall appoint a town administrator for an indefinite term to serve  
297 at its pleasure, and shall fix the compensation for such person, annually, within the amount  
298 appropriated by the town. The board of selectmen may establish an employment contract with  
299 the town administrator for salary, fringe benefits and other conditions of employment, including,  
300 but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in  
301 the performance of the duties or office, liability insurance, conditions of discipline, termination,  
302 dismissal, and reappointment, performance standards and leave.

303 6-1-2. The town administrator shall not have served in an elective office in the town government  
304 for at least 12 months prior to appointment.

305 6-1-3. The town administrator shall devote full time to the office and shall not hold any other  
306 public office, elected or appointed, nor engage in any business or occupation during such service,  
307 unless such action is approved in advance by the board of selectmen; provided, however, that  
308 this section shall not prevent the town administrator from serving, at the direction of the board of  
309 selectmen, on any committee as an ex officio member, or as the board of selectmen's designee  
310 on other committees and boards. The board of selectmen shall provide for an annual review of  
311 the job performance of the town administrator.

312 SECTION 2. Duties

313 6-2-1. The town administrator shall be the chief administrative officer of the town and shall be  
314 directly responsible to the board of selectmen. The town administrator shall supervise, direct and  
315 be responsible for the efficient administration of all functions under the administrator's control  
316 as may be authorized by the charter, by by-law, by town meeting vote or by the vote of the board  
317 of selectmen, including all department heads and employees appointed by the town administrator  
318 or the board of selectmen, and their respective departments, and shall coordinate activities of all  
319 town departments. The powers and duties of the town administrator shall include, but not be  
320 limited to, the power or duty to:

321 (a) (i) appoint, discipline, suspend, or remove town officers, department heads or principal  
322 deputies or agents of elected and appointed boards or officers, and other employees, including  
323 employees in civil service positions, for whom no other method of selection is provided by the  
324 charter or general or special laws, consistent with the town's personnel policies and subject to the  
325 terms of any applicable collective bargaining agreements; provided, however, that the town  
326 administrator shall keep the chairman of the board of selectmen, or the chairman's designee,  
327 informed as to status of all personnel decisions made or to be made hereunder, and shall consult  
328 with the appropriate department head or principal deputy or agent prior to hiring an employee for  
329 that department;

330 (ii) appointments or removals of town officers, department heads or principal deputies or agents  
331 of elected and appointed boards or officers made by the town administrator under the preceding  
332 paragraph shall become effective on the 15th day following the day notice of proposed  
333 appointment or removal is filed with the board of selectmen unless said board shall, within that

334 period, reject such appointment or removal, or has sooner voted to affirm it; copies of notices of  
335 proposed appointments as filed with the board of selectmen shall simultaneously be posted on  
336 the town bulletin board.

337 (iii) the town administrator shall consult with the board of selectmen prior to appointing a  
338 finance director in accordance with the provisions of section 8-1-2 of this charter; such  
339 appointment shall be subject to all other provisions of section 6-2-1(a).

340 (b) supervise and direct all appointed department heads and principal deputies or agents of part-  
341 time or volunteer elected and appointed boards or officers in a manner consistent with the town's  
342 personnel policies;

343 (c) coordinate the activities of all town agencies serving under the office of the town  
344 administrator and the office of the board of selectmen with those under the control of other  
345 officers and multiple member bodies elected directly by the voters; for this purpose, the town  
346 administrator shall have authority to require the persons so elected, or their representatives, to  
347 meet with the town administrator, at reasonable times, for the purpose of effecting coordination  
348 and cooperation among all agencies of the town; the town administrator shall have the right to  
349 attend and speak at any public meeting of any multiple member body;

350 (d) administer and enforce, to the extent required, the General Laws, special acts of the  
351 commonwealth applicable to the town or town by-laws, and all regulations established by the  
352 board of selectmen;

353 (e) attend all regular and special meetings of the board of selectmen, unless excused, and shall  
354 have a voice but not a vote in all discussions;

355 (f) attend all sessions of the town meeting and answer all questions addressed to the town  
356 administrator which are related to the warrant articles and to matters under the general  
357 supervision of the town administrator;

358 (g) keep the board of selectmen fully informed as to the needs of the town and recommend to the  
359 selectmen for adoption such measures requiring action by them or by the town as the town  
360 administrator deems necessary or expedient;

361 (h) ensure that the complete and full records of the financial and administrative activity of the  
362 town are maintained and render reports to the board of selectmen as may be required;

363 (i) serve as the chief procurement officer under chapter 30B of the General Laws, and be  
364 responsible for the procurement and award of all contracts for supplies, services materials, and  
365 equipment other than those for the school department and the library; provided, however, that  
366 any contract over \$100,000 shall require approval by the board of selectmen;

367 (j) develop and maintain a formal and complete inventory of all town-owned real and personal  
368 property and equipment;

369 (k) administer personnel policies, practices, rules and regulations, compensation and  
370 classification plan and related matters, in consultation with the personnel board, for all municipal  
371 employees; and administer all collective bargaining agreements entered into by the town;

372 (l) subject to the approval of the board of selectmen, fix the compensation of all officers,  
373 department heads, officers and employees appointed by the town administrator or the board of  
374 selectmen within the limits established by appropriation and any applicable compensation plan  
375 and collective bargaining agreement;

376 (m) be responsible for the negotiation all contracts with town employees, except employees of  
377 the school department, regarding wages and other terms and conditions of employment;  
378 collective bargaining agreements negotiated under the authority of this section shall be subject to  
379 the approval of the board of selectmen and to chapter 150E of the General Laws;

380 (n) prepare, in consultation with the finance director, and submit an annual operating budget and  
381 capital improvement plan as provided in section 9-3-1 of this charter and be responsible for its  
382 administration after its adoption; transfer funds between individual line-items within a  
383 department account at any time during the fiscal year, with the approval of the board of  
384 selectmen, provided, that notice of such proposed transfer shall be provided to the board of  
385 selectmen and the finance and warrant commission, and shall be posted on the town bulletin  
386 board, no less than 14 days prior to said transfer;

387 (o) keep the board of selectmen and the finance and warrant commission fully informed as to the  
388 financial condition of the town and make recommendations to the board of selectmen;

389 (p) prepare and submit to the board of selectmen at the end of the fiscal year a comprehensive  
390 report on the finances and the activities and operations of all departments, boards and  
391 committees of the town;

392 (q) investigate or inquire into the affairs of any town department or office;

393 (r) delegate, authorize or direct any subordinate or employee in the town to exercise any power,  
394 duty, or responsibility which the office of town administrator may exercise; provided, however,  
395 that all acts performed under such delegation shall be deemed to be the acts of the town  
396 administrator;

397 (s) seek out and work to obtain resources from federal, state and other governmental jurisdictions  
398 that further town purposes;

399 (t) approve all payroll and expense warrants for payment of town funds; in the event of the  
400 absence of the town administrator, the board of selectmen shall approve such warrants; if a  
401 vacancy exists in the office of town administrator, the board of selectmen shall approve all such  
402 warrants or may delegate such responsibility to an acting or temporary town administrator  
403 appointed pursuant to sections 6-5-1 or 6-5-2 of this charter;

404 (u) represent the board of selectmen, at its direction, at any county, regional, state, and federal  
405 meetings;

406 (v) supervise the issuance by the board of selectmen of licenses and permits, and  
407 schedule all related hearings;

408 (w) serve as emergency management director, convening meetings and monitoring the  
409 centralized management issues during emergencies;

410 (x) coordinate litigation; authorize and monitor use of town counsel, special counsel and  
411 consultants; and

412 (y) perform such other duties as necessary or as may be assigned by this charter, town by-law,  
413 town meeting vote or vote of the board of selectmen.

#### 414 SECTION 3. Qualifications

415 6-3-1. The town administrator shall be appointed solely on the basis of educational, executive,  
416 and administrative qualifications and experience. The educational qualifications shall consist of a

417 master's degree granted by an accredited degree granting college or university, in public or  
418 business administration or related field, and professional experience shall include at least five  
419 years of full-time, compensated service in finance, government law, personnel administration,  
420 collective bargaining and/or organization development or extensive experience in working with  
421 the public and responding to customer service requests. The board of selectmen may waive the  
422 education or experience requirements listed herein if the board determines that an applicant's  
423 qualifications provide an equivalent combination of education and experience and that such  
424 waiver is in the best interest of the town.

#### 425 SECTION 4. Acting and Temporary Town Administrator

426 6-4-1. Acting Town Administrator. The board of selectmen may designate a qualified person to  
427 exercise the rights and perform the duties of the town administrator during a temporary vacancy  
428 caused by the suspension, removal or resignation of the town administrator. Members of the  
429 board of selectmen shall be ineligible to serve in this capacity.

430 6-4-2. Temporary Town Administrator. With the approval of the board of selectmen, the town  
431 administrator may designate a qualified town administrative officer or employee to exercise the  
432 powers and perform the duties of the town administrator during an absence of the town  
433 administrator. Such delegation shall be made by letter filed with the town clerk and the board of  
434 selectmen.

435 6-4-3. Powers and Duties. The powers and duties of the acting or temporary town administrator,  
436 under sections 6-4-1 and 6-4-2 shall be limited to matters not admitting of delay and shall  
437 include authority to make temporary, emergency appointments or designations to town office or

438 employment but not to make permanent appointments or designations, unless otherwise  
439 authorized by the board of selectmen.

## 440 CHAPTER 7

### 441 BOARDS AND COMMISSIONS APPOINTED BY MODERATOR

#### 442 SECTION 1. Moderator's Power of Appointment

443 7-1-1. The moderator shall have the power to appoint members of those boards and  
444 commissions authorized under this chapter. Appointments made by the moderator shall in each  
445 instance be for a fixed term, and such appointments shall not be subject to review or  
446 confirmation by any other person or group.

#### 447 SECTION 2. Power to Rescind Appointments

448 7-2-1. The moderator may rescind any appointment to any board or commission made under the  
449 authority of this chapter; provided that the appointee shall first have been served with a written  
450 notice of the moderator's intention, and the moderator's reasons, for rescinding the appointment.

#### 451 SECTION 3. Finance and Warrant Commission

452 7-3-1. A finance and warrant commission of 15 members shall be appointed for 3 year  
453 overlapping terms. Members shall serve without compensation, and no member may hold any  
454 other elective or appointive town position during the member's term of office.

455 7-3-2. In making appointments to the commission, the moderator shall take into consideration  
456 the demographic composition of the town.

#### 457 SECTION 4. Personnel Board

458 7-4-1. A personnel board of 5 persons shall be appointed for 3 year overlapping terms. Members  
459 shall serve without compensation.

460 7-4-2. It shall be the responsibility of the board to administer, and to propose periodic revisions  
461 of the town classification and compensation plan, in accordance with the provisions of the  
462 General Laws.

### 463 SECTION 5. Permanent Building Commission

464 7-5-1. A permanent building commission of not more than 7 members shall be appointed for 3  
465 year overlapping terms. In making appointments to the permanent building commission, the  
466 moderator shall endeavor to include town residents with architecture, engineering or construction  
467 experience, or knowledge of state public bidding laws. Members shall serve without  
468 compensation.

469 7-5-2. Temporary members. For each municipal project, a temporary member who is a member  
470 or representative of the appointed or elected board or committee sponsoring or requesting the  
471 project, or whose facility would benefit from the project, which project has an estimated cost of  
472 more than \$100,000, shall be appointed and may participate for the duration of the project as a  
473 voting member of the commission.

474 7-5-3. Ex officio members. For each project, the moderator may appoint town employees or  
475 other town residents, with particular expertise or knowledge, to advise the commission related to  
476 the particular project. Any such request shall be made to the town moderator, who shall consult  
477 with the town administrator with regard to appointment of town employees other than school  
478 department employees, and to the superintendent of schools for school department employees.

479 Ex officio members shall have a voice, but no vote, in the proceedings of the commission and  
480 shall not count towards the quorum needed to conduct business.

481 7-5-4. The commission shall have charge and direction of the construction and reconstruction of  
482 all buildings owned, leased or occupied by the town, and it shall have the power to make  
483 recommendations concerning the design, plans, specifications and location of other buildings  
484 financed, in whole or in part, by other public funds. From time to time the commission shall  
485 consult with the ultimate user of such buildings concerning said design, plans, specifications and  
486 locations of such buildings.

## 487 CHAPTER 8

### 488 DEPARTMENTS

#### 489 SECTION 1. Finance Department

490 8-1-1. There shall be a department of municipal finance which shall be responsible for the  
491 coordination of all financial services and activities of the town, the maintenance of all accounting  
492 records and other financial statements, payment of all obligations, receipt of all funds due,  
493 monitoring of and reporting on all fiscal and financial activities of the town, supervision of all  
494 purchases of goods, materials and supplies, and maintenance of inventory controls. The  
495 department shall include the offices and functions of the town accountant, town treasurer, tax  
496 collector and board of assessors; provided, however that although the offices of the town  
497 treasurer, tax collector and board of assessors shall be part of the department of municipal  
498 finance, such officers shall continue to exercise their respective duties and responsibilities under  
499 the General Laws, except as otherwise provided in this charter. The department shall have such

500 additional powers, duties and responsibilities with respect to municipal finance-related functions  
501 and activities as the town may from time to time provide by by-law.

502 8-1-2. Finance Director. The department of municipal finance shall be under the direct control  
503 and supervision of a director of municipal finance who shall be appointed by the town  
504 administrator, after consultation with the board of selectmen, and whose salary shall be fixed  
505 annually within the amount appropriated by the town. The appointment, and any discipline,  
506 suspension or removal of said finance director shall be undertaken in accordance with the  
507 provisions of section 6-2-1(a)(i) through (iii).

508 8-1-3. Finance Director, Qualifications. The director of municipal finance shall be a person  
509 especially fitted by education, experience and training to perform the duties of the office. The  
510 educational qualifications shall consist of a master's degree in finance, accounting or public or  
511 business administration, granted by an accredited degree-granting college or university, and  
512 professional qualifications shall include at least 3 years of prior full-time compensated service in  
513 accounting or business administration, or 5 years or more of such professional experience and a  
514 bachelor's degree in an appropriate discipline. At the request of the town administrator, the  
515 board of selectmen may waive the education or experience requirements listed herein if the board  
516 determines that an applicant's qualifications provide an equivalent combination of education and  
517 experience and that such waiver is in the best interests of the town.

518 The salary, fringe benefits and other conditions of employment of the director of municipal  
519 finance, including but not limited to, severance pay, relocation expenses, reimbursement for  
520 expenses incurred in the performance of the duties of office, liability insurance, conditions of

521 discipline, termination, dismissal and reappointment, performance standards and leave may be  
522 established by contract.

523 8-1-4. Finance Director, Duties and Responsibilities. The director shall be responsible for the  
524 supervision and coordination of all financial personnel, tasks and activities of the department in  
525 accordance with the charter, General Laws, town by-laws and any applicable rules and  
526 regulations. The director of municipal finance may serve as the town accountant and shall be  
527 responsible for coordinating the fiscal management procedures of the offices of the town  
528 treasurer, tax collector and board of assessors and shall be the administrator of budgeting,  
529 including financial reporting, accountability and control, as well as an advisor to the board of  
530 selectmen, town administrator, finance and warrant commission, and all other town departments,  
531 concerning financial and programmatic implications of current and future financial policies. The  
532 director of municipal finance shall provide such assistance to the town administrator as the town  
533 administrator shall request with regard to the preparation of the town budget and capital plan,  
534 and have such additional duties and responsibilities with regard thereto as set forth in section 6-  
535 2-1(n) and chapter 9 of the charter.

## 536 SECTION 2. Other Departments

537 8-2-1. Department of Public Works.

538 There shall be a department of public works, as established by Chapter 140 of the Acts of 1992,  
539 with the powers, duties and responsibilities set forth in that chapter, as said chapter may be  
540 amended from time to time.

541 8-2-2. Fire Department.

542 There shall be a fire department, as established by vote of the September 9, 1945 Town Meeting  
543 accepting the provisions of G.L. c.48, §§42, 43 and 44, with the powers, duties and  
544 responsibilities as set forth in such statutes.

545 8-2-3. Police Department.

546 There shall be a police department, as established by vote of the March 12, 1951 Town Meeting  
547 accepting the provisions of chapter 595 of the Acts of 1948, now codified as G.L. c.41, §97A,  
548 with the powers, duties and responsibilities as set forth in that section.

549 CHAPTER 9

550 FINANCIAL PROCEDURES

551 SECTION 1. Fiscal Year

552 9-1-1. The fiscal year of the town shall commence on July 1 and end on June 30, unless another  
553 uniform fiscal year for all towns shall be specified by state law.

554 SECTION 2. Audit Committee

555 9-2-1. There shall be an audit committee consisting of 3 members appointed by the board of  
556 selectmen for overlapping 3 year terms. The audit committee shall: review annual financial  
557 statements of the town financial offices; review the independent auditor's management  
558 recommendations; and provide advice and counsel to the board of selectmen, town administrator  
559 and other financial staff.

560 SECTION 3. Budget - Preparation and Schedule

561 9-3-1. The town administrator shall prepare an annual operating budget for the town as  
562 described in Section 9-4-3. For such purposes, the town administrator shall establish a budget  
563 schedule for the development and submission of all departmental budgets to the town  
564 administrator and finance director, and for the compilation of a proposed consolidated operating  
565 budget for the town, or such schedule may be established by by-law. The town administrator  
566 shall also prepare, in consultation with the finance director, a 5-year capital plan.

567 SECTION 4. Budgetary Procedures

568 9-4-1. Not less than 3 months before the business session of the spring annual town meeting, the  
569 town administrator shall submit to the board of selectmen for its review and approval a proposed  
570 operating budget for the town with a summary budget message and supporting documents, and,  
571 in conjunction therewith, a 5-year capital plan. The board of selectmen may make such changes  
572 to the proposed operating budget and budget message as it deems appropriate. Following  
573 approval by the board of selectmen, the proposed annual operating budget, with summary budget  
574 message and supporting documents, and 5-year capital plan, shall forthwith be forwarded to the  
575 finance and warrant commission.

576 9-4-2. The summary budget message shall explain the budget both in fiscal terms and in terms  
577 of work programs. It shall outline the proposed financial policies of the town for the ensuing year  
578 and shall indicate any major changes from the current year in financial policies, expenditures and  
579 revenues, together with the reasons for such changes.

580 9-4-3. The operating budget shall provide a complete financial plan for all town funds and  
581 activities and shall be in such form as the finance and warrant commission may require, but it

582 shall indicate proposed expenditures for both current operations and capital projects during the  
583 ensuing year, detailed by purpose, offices, departments, commissions and committees.

584 9-4-4. The five-year capital plan shall be designed to address unmet long-range needs and to  
585 implement the capital goals and objectives of the town, and shall include all town activities and  
586 departments. The capital improvements plan shall include: a clear summary of its contents; a list  
587 of all capital improvements proposed to be undertaken during the next 5 years, together with  
588 supporting data; cost estimates, methods of financing and recommended time schedules; and the  
589 estimated annual cost of operating and maintaining the facilities or equipment to be constructed  
590 or acquired. The information required by this section may be revised and extended each year by  
591 the town administrator and shall apply each year to capital improvements pending or in the  
592 process of construction or acquisition.

593 9-4-5. The finance and warrant commission shall conduct 1 or more public meetings on the  
594 proposed operating budget at least 14 days prior to its submission at the annual town meeting.

595 9-4-6. The board of selectmen shall be responsible for presenting the proposed operating budget  
596 to the town meeting.

597 9-4-7. Town meeting may, by by-law, establish additional procedures applicable to  
598 consideration and adoption of the budget as are not inconsistent with this charter.

## 599 CHAPTER 10

### 600 TOWN BY-LAWS

#### 601 SECTION 1. How Proposed

602 10-1-1. Town by-laws may be proposed in warrant article form in accordance with the  
603 provisions of the General Laws and section 2-5-1 of this charter.

604 SECTION 2. How Adopted and Revised

605 10-2-1. Adoption of a new by-law or by-law revision shall be by a two-thirds vote of those  
606 voting at an annual or special town meeting.

607 SECTION 3. Revision and Publication

608 10-3-1. The board of selectmen shall ensure that the by-laws are reviewed and prepared for any  
609 necessary revision at least every 5 years.

610 10-3-2. The town clerk shall codify and republish the by-laws every 5 years. Copies shall be  
611 made available to all registered voters who request them.

612 SECTION 4. Continuation of By-Laws

613 10-4-1. All special acts, by-laws, town meeting resolutions, rules and regulations of the town in  
614 force at the time this charter takes effect, not inconsistent with the provisions of this charter, shall  
615 continue in force.

616 CHAPTER 11

617 SEVERABILITY

618 SECTION 1.

619 11-1-1. If any section or partial section of this charter shall be held invalid by a court of  
620 competent jurisdiction, such holding shall not affect the validity of the remainder of this charter,  
621 nor the context in which such section or partial section so held invalid may appear.

## 622 CHAPTER 12

### 623 CHARTER REVISION

#### 624 SECTION 1. Proposal of Amendments

625 12-1-1. Amendments to this charter relating in any way to the composition, mode of election or  
626 appointment, or terms of office of the legislative body, board of selectmen, or the town  
627 administrator may be proposed only by a charter commission elected under the General Laws, or  
628 proposed as otherwise authorized by the Massachusetts constitution.

629 12-1-2. Amendments to the charter relating to other matters may be proposed by a two-thirds  
630 vote at a duly called town meeting in accordance with the General Laws, or proposed as  
631 otherwise authorized by the Massachusetts constitution.

#### 632 SECTION 2. Adoption of Amendments

633 12-2-1 Proposed amendments under this charter shall be acted upon by ballot of the whole town  
634 at a regular or special town meeting for the election of town officers in accordance with the  
635 General Laws, or approved as otherwise authorized by the Massachusetts constitution.

#### 636 SECTION 3. Periodic Review

637 12-3-1. The board of selectmen shall appoint a committee of no fewer than 5 nor more than 9  
638 members to review the charter and by-laws not less than once every 10 years from the date of the

639 last review undertaken in accordance with this section and said committee may make  
640 recommendations to a subsequent town meeting to amend said charter and by-laws.

## 641 CHAPTER 13

### 642 TRANSITIONAL PROVISIONS

#### 643 SECTION 1. Effective Date

644 13-1-1. This charter shall take effect immediately upon acceptance of a special act enacted by  
645 the general court establishing this charter as the charter of the town of Westwood.

#### 646 SECTION 2. Continuation of Government

647 13-2-1. Each appointed or elected town official holding office on the effective date of this  
648 charter shall continue to serve until the expiration of that official's term. All appointed officials  
649 serving on the effective date of this charter shall be eligible for reappointment.

650 13-2-2. No officer holding tenure of office by act of the legislature, or vote of the town, or  
651 both, shall have the same set aside as the result of the adoption of this charter.

652 13-2-3. Upon the effective date of this charter, the position of executive secretary shall be  
653 abolished. The person serving the town in the capacity of executive secretary/town administrator  
654 as of the effective date of this charter shall be deemed to be the first appointee to the newly  
655 created position of town administrator; provided, however, that nothing in this charter shall  
656 restrict the board of selectmen from reappointing, terminating or taking other employment action  
657 with regard to said appointee in accordance with the provisions of this charter.

658 13-2-4. Upon the effective date of this charter, the position of assistant town  
659 administrator/finance director shall be abolished. The person serving the town in the capacity of  
660 assistant town administrator/finance director as of the effective date of this charter shall be  
661 deemed to be the first appointee to the newly created position of finance director. Provided,  
662 however, that nothing in this charter shall restrict the town administrator from reappointing,  
663 terminating or taking other employment action with regard to said appointee in accordance with  
664 the provisions of this charter.

665 13-2-5. No contracts or liabilities in force on the effective date of this charter shall be affected by  
666 the abolition or creation of appointed offices, the consolidation of financial functions of the town  
667 as provided for in this charter, or the newly created appointed offices and municipal finance  
668 department and all such newly created offices and departments shall in all respects be the lawful  
669 successor of offices and departments so abolished or consolidated.

670 13-2-6. All records, property and equipment whatsoever of any office, department, or part  
671 thereof, the powers and duties of which are assigned in whole or in part to another office or  
672 department shall be assigned to such office or department.

673

674 SECTION 2. This act shall be submitted for acceptance to the voters of the town of Westwood  
675 at an annual or special town election in the form of the following question which shall be placed  
676 on the official ballot: "Shall an act passed by the General Court in the year 2011, entitled 'An Act  
677 Providing for a Charter for the Town of Westwood' be accepted?"

678 The town counsel shall prepare a fair and concise summary of the charter set forth in section 1 of  
679 this act to include the most significant proposed changes from the charter currently applicable to

680 the town, subject to approval by the board of selectmen, which summary shall appear below the  
681 question on the ballot.

682 If a majority of the votes cast in answer to the question is in the affirmative, the town shall be  
683 taken to have accepted the charter of the town of Westwood

684

685

686 SECTION 3. This act shall take effect upon its passage.