

HOUSE No. 3929

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:

An Act relative to the charter of the town of Dedham.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Paul McMurtry

11th Norfolk

Michael F. Rush

Norfolk and Suffolk

HOUSE No. 3929

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3929) of Paul McMurtry and Michael F. Rush (by vote of the town) for legislation to revise the charter of the town of Dedham. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the charter of the town of Dedham.

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 charter of the town of Dedham, which is on file with the office of the
2 archivist of the commonwealth, is hereby amended by striking out articles 1 to 7, inclusive, and
3 inserting in place thereof the following 9 articles:-

4 ARTICLE 1

5 INCORPORATION; SHORT TITLE; FORM OF GOVERNMENT; POWERS

6 Section 1-1. Incorporation

7 The inhabitants of the Town of Dedham, Massachusetts, within the territorial limits
8 established by law, shall continue to be a body corporate and politic under the name "Town of
9 Dedham".

10 Section 1-2. Short Title

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

12 Section 1-3. Form of Government

13 The administration of all the fiscal, prudential, and municipal affairs of the Town, with
14 the government thereof, shall be vested in a legislative branch, to consist of a Representative
15 Town Meeting, and an executive branch, to be headed by a Board of Selectmen.

16 Section 1-4. Powers of the Town, Intent of Voters

17 Subject only to express limitation on the exercise of any power or function by a town in
18 the Constitution or General Laws of the Commonwealth of Massachusetts, it is the intent and the
19 purpose of the voters of Dedham, through the adoption of this Charter, to secure for the Town all
20 powers it is possible to secure under the Constitution and General Laws of the Commonwealth,
21 as fully and as completely as though each such power were specifically and individually
22 enumerated herein.

23 Section 1-5. Construction

24 (a) Town Powers - The powers of the Town under this Charter shall be construed
25 liberally in favor of the Town, and the specific mention of particular powers is not intended to
26 limit in any way the general powers of the Town as stated in Section 1-4.

27 (b) References to Constitution and General Laws - All references to the Constitution
28 and General Laws contained in this Charter refer to the Constitution and General Laws of the
29 Commonwealth of Massachusetts and are intended to include any amendments or revisions to
30 such chapters and sections or to the corresponding chapters and sections of any rearrangement of
31 the Constitution and General Laws enacted subsequent to the adoption of this Charter. Citations
32 to provisions of the General Laws shall, to the extent applicable, be to the pertinent chapter and
33 section in the form of the following example: "G.L. c.40, §32."

34 (c) Number and Gender - Words importing the singular number may extend and be
35 applied to several persons or things, words importing the plural number may include the singular,
36 and words importing the masculine gender shall include the feminine gender.

37 (d) Severability - The provisions of this Charter are severable. If any provision of this
38 Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the
39 application of this Charter or any of its provisions to any person or circumstance is held invalid,
40 the application of this Charter and its provisions to other persons and circumstances shall not be
41 affected thereby.

42 (e) Specific Provisions Shall Prevail - To the extent that any specific provision of this
43 Charter shall conflict with any provision expressed in general terms, the specific provision shall
44 prevail.

45 Section 1-6. Inter-Governmental Relations

46 Subject to express requirements of the Constitution and General Laws, the Town may
47 exercise any of its powers and perform any of its functions, and may participate in the financing
48 thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any
49 political subdivision or agency thereof or the United States government or any agency thereof.

50 Section 1.7. Definitions

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

53 (a) Charter - The word "Charter" shall mean this Charter and any amendments to it
54 made through any of the methods provided under article LXXXIX of the Amendments to the
55 Constitution.

56 (b) Days - Except as otherwise specifically provided herein, use of the word "days" in
57 connection with a period of less than 7 days, shall mean business days, and when referring to a
58 period of seven days or more shall mean calendar days; and provided further that if the last day
59 for action falls on a Saturday, Sunday or legal holiday, the deadline shall, unless otherwise
60 addressed by law, move forward to the next occurring business day.

61 (c) District - The word "District" shall mean a precinct of the Town, as established by
62 the Board of Selectmen in accordance with G.L. c.54, §6.

63 (d) Library - The word "Library" shall mean the Dedham Public Library and any
64 branch or branches that may be established thereof.

65 (e) Majority Vote - The words "majority vote" shall mean a majority of those present
66 and voting, provided that a quorum of the body is present.

67 (f) Multiple Member Body - The words "multiple member body" shall mean any
68 board, commission or committee consisting of two or more persons whether elected or
69 appointed.

70 (g) Officer – The word "officer" shall mean shall mean a person who in the exercise
71 of the powers or duties of their position exercises some portion of the sovereign authority of the
72 Town, including but not limited to any elected official, elected or appointed member of a
73 multiple member body established by this Charter, the by-laws, or the General Laws, or other
74 person having charge of an office or department of the Town.

75 (h) Town - the word "town" shall mean the Town of Dedham.

76 (i) Town Agency - The words "Town Agency" shall mean any board, commission,
77 committee, department or office of the Town government.

78 (j) Town Bulletin Boards - The words "Town Bulletin Boards" shall mean the
79 bulletin boards on which official Town notices are posted, one of which shall be located in the
80 Town hall, one of which shall be located in the Library, and those at such other locations within
81 the Town as the Board of Selectmen may from time to time designate. In addition, the words
82 "Town Bulletin Boards" shall mean the Town's official website; provided, however, that unless
83 otherwise required by the General Laws to be posted on the Town's website, failure to so post on
84 the website shall not impair the legality or validity of the actions taken by the Town or others in

85 connection with the subject matter of notices required to be posted thereon, including the posting
86 of a warrant for any Town Meeting.

87 (k) Voters - The word "voters" shall mean registered voters of the Town of Dedham.

88 ARTICLE 2

89 REPRESENTATIVE TOWN MEETING

90 Section 2-1. Composition, Annual and Special Meetings

91 (a) The legislative body of the Town shall be a Representative Town Meeting to
92 consist of not less than 270 members, and not more than the closest higher number of members
93 necessary to achieve an equal number of members from each District who shall be elected to
94 meet, deliberate, act and vote in the exercise of the corporate powers of the Town at annual and
95 special Town Meetings.

96 (b) The Representative Town Meeting shall meet at the spring annual Town Meeting
97 in the last four months of the fiscal year, on a date set by by-law. There shall also be a fall annual
98 Town Meeting held on a date to be determined by the Board of Selectmen in the last three
99 months of the calendar year, which meeting shall be an "annual town meeting" for purposes of
100 the General Laws; provided, however, that the Board of Selectmen may, at its discretion, cancel
101 said fall annual Town Meeting no later than September 15 in any year, so long as no more than
102 10 articles have been submitted under Section 2-9(a) for inclusion on the warrant at said fall
103 annual Town Meeting and notice of the Board of Selectmen's action with regard to such Town
104 Meeting shall be posted on the Town Bulletin Boards. The Board of Selectmen's decision as to
105 whether to hold a fall annual Town Meeting shall not affect the discretion of the Board of
106 Selectmen to call for a special Town Meeting from time to time.

107 (c) Special Town Meetings may be called by the Board of Selectmen, pursuant to
108 G.L. c.39, §10 as it may be amended from time to time or other applicable provision of law, at
109 such times as said board shall deem appropriate.

110 Section 2-2. Eligibility; Nomination Procedures

111 (a) Eligibility - Any voter shall be eligible for election as a Town Representative;
112 provided, however, that no person shall simultaneously serve in any elected Town office as
113 defined in Section 3-1 or as a member of the Finance and Warrant Committee established under
114 Section 2-9(c)(1)(i) and as a Town Representative.

115 (b) Nomination of Candidates for Town Representative - Any incumbent elected
116 Town Representative may become a candidate for re-election by filing written notice thereof
117 with the Town Clerk not later than 56 days prior to the date of the next regular annual election.
118 In addition, nomination of candidates for the office of Town Representative may be made by

119 nomination papers, which shall show clearly whether the candidate is a former Town
120 Representative, and if an elected incumbent of such office, that he is a candidate for re-election,
121 and shall bear no other political designation. Such papers shall be signed by not less than ten
122 voters of the District in which the candidate resides and from which he seeks election, and shall
123 be submitted to the Registrars of Voters no later than 49 days prior to the date of the next regular
124 annual election, who shall check each name on the nomination papers and shall forthwith certify
125 thereon the number of signatures so checked which are names of voters in the District for which
126 the nomination is made. Said papers shall then be filed with the Town Clerk no later than 35
127 days preceding the date of election.

128 If a Town Representative is a candidate for re-election, these words, "Candidate for Re-
129 election," shall be printed against his name as it appears on the ballot for the election of Town
130 officers; provided, however, that a Town Representative elected by the remaining members of a
131 District to fill a vacancy shall not be considered a candidate for re-election. No nomination paper
132 shall be valid in respect to any candidate if it fails to have his written acceptance attached to or
133 written thereon.

134 (c) Removal of Town Representative from Town or District - A Town Representative
135 who removes from the Town shall forthwith cease to be a Town Representative. A Town
136 Representative who removes from the District from which he was elected to another District
137 within the Town or who is so removed by a revision of District lines may continue to serve as a
138 member of the Representative Town Meeting from the District from which he was elected until
139 the next regular annual election, at which time the remainder of his term, if any, shall be
140 terminated and a vacancy from that District shall exist which shall be filled at that election. A
141 person so removed from office may be elected as a Town Representative from the new District in
142 which he then resides at the same election. An elected Town Representative who is removed
143 from the District from which the Town Representative was elected solely as a result of the
144 establishment or revision of Districts shall be entitled to use the words, "Candidate for Re-
145 election" after the Town Representative's name on the ballot, even if, by so doing, the number of
146 candidates for re-election listed on the ballot in that District exceeds the number of Town
147 Representatives to be elected.

148 Section 2-3. Election and Terms

149 (a) Establishment or Revision of Districts and Tie Votes - At the first regular annual
150 election held following the establishment or revision of Districts made in accordance with G.L.
151 c.54, §6, all of the Town Representatives in each District whose boundaries are affected by said
152 establishment or revision, shall be elected by official ballot by the voters that District.

153 In each such District, the first third to the nearest whole number of Town Representatives
154 elected in the order of votes received shall serve three years; the second third to the nearest
155 whole number shall serve two years; and the remaining third to the nearest whole number shall

156 serve one year from the date of their election. In case of a tie vote affecting the division into
157 thirds, the Town Representatives elected from the District shall determine the same by written
158 ballot in accordance with the procedures set out in Section 2-3(c).

159 (b) Three-Year Terms - Upon the expiration of the terms of Town Representatives
160 elected after the establishment or revision of Districts, and in all other cases as the terms of Town
161 Representatives expire, candidates shall be elected for three year terms to fill expiring terms and
162 candidates shall also be elected to fill the unexpired term of any vacancy then existing.

163 (c) Tie Votes Generally - In the event of a tie vote for the office of town
164 representative, other than under the provisions of the first paragraph of Section 2-3(a), the Town
165 Clerk shall within 17 days of the election call all of the candidates for that office who are
166 affected by such tie together at a convenient place, and under the supervision of the Town Clerk
167 or his designee, any such ties shall then and there by broken by written ballots cast by the elected
168 Town Representatives present from that District.

169 Section 2-4. Compensation

170 The Town Representatives shall serve without salary.

171 Section 2-5. Presiding Officer

172 A Moderator, chosen in accordance with Section 3-8, shall preside at all sessions of
173 Town Meeting, but he shall have no vote unless the Town Representatives present and voting are
174 equally divided. He shall, at the first Town Meeting following each regular annual election,
175 appoint, subject to the approval of the Representative Town Meeting, from among the Town
176 Representatives a Deputy Moderator to serve in the event of his absence or disability. In case of
177 absence or disability of the Moderator and the Deputy Moderator the Representative Town
178 Meeting shall elect from among its own membership a Temporary Moderator to act during the
179 said absence or disability. The Moderator shall perform such other duties as may from time to
180 time be assigned to the office of Moderator by by-law, rule or other vote of the Representative
181 Town Meeting.

182 Section 2-6. General Powers and Duties

183 All powers of the Town shall be vested in the Representative Town Meeting, except as
184 otherwise provided by law or by this Charter. The Representative Town Meeting shall provide
185 for the exercise of all of the powers of the Town and for the performance of all duties and
186 obligations imposed upon the Town.

187 Section 2-7. Vacancies; Filling of Vacancies

188 (a) Vacancy - The office of a Town Representative shall become vacant upon his
189 death, resignation or removal from office in any manner authorized by law or otherwise in

190 accordance with law. No office of Town Representative shall be considered vacant unless: (1) a
191 letter of resignation has been filed with the Town Clerk by such person; or (2) the Town Clerk
192 has issued a certificate that such person has died or has removed from the Town or that the
193 position has otherwise become vacant.

194 (b) Filling of Vacancies - A vacancy in the office of a Town Representative shall be
195 filled for the remainder of the unexpired term, if any, at the next regular annual election if such
196 occurs within 120 days following the date the vacancy is established in the manner described in
197 Section 2-7(a). If no such election is to be held within 120 days, the remaining Town
198 Representatives from the same District shall be called together by the District Chairman no later
199 than one month prior to the next Town Meeting or forthwith following the creation of a vacancy
200 as described in Section 2-7(a) should the vacancy arise thereafter and shall, by a majority vote of
201 those present and voting, elect by written ballot a qualified person to fill the vacancy, to serve
202 until the next regular annual election, at which time the remainder of the term, if any, shall be
203 filled by official ballot. Notice of such election by the remaining Town Representatives of the
204 District shall forthwith be filed with the Town Clerk.

205 Section 2-8. Clerk of the Town Meeting

206 The Town Clerk or his designee shall serve as Clerk of the Town Meeting.. The Clerk
207 shall give notice of all Town Meetings to the Town Representatives and to the public, keep the
208 record of its proceedings and perform such other duties as may be assigned by this Charter, by
209 by-law or by other vote of the Representative Town Meeting.

210 Section 2-9. Procedures

211 (a) Procedure for Submission of Warrant Articles - The Board of Selectmen shall at
212 all times receive all petitions which are addressed to it and which request the insertion of subjects
213 in a warrant for a Town Meeting and are filed by: (1) any individual elected Town officer,
214 including a Town Representative; (2) any appointed multiple member body, acting by a majority
215 of its members; (3) any ten voters; (4) any other person or agency who may be authorized by by-
216 law. The Board of Selectmen shall retain the original copy of each petition filed hereunder until
217 at least 90 days following the expiration of the Town Meeting at which the said petition is acted
218 upon.

219 (b) Warrants - All matters which are received by the Board of Selectmen under
220 Section 2-9(a) shall be placed on warrants issued by the Board of Selectmen at such convenient
221 times as it may determine and as otherwise provided by this Charter or by by-law. The original
222 copy of all warrants for Town Meetings shall be kept in the office of the Town Clerk in a record
223 book maintained for that purpose. A copy of the warrants shall be posted on the Town Bulletin
224 Boards, and, unless otherwise addressed by by-law, by mailing a copy of the warrant forthwith to
225 the place of residence of the Moderator, all Town Representatives and such other persons as may

226 be designated by by-law. The Town Clerk shall keep additional copies of all warrants available
227 for distribution.

228 (c) Committees

229 (1) Standing Committees.

230 i. Finance and Warrant Committee - The Finance and Warrant Committee, on which
231 no Town Representative shall serve, shall consist of nine members appointed by the Moderator
232 for three year terms, so arranged that the term of office of three members shall expire each year.
233 The duties of the Finance and Warrant Committee shall include those listed under Section 2-
234 9(c)(2) and Article 5A.

235 ii. Standing Committee on Planning and Zoning - The Planning Board, elected under
236 Section 3-8, shall be considered the Standing Committee on Planning and Zoning.

237 iii. Committee of Precinct Chairs - The Committee of Precinct Chairs shall be
238 comprised of the Town Representatives elected as chair in each District of the Town in
239 accordance with Section 2-9(h). Such committee shall, as may be requested by the
240 Representative Town Meeting from time to time, or on its own initiative, and in consultation
241 with the Moderator, review the rules, procedures and conduct of Town Meetings and make
242 recommendations with respect thereto to the Board of Selectmen and the Representative Town
243 Meeting.

244 iv. The Representative Town Meeting may, by vote or by-law, create such additional
245 standing committees as it deems necessary or desirable, which may consist of any combination
246 of Town Representatives and other voters as may be provided by said vote or by-law.

247 v. Application of Open Meeting Law and Administrative Procedures - All meetings
248 of standing committees created under this Section 2-9(c) shall be subject to the provisions of the
249 Open Meeting Law, G.L. c.30A, §§18-25, as it may be amended from time to time, and the
250 provisions of Article 6.

251 (2) Referral of Articles to Committee - When articles are generated or received by the
252 Board of Selectmen, copies thereof shall be forwarded forthwith by it to an appropriate standing
253 committee for study and report, which study and report shall be considered at least once at a
254 public hearing at which the public is provided with the opportunity to share their views
255 concerning such matters. All warrants for Town Meetings shall include a notation of the standing
256 committee to which each article has been assigned by the Board of Selectmen.

257 Notwithstanding the previous paragraph, however, all articles that would require the
258 expenditure of Town funds, and all other articles, shall, before enactment, be referred to the
259 Finance and Warrant Committee for its report and recommendation, which recommendation
260 shall be the main motion before the Representative Town Meeting, except as otherwise provided

261 in the remainder of this paragraph. All articles which relate to planning, zoning, subdivision
262 control and any other matters relating to land use shall, before enactment, also be referred to the
263 Planning Board, in its capacity as a standing committee, for study and report. When the adoption
264 or amendment of a zoning by-law is before the Representative Town Meeting, the Planning
265 Board's recommendation shall be the main motion before the Representative Town Meeting;
266 provided further that prior to enactment the Finance and Warrant Committee shall also provide
267 its recommendation with respect to such adoption or amendment.

268 (d) Quorum - At every session of Town Meeting, the Town Clerk shall have
269 attendance taken at the doors for the purpose of ascertaining the names and the number of Town
270 Representatives present. All attendance records shall be posted upon the Town Bulletin Boards
271 and published in the Annual Town Report.

272 One hundred seventy Town Representatives shall constitute a quorum for the conduct of
273 all business to come before the Representative Town Meeting, but a smaller number may adjourn
274 from time to time.

275 (e) Rules and Record of Proceedings - The Representative Town Meeting shall
276 determine its own rules and order of business unless otherwise provided by this Charter or by -
277 law, and shall provide for keeping a record of its proceedings. The Town Clerk shall certify such
278 record to be true and accurate and such record shall be a public record readily accessible to the
279 public. A certified copy shall be kept available in the Library.

280 (f) Voting - Voting shall be by voice vote and the Moderator shall declare the result
281 of each vote taken. When the result of a voice vote is declared by the Moderator, if seven or
282 more Town Representatives shall doubt the vote as announced by immediately standing, the
283 Moderator shall verify the voice vote by taking a standing vote. When the Moderator declares the
284 result of a standing vote, if 15 or more Town Representatives shall doubt the standing vote by
285 immediately standing, the Moderator shall verify the standing vote by taking a roll call vote. The
286 Moderator may, in his discretion, direct that any vote be taken by a call of the roll of the Town
287 Representatives present. Notwithstanding the provisions of this Section 2-9(f), however, the
288 Representative Town Meeting may, by by-law, allow a different method for counting votes of
289 Town Representatives present at a Town Meeting, such as by electronic means. The
290 Representative Town Meeting shall not for any reason declare itself in executive session or
291 attempt to prohibit the public from attending any of its proceedings.

292 (g) Citizen Participation - Any voter or taxpayer of the Town shall have a right to
293 speak at Town Meetings subject to such rules as may from time to time be adopted by by-law or
294 by a vote of the Representative Town Meeting.

295 (h) District Organization - The Town Representatives from each District shall, within
296 17 days following each regular annual election, organize by the election by written ballot from
297 among their own members of a chairman, vice-chairman and a clerk, to serve for a term of one

298 year, and shall file a notice of such organization with the Town Clerk. Such organizational
299 meeting shall take place on a date determined by the Chair of the Committee of Precinct Chairs
300 established under Section 2-9(c)(1)(iii), in consultation with the Town Clerk, prior to making
301 nomination papers available for the regular annual election. Notice of the date of said
302 organizational meeting thereof shall be posted on the Town Bulletin Boards and the Town Clerk
303 shall provide written notice to all persons seeking election to the office of Town Representative
304 who have complied with the requirements of Section 2-2(b) of the time, date and place of the
305 organizational meeting. If the Town Clerk receives no notice of organization for a District within
306 17 days following a regular annual election, the Town Clerk shall immediately call a meeting of
307 the Town Representatives from such Districts as have failed to organize for the purpose of such
308 organization.

309 Section 2-10. By-Laws

310 (a) Time of Taking Effect - Not sooner than 14 days after they are approved by the
311 Representative Town Meeting, proposed by-laws shall be transmitted to the Attorney General of
312 the Commonwealth for his review as provided by G.L. c.40, §32, and will become effective, if
313 not denied by that officer, in accordance with the provisions of that statute.

314 (b) Codes of Technical Regulations - The Representative Town Meeting may adopt
315 any standard code of technical regulations in whole or in part by reference thereto in an adopting
316 by-law; provided, however, that one or more copies of the proposed code shall be available in the
317 office of the Town Clerk and published as otherwise provided by law. The adopting by-law shall
318 not be construed as to include changes or revisions subsequent to the Representative Town
319 Meeting vote to adopt the code.

320 Section 2-11. Availability of Town Officials at Town Meetings

321 Every Town officer, or in the case of a multiple member body, a designated
322 representative of such multiple member body, or a representative of each department shall attend
323 all sessions of the Town Meeting, unless deterred by illness or other reasonable cause, for the
324 purpose of providing the Representative Town Meeting with information pertinent to matters
325 appearing in the warrant.

326 If any person described above is so deterred, he shall designate a deputy to attend in his
327 place.

328 If any person required to attend the sessions of Town Meetings under this Section 2-11 is
329 not a voter, he shall, notwithstanding, be entitled to speak in order to provide the Representative
330 Town Meeting with information on pertinent warrant articles.

331 Elected officials of the Town, as defined in Section 3-1, and the Chairman of the Finance
332 and Warrant Committee, when attending sessions of the Town Meetings shall have all of the
333 rights and privileges of Town Representatives except the right to vote.

334 Section 2-12. Referendum Petitions

335 No final vote of any Representative Town Meeting approving a measure under any article
336 in the warrant, except a vote to adjourn, an authorization to borrow money in anticipation of
337 taxes, an authorization to pay debts and obligations of the Town, and appropriation of funds
338 necessary to implement a written agreement executed under collective bargaining or the budget
339 of the Town as a whole, or a vote declared by preamble to be an emergency measure necessary
340 for the immediate preservation of the peace, health, safety or convenience of the Town and
341 which is passed by a two-thirds vote of the Town Representatives present and voting, shall be
342 operative until 14 days after dissolution of the Town Meeting.

343 If within the said 14 days, a petition signed by not less than five per cent of the voters of
344 the Town eligible to vote as of the date of the Town Meeting at which the final vote occurred,
345 containing their names and addresses as they appear on the list of voters, is filed in the office of
346 the Board of Selectmen requesting that the question or questions involved in any such vote be
347 submitted to the voters of the Town at large, then the operation of such vote shall be further
348 suspended pending its determination as hereinafter provided. Within 14 days following the filing
349 and including the time for certification by the Board of Registrars of a referendum petition, the
350 Board of Selectmen shall call a special election which shall be held forthwith and no sooner than
351 35 days after issuing the call; provided, however, that if a regular or special election is to be held
352 not more than 60 days following the date the petition is filed, the Board of Selectmen may
353 provide that the question or questions involved be presented to the voters at the same election.

354 All votes shall be taken by official ballots and the voter list shall be used in the same
355 manner as in the election of Town officers. The questions so submitted shall be determined by a
356 majority vote of the voters voting thereon, but no action of the Representative Town Meeting
357 shall be reversed unless at least 20% of the voters eligible to vote in the election do vote in said
358 election.

359 The question so submitted shall be stated on the ballot in substantially the same language
360 and form in which it was stated when presented by the Moderator to the Representative Town
361 Meeting as appears from the records of said Town Meeting, similar to the following: "Shall the
362 voters of the Town confirm the action taken by the Representative Town Meeting at the Town
363 Meeting held on [insert date] to [insert here the question as stated when presented by the
364 Moderator]? A brief summary of the measure drafted by Town Counsel shall appear below the
365 question.

366 This election shall be held on a Saturday, unless it is to be held in conjunction with
367 another election, and the polls shall open not later than 7:00 a.m. and shall be closed not earlier
368 than 8:00 p.m.

369 If a petition conforming to the requirements of this Section 2-12 is not filed within 14
370 days of the dissolution of the Town Meeting, the vote shall then become effective.

371 ARTICLE 3

372 ELECTED OFFICIALS

373 Section 3-1. General Provisions

374 (a) Elective Offices - The offices to be filled by the voters shall be a Board of
375 Selectmen, a Moderator, a School Committee, a Planning Board, a Board of Assessors, a Board
376 of Library Trustees, a Town Clerk, a Board of Health, a Recreation Commission, a Board of
377 Commissioners of Trust Funds, a Housing Authority and such members of regional authorities or
378 districts as may be established by statute, inter-local agreement or otherwise.

379 (b) Eligibility - Any voter shall be eligible to hold any elective Town office, but no
380 elected Town official shall simultaneously hold any other elected Town office or be appointed to
381 any Town office; provided, however, that this provision shall not be interpreted as a restriction
382 on the number of multiple member bodies on which an elected Town official may serve by virtue
383 of his office, so long as service on the body or bodies would terminate if the person no longer
384 held his elected position.

385 (c) Annual Election - The regular annual election of Town officers, and consideration
386 of such questions as may be authorized by law to appear on said ballot, shall be determined by
387 the voters on official ballots without party or other designation, and shall be held on such date as
388 may from time to time be fixed in the by-laws of the Town.

389 (d) Compensation - Elected town officials shall receive for their services such
390 compensation as may annually be provided for that purpose by appropriation.

391 (e) Nomination of Candidates - The signatures of fifty registered voters of the Town
392 shall be required to place on the ballot for election the name of a candidate for any office other
393 than Town Representative.

394 (f) Ballot Position - The order in which names of candidates including the office of
395 Town Representative appear on the ballot for each office in any Town election shall be
396 determined by a drawing by lot conducted by the Town Clerk. Each candidate shall have an
397 opportunity to be present or be represented by a representative at the drawing.

398 (g) Coordination - Notwithstanding their election by the voters, the Town officers
399 named in Section 3-1(a) shall be subject to the call of the Board of Selectmen or of the Town

400 Administrator, at all reasonable times, for consultation, conference and discussion on any matter
401 relating to their respective offices.

402 (h) Vacancies

403 (1) Vacancy - An office of any elected multiple member body listed in Section 3-1(a)
404 shall become vacant upon the death, resignation or removal from office in any manner
405 authorized by this Charter or the General Laws or otherwise in accordance with law. No such
406 office shall be considered vacant unless: (1) a letter of resignation has been filed with the Town
407 Clerk by such person; or (2) the Town Clerk has issued a certificate that such person has died or
408 has removed from the Town or that the office has otherwise become vacant.

409 (2) Filling of Vacancies - If a vacancy occurs otherwise than by expiration of term in
410 any elected multiple member body listed in Section 3-1(a), other than a vacancy in the Board of
411 Selectmen, the unexpired terms shall be filled by appointment by the Board of Selectmen and the
412 remainder of the members of the elected multiple member body until the next regular annual
413 election, at which time such office shall be filled, by election, for the remainder of the unexpired
414 term; provided, however, that if the date the vacancy established in the manner described in
415 Section 3-1(i)(1) is more than 120 days prior to the regular annual election, the Board of
416 Selectmen may call for a special election to be held no earlier than 64 days from the date of its
417 call therefor to fill the unexpired term.

418 (i) Application of other Provisions of Charter to Powers and Duties -
419 Notwithstanding any provision of this Charter or of the General Laws to the contrary, the powers
420 and duties of multiple member bodies elected under Article 3 shall be subject to the applicable
421 provisions of Article 4 and Article 6.

422 Section 3-2. Board of Selectmen

423 (a) Composition, Term of Office - There shall be a Board of Selectmen consisting of
424 five members elected for terms of three years each, so arranged that the term of office of as
425 nearly an equal number of members as is possible shall expire each year.

426 (b) Powers and Duties in General - The executive powers of the Town shall be vested
427 in the Board of Selectmen which shall be deemed to be the chief executive office of the Town.
428 The Board of Selectmen shall have all of the executive powers it is possible for a board of
429 selectmen to have and to exercise. The Board of Selectmen shall serve as the chief policy making
430 agency of the town. The Board of Selectmen shall be responsible for the formulation and
431 promulgation of policy directives and guidelines to be followed by all town agencies serving
432 under it and, in conjunction with other elected Town officers and multiple member bodies to
433 develop and promulgate policy guidelines designed to bring the operation of all town agencies
434 into harmony.

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

440 (d) Appointments - The Board of Selectmen shall appoint: a Town Administrator;
441 Constables, Registrars of Voters and other election officers, but not the Town Clerk; the
442 members of the Board of Appeals, Conservation Commission, Historic District Commission, and
443 other members of multiple member bodies as set forth in state law, or whose appointment
444 authority is not otherwise specified by this Charter or vote of the Representative Town Meeting,
445 as well as other individuals who are to serve as representatives of the Town to the governing or
446 advisory bodies of area, regional or district authorities; provided, however, that nothing herein
447 should be interpreted to prohibit the Board of Selectmen, Town Administrator or Moderator from
448 appointing such multiple member bodies as they deem appropriate to advise them on matters
449 within their jurisdiction.

450 (e) Investigations - The Board of Selectmen may investigate the affairs of the Town
451 and the conduct of any Town Agency including any doubtful claims against the Town. Copies of
452 the full text of the report. A summary of the results of any such investigation shall be placed on
453 file in the offices of the Board of Selectmen and Town Clerk and in the Library and shall be
454 printed in the next Annual Town Report.

455 Section 3-3. School Committee

456 (a) Composition, Term of Office - There shall be a School Committee which shall
457 consist of seven members. The term of office of a School Committee member shall be for three
458 years. The terms of office of School Committee members shall be so arranged that as nearly an
459 equal number of terms as is possible shall expire each year.

460 (b) Powers and Duties - The School Committee shall have general charge and
461 superintendence of the public schools and for this purpose shall have all of the powers and duties
462 which are given to school committees under the Constitution and General Laws, and such
463 additional powers and duties as may be authorized by this Charter, by by-law or by other vote of
464 the Representative Town Meeting.

465 Section 3-4. Board of Assessors

466 (a) Composition, Term of Office - There shall be a Board of Assessors that shall
467 consist of three members. The term of office of an Assessor shall be for three years. The terms of
468 office of Assessors shall be so arranged that one term shall expire each year.

469 (b) Powers and Duties - The board of assessors shall annually make a fair cash
470 valuation of all property, both real and personal, within the town, and it shall have all of the
471 powers and duties which are given to boards of assessors under the Constitution and General
472 Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or
473 by other vote of the Representative Town Meeting.

474 Section 3-5. Town Clerk

475 (a) Term of Office - There shall be a Town Clerk. The term of office of the Town
476 Clerk shall be for three years.

477 (b) Powers and Duties - The Town Clerk shall be the keeper of vital statistics of the
478 Town and the custodian of the Town seal and all public records, shall administer the oaths of
479 office to all Town officers who apply to him therefor, be the clerk of the Town Meeting and
480 perform such duties with regard to elections and other matters as may be provided by law. The
481 Town Clerk shall have all of the powers and duties which are given to town clerks under the
482 Constitution and General Laws, and such additional powers and duties as may be authorized by
483 this Charter, by by-law or by other vote of the Representative Town Meeting.

484 Section 3-6. Board of Health

485 (a) Composition, Term of Office - There shall be a Board of Health that shall consist
486 of three members. The term of office of a Board of Health member shall be for three years. The
487 terms of office of Board of Health members shall be so arranged that the term of one member
488 shall expire each year.

489 (b) Powers and Duties - The Board of Health shall be responsible for the formulation
490 and enforcement of rules and regulations affecting the environment and the public health, and
491 shall have all of the powers and duties that are given to boards of health under the Constitution
492 and General Laws, and such additional powers and duties as may be authorized by the charter, by
493 by-law or by other vote of the Representative Town Meeting.

494 Section 3-7. Board of Library Trustees

495 (a) Composition, Term of Office - There shall be a Board of Library Trustees that
496 shall consist of five members. The terms of office of Library Trustees shall be for three years so
497 arranged that as nearly an equal number of terms as is possible shall expire each year.

498 (b) Powers and Duties - The Board of Library Trustees shall have general charge of
499 the care and management of town libraries, and of all property of the town relating thereto. The
500 Board of Library Trustees shall have all of the powers and duties that are given to library trustees
501 under the Constitution and General Laws and shall have such additional powers and duties as
502 may be authorized by this Charter, by by-law or by other vote of the Representative Town
503 Meeting

504 Section 3-8. Moderator

505 (a) Term of Office - There shall be a moderator. The term of office of the moderator
506 shall be for three years.

507 (b) Powers and Duties - The Moderator shall preside and regulate the procedure at all
508 Town Meetings, appoint the Finance and Warrant Committee established by Section 2-9(c)(1)(i),
509 such committees as may be authorized by the Representative Town Meeting, and such other
510 committees created by the Moderator from time to time solely to advise the Moderator on
511 matters within the Moderator's jurisdiction, and shall have all of the powers and duties which are
512 given to moderators under the constitution and laws of the commonwealth, and such additional
513 powers and duties as may be authorized by the charter, by by-law or by other vote of the town
514 meeting.

515 Section 3-9. Planning Board

516 (a) Composition, Term of Office - There shall be a Planning Board that shall consist
517 of five members. The term of office of a Planning Board member shall be for five years. The
518 terms of office of Planning Board members shall be so arranged that as nearly an equal number
519 of terms as is possible shall expire each year.

520 (b) Powers and Duties - The Planning Board shall make studies and prepare plans
521 concerning the resources, possibilities and needs of the town. It shall prepare a comprehensive
522 plan that shall set forth in graphic and textual form information concerning the present
523 development of the town and parts thereof. Such comprehensive plan shall include
524 recommendations of the Planning Board concerning the future development (including physical,
525 economic, and environmental aspects) of the entire Town and parts thereof. Such plan may be
526 amended from time to time, and shall be formally reviewed and updated no less than once every
527 ten years.

528 The Planning Board shall review proposed zoning by-laws and amendments
529 thereto in accordance with the requirements of G.L. c.40A, §5, as it may be amended from time
530 to time, and have all of the other powers and duties which are given to planning boards under the
531 Constitution and General Laws, and shall have such additional powers and duties as may be
532 authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

533 Section 3-10. Parks and Recreation Commission

534 (a) Composition, Term of Office - There shall be a Parks and Recreation Commission
535 that shall consist of five members, elected at large. The term of office of Parks and Recreation
536 Commission members shall be for three years. The term of office of Parks and Recreation
537 Commission members shall be so arranged that as nearly an equal number as is possible shall
538 expire each year.

539 (b) Powers and Duties - The Parks and Recreation Commission shall conduct and
540 promote recreation, play, sport, physical education and other programs to meet the leisure time
541 needs of the community and shall have all powers, duties and trusts that are conferred or
542 imposed on park commissions and recreation commissions under the Constitution and General
543 Laws. The Parks and Recreation Commission shall consider the needs of all age groups in the
544 development of programs. The Parks and Recreation Commission shall have such additional
545 powers and duties as may be authorized by this Charter, by-law or by other vote of the
546 Representative Town Meeting.

547 (c) Powers and Duties - The Parks and Recreation Commission may appoint a
548 Director of Parks and Recreation. Said Director shall be appointed annually by the Commission
549 for a term of one year and until qualification by a successor and may be removed by the
550 Commission at any time when, in the judgment of the Commission, the public interest so
551 requires; and any vacancy for any cause may be filled by appointment by the Commission of the
552 remainder of the unexpired term.

553 Section 3-11. Commissioners of Trust Funds

554 (a) Composition, Term of Office - There shall be a Board of Commissioners of Trust
555 Funds consisting of five members. The term of office of Commissioners of Trust Funds members
556 shall be for three years, so arranged that as nearly an equal number of terms as is possible shall
557 expire each year.

558 (b) Powers and Duties - The Board of Commissioners of Trust Funds shall, so far as
559 consistent with the terms of the trusts, manage and control all funds left, given, bequeathed or
560 devised to the Town, and distribute the income in accordance with the terms of the respective
561 trusts. The Board shall keep a record of its actions, and at the close of each financial year shall
562 make a report to the Town, showing the total amount of the funds, and their investments, receipts
563 and disbursements on account of the same, setting forth in detail the sources of the receipts and
564 purposes of the expenditures. The Board of Commissioners of Trust Funds shall have all of the
565 other powers and duties that commissioners of trust funds may have under the General Laws and
566 such additional powers and duties as may be authorized by this Charter, by by-law or by other
567 vote of the Representative Town Meeting.

568 Section 3-12. Housing Authority

569 (a) Composition, Term of Office - There shall be a Housing Authority which shall
570 consist of five members. Four of the members shall be chosen by ballot and the fifth member
571 shall be a resident of the Town appointed by the Commonwealth Commissioner of Community
572 Affairs or as otherwise provided by law. The term of office of a Housing Authority member shall
573 be for five years, so arranged that the term of as nearly an equal number of members as is
574 possible shall expire each year.

575 (b) Powers and Duties - The Housing Authority shall have all of the powers and
576 duties that are given to housing authorities under the Constitution and General Laws, and shall
577 have such additional powers and duties as may be authorized by this Charter, by by-law or by
578 other vote of the Representative Town Meeting.

579 Section 3-13. Recall of Elected Officials

580 (a) Who Can be Recalled - Any holder of an elective Town office, as defined in
581 Section 3-1(a), with more than six months remaining of the term for which elected, may be
582 recalled therefrom by the voters as herein provided.

583 (b) Recall Petition

584 (1) Affidavit - Any 250 voters may file with the Town Clerk an affidavit signed under
585 the penalties of perjury bearing the name and office of the officer sought to be recalled and a
586 statement of the grounds for recall. An affidavit shall contain the names of at least 25 voters from
587 each District into which the Town is divided, and shall specify thereon who shall be considered
588 the "lead petitioner" and who shall be understood to be the "first ten voters" signing the affidavit
589 for purposes of the recall process. If, within three days following such submission, said affidavits
590 are found by the Board of Registrars of Voters to be sufficient and valid, and, if on said date the
591 candidate whose recall is sought has at least six months remaining of the term for which elected,
592 the Town Clerk shall forthwith and without delay make available to the first ten voters making
593 the affidavit, at his office, copies of petition blanks demanding such recall, printed forms of
594 which shall be kept available.

595 (2) Petition Form - When issued, the petition blanks shall contain a facsimile of the
596 signature of the Town Clerk and official seal of the Town. The petition blanks shall be dated,
597 shall be addressed to the Selectmen and shall contain the names of the first ten voters on the
598 affidavit filed under the provisions of Section 3-13(b)(1), the name and office of the person
599 whose recall is sought, the grounds for recall as stated in said affidavit and shall demand the
600 election of a successor to the said office. No copies of petition blanks shall be made by the first
601 ten signers or others circulating petitions for signatures. A copy of the petition blank shall be
602 entered in a record book to be kept in the office of Town Clerk.

603 (3) Petition Signature Requirements - The recall petitions shall be returned and filed
604 with the Town Clerk within 21 days following the date they are made available in the Clerk's
605 office and shall have been signed by at least 10 percent of the voters eligible to vote as of the
606 most recent regular annual election, not more than 25 percent of which shall be voters in any one
607 District into which the Town is divided. In signing such petitions, voters shall add to their
608 signatures the street and number, if any, of their residences.

609 The Town Clerk shall within one day of receipt, submit the petition to the Board of
610 Registrars of Voters, and the said Registrars shall forthwith, but in no event more than five days
611 after receipt, certify thereon the number of signatures that are the names of voters.

612 (c) Selectmen's Action on Receiving Petition - If the petition shall be found and
613 certified by the Registrars of Voters to be sufficient they shall submit the same with their
614 certificate to the Board of Selectmen without delay, and the Board of Selectmen shall meet
615 forthwith at a properly posted meeting in accordance with the Open Meeting Law to give written
616 notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer
617 does not resign within five days after written notice has been provided, forthwith order an
618 election to be held on a date fixed by it not less than 60 days nor more than 75 days from the date
619 the Board of Selectmen calls for said election; provided, however, that if any other Town
620 election is to occur within 90 days after the date of the certificate, the Board of Selectmen shall
621 postpone the holding of the recall election to the date of such other election and the question of
622 recall may appear on the ballot at that election. If a vacancy occurs in said office after a recall
623 election has been ordered, the election shall nevertheless proceed as provided in this Section 3-
624 13.

625 (d) Nomination of Candidates - The officer whose recall is sought may be a candidate
626 at the recall election, and unless such officer has resigned the office or requests otherwise in
627 writing, the Town Clerk shall place the officer's name on the official ballots without nomination.
628 The nomination of other candidates, the publication of the warrant for the recall election, and the
629 conduct of the same, shall all be in accordance with the provisions of law relating to elections,
630 unless otherwise provided in this Section 3-13.

631 (e) Incumbent Holds Office Until Election - The incumbent shall continue to perform
632 the duties of the office until the recall election. If not then recalled, such person shall continue in
633 office for the remainder of the unexpired term, subject to recall as before, except as provided in
634 this Section 3-13. If recalled, such person shall be deemed removed.

635 (f) Recall Election - Ballots used in a recall election shall include the following
636 propositions in the order specified:

637 For the recall of (name), (office)

638 Against the recall of (name), (office)

639 Below the propositions shall be listed the names of all candidates nominated as
640 hereinbefore provided, arranged as provided in Section 3-1(e), with such instructions as shall aid
641 the voter. If the number of votes in favor of the recall is in the majority, then the officer shall be
642 deemed recalled, the votes cast for each of the candidates counted and the candidate receiving
643 the highest number of votes declared elected for the remainder of the unexpired term. If the
644 number of votes against the recall is in the majority, the incumbent shall not have been recalled,

645 and the votes for candidates shall not be counted. If such successor shall fail to qualify within 14
646 days after receiving notification of election, the office shall be deemed to be vacant and shall be
647 filled in the manner provided in Section 3-1(i). Notwithstanding any other provision of this
648 paragraph, however, if fewer than 20% of the voters eligible to vote in said recall election
649 participate at such election, no votes need be counted and the election shall be deemed not to
650 have recalled the incumbent.

651 (g) Repeat of Recall Petition - No recall petition shall be filed against an officer
652 within six months after taking office, nor, in the case of an officer subjected to a recall election
653 and not recalled thereby, until at least six months after the election at which the recall was
654 submitted to the voters.

655 (h) Appointment of Person Recalled - No person who has been recalled from an
656 office, or who has resigned from office while recall proceedings were pending against him, shall
657 be appointed to any Town office within two years after such recall or such resignation.
658 Resignation at any time after a recall affidavit has been certified by the Board of Registrars of
659 voters as being valid shall be deemed to be while recall proceedings were pending.

660 ARTICLE 4

661 TOWN ADMINISTRATOR

662 Section 4-1. Appointment; Qualification; Term

663 The Board of Selectmen shall appoint the Town Administrator to serve for a definite term
664 of not more than five years and shall fix the compensation for such person, annually, within the
665 amount appropriated by the Representative Town Meeting. The Town Administrator shall be
666 appointed solely on the basis of demonstrated executive and administrative qualifications. The
667 Town Administrator shall be a person qualified by education, training and previous experience to
668 perform the duties of the office. The Town Administrator shall not have served in any elected
669 office in the Town government for at least twelve months prior to appointment. The
670 Representative Town Meeting may from time to time establish, by by-law, such additional
671 qualifications as seem necessary and appropriate. The Town Administrator shall devote full time
672 to the office and shall not hold any other public office, elective or appointive, nor be actively
673 engaged in any other business or occupation during such service, unless the Board of Selectmen
674 approves such action in advance and in writing. The Board of Selectmen shall provide for an
675 annual review of the job performance of the Town Administrator that shall, in summary form, be
676 a public record.

677 Section 4-2. Powers and Duties

678 The Town Administrator shall be the chief administrative officer of the Town, directly
679 responsible to the Board of Selectmen for the administration of all Town affairs for which the

680 office of Town Administrator is given responsibility by or under this Charter. The powers and
681 duties of the Town Administrator shall include, but are not intended to be limited to, the
682 following:

683 (a) To supervise, direct and be responsible for the efficient administration of all
684 functions and activities for which the office of Town Administrator is given authority,
685 responsibility or control by this Charter, by by-law, by the Representative Town Meeting, by
686 vote of the Board of Selectmen, or otherwise.

687 (b) (1) To appoint for periods not in excess of five years, and in appropriate
688 circumstances to remove, subject to the provisions of the civil service law and of any collective
689 bargaining agreements as may be applicable, all department heads, and officers, who report
690 directly to the Town Administrator. Such appointments shall become effective on the fifteenth
691 day following the day on which notice of the appointment is filed with the board of selectmen,
692 unless, within that period, the board of selectmen by a vote of at least three of its members shall
693 vote to reject such appointment, or, has sooner voted to affirm it. Copies of the notices of all
694 such appointments shall be posted on the Town Bulletin Board when submitted to the Board of
695 Selectmen.

696 (2) To suspend or remove, any person appointed by the Town Administrator under
697 Section 4-2(b)(1) in accordance with the provisions of Section 6-6. The decision of the Town
698 Administrator in suspending or removing any person appointed by the Town Administrator shall
699 be final.

700 (c) To be entrusted with the administration of a Town personnel system, including,
701 but not limited to personnel policies and practices, rules and regulations, including provisions for
702 an annual employee performance review, personnel by-laws and collective bargaining
703 agreements entered into by the Town. The Town Administrator shall also prepare and keep
704 current a plan establishing the personnel staffing requirements for each Town Agency, except the
705 School Department.

706 (d) To fix the compensation of all appointed officers and employees within the limits
707 established by appropriations of the Representative Town Meeting.

708 (e) To attend all regular and special meetings of the Board of Selectmen, unless
709 unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings. To
710 keep the Board of Selectmen fully advised concerning the status of all matters which have been
711 referred to the office of the Town Administrator by the Board of Selectmen by providing to its
712 members for review at each regular meeting of the Board of Selectmen a full and complete
713 summary of all activity conducted by the office of the Town Administrator since the last meeting
714 of the Board of Selectmen.

715 (f) To assure that full and complete records of the financial and administrative
716 activities of the Town are kept and to render as often as may be required by the Board of
717 Selectmen, a full report of all Town administrative operations during the period reported on,
718 which report shall be made available to the public.

719 (g) To keep the Board of Selectmen fully advised as to the needs of the Town and
720 shall recommend to the Board of Selectmen and to other elected Town officers and agencies for
721 adoption such measures requiring action by them or the Representative Town Meeting as the
722 Town Administrator may deem necessary or desirable.

723 (h) To have full jurisdiction over the rental and use of all Town facilities and property
724 except property under the control of the school committee, or the conservation commission. The
725 Town Administrator shall be responsible for the maintenance and repair of all Town buildings
726 and facilities placed under the Town Administrator's control by this Charter, by by-law, by vote
727 of the Representative Town Meeting or otherwise.

728 (i) To prepare and present, in the manner provided in Article 5A, an annual operating
729 budget for the Town and a proposed capital outlay program for the five fiscal years next ensuing.

730 (j) To assure that a full and complete inventory of all property of the Town, both real
731 and personal, is kept, including all property under the jurisdiction of the School Committee.

732 (k) To negotiate all contracts involving any subject within the jurisdiction of the
733 office of Town Administrator, including contracts with Town employees, except employees of
734 the School Department, involving wages, hours and other terms and conditions of employment.
735 All such contracts shall be subject to ratification and execution by the Board of Selectmen.

736 (l) To serve as the chief procurement officer for purposes of G.L. c.30B and be
737 responsible for purchasing all supplies, material and equipment for all departments and activities
738 of the Town, including execution of contracts therefor. The Town Administrator shall examine,
739 or cause to be examined, the quantity, quality and condition of all supplies, material and
740 equipment delivered to or received by any Town Agency. The Town Administrator shall be
741 responsible for the disposal of all supplies, material and equipment that have been declared
742 surplus by any Town Agency.

743 (m) To see that all of the provisions of the General Laws, of this Charter, Town By-
744 laws and other votes of the Representative Town Meeting, and votes of the Board of Selectmen
745 which require enforcement by the Town Administrator or officers subject to the direction and
746 supervision of the Town Administrator are faithfully executed, performed or otherwise carried
747 out.

748 (n) To inquire, at any time, into the conduct of office or performance of duties of any
749 officer or employee, department, board, commission or other Town Agency.

750 (o) To attend all sessions of all Town Meetings and answer all questions raised by
751 persons recognized by the Moderator which relate to warrant articles and to matters over which
752 the Town Administrator exercises any supervision.

753 (p) To create, reorganize, expand, consolidate or abolish, in the manner provided in
754 Article 5, Town Agencies serving under the supervision of the Town Administrator, in whole or
755 in part, and provide for reassignment of powers, duties, functions and responsibilities with and
756 among such agencies so created or existing, notwithstanding any specific designation of a Town
757 Agency or any specific assignment of powers, duties, functions and responsibilities within this
758 Charter. For purposes of said Article 5, functions assigned by this Charter to appointed Town
759 Agencies under the supervision of the Town Administrator may be assigned to any other agency
760 under the supervision of the Town Administrator or to any board, commission, committee,
761 department, position or office of any such agency in the manner provided in said Article 5.

762 (q) To coordinate the activities of all Town Agencies serving under the office of
763 Town Administrator and the office of Board of Selectmen with those under the control of other
764 officers and multiple member bodies elected directly by the voters. For the purpose of effecting
765 coordination and cooperation among all agencies of the Town, the Town Administrator shall
766 have authority to require the persons so elected, or their representatives, to meet with the Town
767 Administrator, at reasonable times, to submit such reports and summaries of actions taken as
768 may be deemed to be necessary or desirable to have available for the purpose of such
769 coordination.

770 (r) To perform any other duties as are required to be performed by the Town
771 Administrator by the Town By-laws, Administrative Organization Plan, votes of the
772 Representative Town Meeting, or votes of the Board of Selectmen, or otherwise.

773 Section 4-3. Delegation of Authority

774 The Town Administrator may authorize any subordinate officer or employee to exercise
775 any power or perform any function or duty which is assigned to the office of Town
776 Administrator, provided, however, that all acts performed under any such delegation shall at all
777 times be deemed to be the acts of the Town Administrator.

778 Section 4-4. Acting Town Administrator

779 (a) Temporary Absence - By letter filed with the Town Clerk, the Town
780 Administrator shall designate a qualified Town administrative officer or employee to exercise the
781 powers and perform the duties of Town Administrator during a temporary absence. During a
782 temporary absence the Board of Selectmen may not revoke such designation until at least ten
783 working days have elapsed, whereupon it may appoint another qualified Town administrative
784 officer or employee to serve until the Town Administrator returns.

785 (b) Vacancy - Any vacancy in the office of Town Administrator shall be filled as
786 soon as possible by the Board of Selectmen in the manner provided in Section 4-1, however,
787 pending such regular appointment the Board of Selectmen shall appoint a qualified Town
788 administrative officer or employee to perform the duties of the office on an acting basis. Such
789 temporary appointment may not exceed six months but one renewal may be voted by the Board
790 of Selectmen not to exceed a second six months. Compensation for such person shall be set by
791 the Board of Selectmen but shall not exceed the compensation paid to the most recent incumbent
792 of the office of Town Administrator.

793 (c) Powers and Duties - The powers of a Temporary or Acting Town Administrator
794 under Sections 4-4(a) and 4-4(b) shall be limited to matters not admitting of delay and shall
795 include authority to make temporary, emergency appointments or designations to a Town office
796 or employment but not to make permanent appointments or designations.

797 Section 4-5. Removal and Suspension

798 The Board of Selectmen by the affirmative votes of three or more members may
799 terminate, remove, or suspend the Town Administrator from office; further conditions applicable
800 to termination, removal and suspension may be addressed by the terms of any contract between
801 the Board of Selectmen and the Town Administrator.

802 ARTICLE 5

803 ADMINISTRATIVE ORGANIZATION

804 Section 5-1. Department of Finance

805 (a) Department and Director - There shall be a Department of Finance under the
806 direction of a Director of Finance, who shall be appointed and may be removed by the Town
807 Administrator in accordance with the provisions of Section 4-2(b). Said Director of Finance
808 shall give bond to the Town, at the expense of, and in a form satisfactory to, said Town.

809 (b) Powers and Duties of Director of Finance - In addition to all of the powers and
810 duties conferred and imposed by law upon town accountants and town comptrollers, the
811 Director of Finance shall: coordinate and direct all aspects of the Town's financial practices and
812 procedures consistent with the General Laws; oversee the functions of the Treasurer-Collector,
813 and have oversight of all accounting, treasury, collection, and risk management functions of the
814 Town, and related automated data processing, information systems and procurements; engage in
815 short and long term financial planning, and serve as an ex-officio member, with a voice but no
816 vote, of every multiple member body of the Town involved with financial planning, policies or
817 practices, including the Finance and Warrant Committee.

818 (c) Appointment of Treasurer-Collector and other Departmental Positions - The
819 Director of Finance shall have authority to make other departmental appointments under the

820 provisions of Section 6-5, including appointment of a Treasurer-Collector. Said Treasurer-
821 Collector shall have all of the powers and duties that treasurers and collectors may have under
822 the Constitution and General Laws, and any other powers and duties assigned to that office by
823 this Charter, by-law or other vote of the Representative Town Meeting. With the approval of the
824 Board of Selectmen and Town Administrator, the Director of Finance may separate the
825 responsibilities of the Treasurer-Collector and assign the same to a separate Treasurer and a
826 separate Collector.

827 (d) Acting Director of Finance - In the event of a vacancy in the office, or the
828 temporary absence of the Director of Finance due to illness or other cause, the Town
829 Administrator may appoint an Acting Director of Finance for such limited time as is necessary
830 to fill the position permanently under Sections 4-2(b) and 6-5.

831 Section 5-2. Organization of Town Agencies

832 The organization of the Town into operating agencies for the provision of services and
833 the administration of the government may be accomplished through either of the methods
834 provided in this Article 5.

835 (a) By-Laws - Subject only to express prohibitions in the General Laws or the
836 provisions of this Charter, the Representative Town Meeting may, by by-law, reorganize,
837 consolidate, create, merge, divide or abolish any Town Agency, in whole or in part, establish
838 such new Town agencies as it deems necessary or desirable, determine the manner of selection,
839 the term of office and prescribe the functions of all such entities; provided, however, that no
840 function assigned by this Charter to a particular Town Agency may be discontinued, or assigned
841 to any other Town Agency, unless this Charter specifically so provides. Pursuant to Section 4-
842 2(p), functions assigned by this Charter to appointed Town Agencies under the supervision of the
843 Town Administrator may by by-law be assigned to any other appointed Town Agency under the
844 supervision of the Town Administrator or to any board, commission, committee, department,
845 position or office of any such agency.

846 (b) Administrative Organization Plan - The Town Administrator, after consultation
847 with the Board of Selectmen, may from time to time prepare and submit to an annual
848 Representative Town Meeting, plans of organization or reorganization which establish operating
849 divisions for the orderly, efficient or convenient conduct of the business of the Town.

850 Whenever the Town Administrator prepares such a plan, the Board of Selectmen shall
851 hold one or more public hearings on the proposal giving notice by publication in a local
852 newspaper, which notice shall describe the scope of the proposal and the time and place at which
853 the hearing will be held, not later than 14 days following said publication. Following such public
854 hearing, the proposal, which may have been amended subsequent to the public hearing, shall be
855 submitted to the Representative Town Meeting by an appropriate warrant article. An
856 organization or reorganization plan shall become effective at the start of the next fiscal year

857 following the date of adjournment of the Representative Town Meeting at which the proposal is
858 submitted unless the Representative Town Meeting shall, by a majority vote, vote to disapprove
859 the plan. The Representative Town Meeting may vote only to approve or to disapprove the plan
860 and may not vote to amend or to alter it.

861 The Town Administrator may, through the Administrative Organization Plan, and subject
862 only to express prohibitions in a General Law or this Charter, reorganize, consolidate or abolish
863 any Town Agency, in whole or in part, establish such new Town agencies as is deemed
864 necessary or desirable to the same extent as is provided in Section 5-2(a) and for such purpose
865 transfer the duties and powers and, so far as is consistent with the use for which the funds were
866 voted by the Town, transfer the appropriation of one Town Agency to another; provided,
867 however, that no function assigned by this Charter to a particular Town Agency may be
868 discontinued or assigned to any other Town Agency unless this Charter specifically so provides.

869 Section 5-3. Publication of Administrative Organization Plan and Staffing Plan

870 The Town by-laws, Administrative Organization Plan and any amendments thereto, as
871 well as the personnel staffing plan, shall be posted on the Town website and paper copies thereof
872 shall be made available in the office of the Town Clerk.

873 Section 5-4. Merit Principle

874 All appointments and promotions of Town officers and employees shall be made on the
875 basis of merit and fitness, demonstrated by examination or by other evidence of competence and
876 suitability.

877 ARTICLE 5A

878 FINANCE AND FISCAL PROCEDURES

879 Section 5A-1. Budget Cycle

880 The fiscal year of the Town shall begin on the first day of July and shall end on the last
881 day of June, unless another period is required by the General Laws. The Town Administrator
882 shall establish a budget calendar, consistent with any requirements in this Charter and by-laws,
883 setting forth key deadlines for action. Following presentation of the same to the Board of
884 Selectmen, the Town Administrator shall provide notice thereof to all Town department heads,
885 directors, boards, committees and officials.

886 Section 5A-2. School Committee Budget

887 (a) Public Hearing - At least seven days before the meeting at which the School
888 Committee is to vote on its final budget request, the School Committee shall cause to be
889 published in a local newspaper information as to the times and places, to include, at a minimum,
890 the School website and Superintendent's office, where copies of the Committee's proposed

891 budget message and draft budget may be reviewed and or requested, and such information shall
892 include the date, time and place of the public hearing thereon. The budget message shall outline
893 proposed financial policies of the School Department for the ensuing fiscal year, describe
894 important features of the budget, indicate any major variations from the current year in financial
895 policies, expenditures and revenues, together with the reasons for such changes, and include such
896 other material as the Superintendent and School Committee deem desirable or the Town
897 Administrator or Board of Selectmen may reasonably require. The School Committee shall take
898 its final vote on its proposed budget not sooner than at its next regularly scheduled meeting
899 following the public hearing.

900 (b) Submission to Town Administrator - The budget, as adopted by the School
901 Committee, shall be submitted to the Town Administrator no later than two weeks prior to the
902 date on which the Town Administrator is required to submit a proposed Town budget to the
903 Finance and Warrant Committee to enable the Town Administrator to consider the effect of the
904 School Department's requested appropriation upon the total Town operating budget, which is
905 required to be submitted under this Article 5A.

906 Section 5A-3. Submission of Budget and Budget Message

907 Before the spring annual Town Meeting is to convene, the Town Administrator , shall, no
908 later than one week prior to the date on which the Town Administrator will submit the proposed
909 budget and budget message to the Board of Selectmen for its review, cause to be published in a
910 local newspaper information as to the times and places, to include, at a minimum, the Town
911 website and the Town Administrator's office, where copies of the Town Administrator's
912 proposed budget and budget message may be reviewed and/or requested, and such information
913 shall include the date, time and place of the public hearing thereon. After consultation with the
914 Board of Selectmen, the Town Administrator shall submit to the Finance and Warrant
915 Committee a proposed, balanced, operating budget for the ensuing fiscal year with an
916 accompanying budget message and supporting documents.

917 Section 5A-4. Budget Message

918 The budget message of the Town Administrator shall explain the budget for all Town
919 Agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial
920 policies of the Town for the ensuing fiscal year, describe important features of the budget,
921 indicate any major variations from the current year in financial policies, expenditures and
922 revenues, together with the reasons for such changes, summarize the Town's debt position and
923 include other material as the Town Administrator deems desirable or the Board of Selectmen
924 may reasonably require.

925 Section 5A-5. The Budget

926 The proposed operating budget shall provide a complete financial plan for all Town funds
927 and activities for the ensuing fiscal year. Except as may otherwise be required by General Law,
928 by this Charter, or by by-law, it shall be in the form which the Town Administrator deems
929 desirable or the Board of Selectmen may require. In the presentation of the budget, the Town
930 Administrator shall utilize modern concepts of fiscal presentation so as to furnish maximum
931 information and the best financial control. The budget shall show, in detail, all estimated income
932 from the proposed property tax levy and other sources and all proposed expenditures, including
933 debt service, for the following year. The budget shall be arranged to show the actual and
934 estimated income and expenditures for the previous, current and ensuing fiscal years and shall
935 indicate in separate sections:

936 (a) proposed expenditures for current operations during the ensuing fiscal year,
937 detailed by Town Agency and position in terms of work programs, and the method of financing
938 such expenditures;

939 (b) proposed capital expenditures during the ensuing fiscal year, detailed by Town
940 Agency, and the proposed method of financing each such capital expenditure; and

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

943 Section 5A-6. Action on the Budget

944 (a) Public Hearing - Forthwith upon its receipt of the proposed operating budget the
945 Finance and Warrant Committee shall provide for the publication in a local newspaper of a
946 notice stating the time and place, not less than seven nor more than fourteen days following such
947 publication, at which it will hold a public hearing on the proposed operating budget as submitted.

948 (b) Review - The Finance and Warrant Committee shall consider, in open public
949 meetings, the detailed expenditures proposed for each Town Agency and may confer with
950 representatives of each such Agency in connection with its review and consideration. The
951 Finance and Warrant Committee may require the Town Administrator, or any other Town
952 Agency, to furnish it with such additional information as it may deem necessary or desirable to
953 assist it in its review and consideration of the proposed operating budget.

954 (c) Action by the Representative Town Meeting - The Finance and Warrant
955 Committee shall file a report containing its recommendations for the action to be taken on each
956 line item in the proposed operating budget as submitted by the Town Administrator, which report
957 shall be available on the Town website and in the offices of the Town Administrator and Town
958 Clerk. The Finance and Warrant Committee's recommendation on the proposed operating
959 budget for the ensuing fiscal year shall be presented as the main motion to the Representative
960 Town Meeting.

961 Section 5A-7. Capital Improvement Program

962 The Town Administrator shall submit a capital improvement program to the Board of
963 Selectmen and the Finance and Warrant Committee within the time fixed by by-law. Said
964 program shall be based on material prepared by the Capital Improvement Committee established
965 by by-law, if any, including:

966 (a) a clear and concise general summary of its contents;

967 (b) a list of all capital improvements proposed to be undertaken during the next
968 ensuing five years, with supporting information as to the need for each capital improvement;

969 (c) cost estimates, methods of financing and recommended time schedules for each
970 improvement; and,

971 (d) the estimated annual cost of operating and maintaining each facility and piece of
972 major equipment involved.

973 This information is to be annually revised by the Town Administrator with regard to the
974 capital improvements still pending or in the process of being acquired, improved or constructed.

975 Section 5A-8. Approval of Warrants

976 The Town Administrator shall be the chief fiscal officer of the Town. Warrants for the
977 payment of Town funds prepared and signed by the Director of Finance in accordance with the
978 provisions of the General Laws shall be submitted to the Town Administrator. The approval of
979 any such warrant by the Town Administrator and shall be sufficient authority to authorize
980 payment by the Treasurer-Collector or, as may be applicable, Town Treasurer, but the Board of
981 Selectmen alone shall approve all warrants prepared and signed by the Director of Finance in the
982 event of the absence of the Town Administrator or a vacancy in the office of Town
983 Administrator.

984 Section 5A-9. Audits

985 The Board of Selectmen shall annually provide for an independent audit of all financial
986 books and records of the Town, or, whenever it deems an audit of the books of the whole Town
987 or of any particular Town Agency, to be necessary or desirable.

988 Audits of the Town's financial books and records shall be conducted by a certified public
989 accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the
990 Town.

991 ARTICLE 6

992 ADMINISTRATIVE PROVISIONS

993 Section 6-1. Rules and Regulations

994 A copy of all rules and regulations adopted by any Town Agency shall be filed in the
995 office of the Town Clerk and made available for review by any person who requests such
996 information. Such rules and regulations shall not become effective until ten days following the
997 date they are so filed.

998 Section 6-2. Procedures

999 (a) Meetings - All multiple member bodies of the Town, whether elected or
1000 appointed or otherwise constituted, shall meet regularly at such times and places open and
1001 accessible to the public within the Town as they may prescribe, and otherwise as consistent with
1002 the provisions of the Open Meeting Law, G.L. c.30A, §§18-25 as it may be amended from time
1003 to time. Special meetings of any multiple member body shall be held on the call of the respective
1004 chairman, by one-third of the members thereof by suitably written notice delivered to the
1005 residence or place of business of each member at least twenty-four hours in advance of the time
1006 set, or called by the chairman within one week following the date of the filing with the Town
1007 Clerk of a petition signed by at least fifty voters and which states the purpose or purposes for
1008 which the meeting is to be called. For purposes of the Open Meeting Law, if a special meeting is
1009 called by one-third of the members of a public body or as a result of a petition, the topics listed
1010 on said meeting notice or petition, shall be deemed to be the list of topics reasonably anticipated
1011 by the chair of such body. Except as otherwise authorized by the Open Meeting Law, all
1012 meetings of all multiple member bodies shall be conducted in open session.

1013 (b) Meeting Notices - No action taken on a matter not included in the posted meeting
1014 notice, shall be effective unless the multiple member body first adopts by separate vote a
1015 resolution declaring that an emergency exists, and that the particular matter must be acted upon
1016 at that meeting for the immediate preservation of the peace, health, safety or convenience of the
1017 Town. The Town shall also, subject to funding and administrative or technological constraints,
1018 post notices of all meetings on the Town's website as soon as possible after the official notices of
1019 such meetings are posted; provided, however, that, unless otherwise required by the General
1020 Laws to be posted on the Town's website, failure to so post shall not invalidate the meeting to
1021 which the notice relates, or otherwise affect action taken thereat or in reliance thereon.

1022 (c) Rules and Minutes - Each multiple member body shall determine its own rules
1023 and order of business unless otherwise provided by this Charter or by-law, and shall provide for
1024 keeping minutes of its proceedings. These rules and minutes shall be a public record kept
1025 available in a place convenient to the public at all reasonable times, and certified copies shall be
1026 kept available in the Library.

1027 (d) Voting - Except on procedural matters, all votes of all multiple member bodies
1028 shall be taken by voice or roll call vote, the result of which shall be recorded in the minutes;
1029 provided, however, that if the vote is unanimous only that fact need be recorded.

1030 (e) Quorum - A majority of the members of the multiple member body shall
1031 constitute a quorum, but a smaller number may adjourn from time to time and may compel the
1032 attendance of absent members in the manner and subject to the penalties prescribed by the rules
1033 of the multiple member body.

1034 (f) Public Participation – Each multiple member body shall include on the notice for
1035 each meeting an item for a public participation period of such duration and subject to such rules
1036 as the body shall adopt, during which members of the public shall have the opportunity to
1037 address the body concerning matters within its jurisdiction.

1038 Section 6-3. Appointed Multiple-Member Bodies

1039 (a) Appointing Authority, In General - Except as may otherwise be specified by this
1040 Charter, whenever, whether under the provisions of a vote of the Representative Town Meeting
1041 or by by-law, a multiple member body is to be established, the Representative Town Meeting
1042 shall designate the appropriate appointing authority therefor. In the absence of such designation,
1043 it shall be presumed that the Board of Selectmen shall make such appointment in accordance
1044 with the provisions of Section 3-2(d).

1045 (b) Vacancies - Vacancies arising on an appointed multiple member body other than
1046 by expiration of appointed term shall be filled for the remainder of the unexpired term in the
1047 same manner as the original appointment, subject to the requirements of Section 6-4.

1048 (c) Powers and Duties – The officers and multiple member bodies appointed by the
1049 Board of Selectmen, Town Administrator or Moderator under Section 3-2(d), by the Moderator
1050 under Section 3-8(b), as established by the Representative Town Meeting under Section 2-9(c),
1051 or as specified by the Representative Town Meeting consistent with the provisions of Section 6-
1052 3(a) shall have all the powers and duties provided to such officers and bodies under the
1053 Constitution and General Laws, and such additional powers and duties as may be authorized by
1054 this Charter, by by-law or by other vote of the Representative Town Meeting; provided, however
1055 that notwithstanding any provision of this Charter or of the General Laws to the contrary, the
1056 powers and duties of multiple member bodies appointed thereunder shall be subject to the
1057 applicable provisions of Article 6 and Article 4.

1058 Section 6-4. Notice of Vacancies

1059 Whenever a vacancy occurs in any Town office or Town employment, or on any multiple
1060 member body, except for positions covered under the civil service laws of the Commonwealth,
1061 whether by reason of death, resignation, expiration of a fixed term for which a person has been
1062 appointed, or otherwise, the appointing authority shall cause public notice of the vacancy to be
1063 posted on the Town Bulletin Boards. No permanent appointment to fill such a position shall be
1064 effective until at least fourteen days have elapsed following such posting. Any person who
1065 desires to be considered for appointment to the position may, within ten days following the date

1066 the notice is posted, or such later date as set forth in the posting, file with the Board of Selectmen
1067 or other appointing authority a statement which sets forth in clear and specific terms the
1068 qualifications which he holds for the position.

1069 Section 6-5. Appointments by Department Heads

1070 All persons categorized as department heads shall, subject to the consent of the Town
1071 Administrator, appoint all assistants, subordinates and other employees of the department for
1072 which such person is responsible. The department head may suspend or remove any assistant,
1073 subordinate or other employee of the department for which such person is responsible in
1074 accordance with procedures established pursuant to the provisions of Section 6-6. The decision
1075 to suspend or remove any assistant, subordinate or other employee shall be subject to review by
1076 the Town Administrator. A person for whom a department head has determined that suspension
1077 or removal is appropriate may seek review of such determination by the Town Administrator by
1078 filing a petition for review in the office of the Town Administrator, in writing, within ten days
1079 following receipt of notice of such determination. The review by the Town Administrator shall
1080 be consistent with the provisions of Section 6-6. The decision of the Town Administrator shall be
1081 final.

1082 Section 6-6. Removals and Suspensions

1083 Any appointed Town officer, member of a multiple member body or employee of the
1084 Town, not subject to the state civil service laws of the Commonwealth, collective bargaining
1085 agreement or contract to the contrary, and whether appointed for a fixed or indefinite term, shall
1086 be subject to suspension, termination or removal by the appointing authority for cause in
1087 accordance with a procedure set forth in the Town's Personnel By-laws, if any, or otherwise as
1088 said appointing authority, with the approval of the Town Administrator , determines is in the best
1089 interests of the Town.

1090 Nothing in this Section 6-6 shall be construed as granting a right to such a hearing when a
1091 person who has been appointed for a fixed term is not reappointed when the original term
1092 expires.

1093 Section 6-7. Role of Multiple Member Bodies

1094 Nothing in this Charter shall be construed to authorize any individual member of an
1095 elected or appointed multiple-member body, nor a majority of members of such body, to become
1096 involved in the day-to-day operation and administration of any Town Agency, including
1097 appointment and supervision of department heads and staff, except as otherwise provided herein.
1098 Instead, day-to-day operations shall be subject to oversight by the Town Administrator under
1099 Section 4-2, and department heads under Sections 6-5 and 6-6. It is the intention of this provision
1100 to affirmatively establish that such bodies shall act only through the adoption of broad policy
1101 guidelines that are to be implemented by officers and employees serving under such body.

1102 Section 6-8. Report of Multiple Member Bodies

1103 Each elected and appointed multiple member body shall report annually to the Town,
1104 prior to the spring annual Town Meeting, giving information regarding the status of those
1105 matters under its jurisdiction, including any relevant plans or proposals known to it affecting the
1106 resources, possibilities and needs of the Town, and, in the case of any such multiple member
1107 body required to prepare or maintain plans or studies, an indication of the same and any
1108 amendments made thereto during the past year.

1109 ARTICLE 7

1110 REVIEW AND CHANGES OF CHARTER AND BY-LAWS

1111 Section 7-1. Charter Changes

1112 This Charter may be replaced, revised or amended in accordance with the procedures
1113 made available by article LXXXIX of the Amendments to the Constitution and any legislation
1114 enacted to implement the said Amendments.

1115 Section 7-2. Periodic Review of Charter and By-Laws

1116 The Board of Selectmen shall appoint a special committee of no less than five voters in
1117 each year ending in "0" to review this Charter and in each year ending in "5" to review the Town
1118 by-laws. Such committees shall make recommendations concerning possible revision or
1119 recodification as they deem appropriate, and shall present the same, accompanied by a statement
1120 as to the reasons therefor, in a report to the Board of Selectmen.

1121 Within 8-10 months following appointment, each such committee shall prepare a
1122 preliminary report summarizing its recommendations as of that time, and shall schedule a public
1123 hearing in connection therewith to be held no earlier than two weeks after the date notice of the
1124 availability of such report is published in a newspaper of general circulation in the Town. Said
1125 notice shall include information as to times and places, which shall include at a minimum the
1126 Town's website and the Town Clerk's office, where copies of the report may be reviewed or
1127 requested, and include the date, time and place of the public hearing thereon.

1128 ARTICLE 8

1129 TRANSITIONAL PROVISIONS

1130 Section 8-1. Continuation of Existing Laws

1131 All General Laws, special laws, Town by-laws, votes, rules and regulations of or
1132 pertaining to the Town which are in force when this Charter takes effect or is amended and
1133 which are not specifically or by clear implication repealed hereby, shall continue in full force and
1134 effect until amended or rescinded by due course of law or expire by their own limitation.

1135 Section 8-2. Continuation of Government

1136 Following adoption or amendment of this Charter, all Town Agencies shall continue to
1137 perform their duties until re-appointed or re-elected, or until successors to their respective
1138 positions are duly appointed or elected or their duties have been transferred.

1139 Section 8-3. Continuation of Personnel

1140 Following adoption or amendment of this Charter, to the extent that any provision affects
1141 a particular appointed Town office, position or employment, the Town shall, subject to
1142 appropriation and the continued existence of such office, position or employment, retain the
1143 same and continue to perform the duties thereof until provision shall have been made for the
1144 performance of those duties by another person or agency, unless sooner removed in accordance
1145 with this Charter, applicable collective bargaining agreement, employment contract, by-law or
1146 otherwise; provided, however, that no person in the permanent full-time service or employment
1147 of the Town shall forfeit his pay grade or time in service. Subject to appropriation, and in accord
1148 with the provisions of any contracts or applicable collective bargaining agreements, all such
1149 persons shall be retained in a capacity as similar to the capacity they were serving at the time this
1150 Charter was adopted or amended as is practical, and any reduction in the personnel needs of the
1151 Town shall be accomplished through a policy of attrition unless specific provision is otherwise
1152 made.

1153 Section 8-4. Disposition of Special Acts

1154 (a) Partial Repeal of Certain Special Acts — The following special acts, insofar as
1155 they confer power upon the Town of Dedham which the Town would not otherwise hold under
1156 this Charter, General Laws or the Constitution, are retained; otherwise, they are hereby repealed,
1157 it being the explicit intention of this paragraph that portions of any special acts retained which
1158 limit or restrict a power conferred or the manner in which it is to be exercised be repealed and
1159 that powers so conferred are to be exercised in accordance with this Charter:

1160 (1) Chapter 270 of the Acts of 1897 (“An Act to Authorize the Town of Dedham to
1161 Construct a System of Sewerage and to Provide for the Payment of the Cost Thereof”);

1162 (2) Chapter 343 of the Acts of 1900 (“An Act relative to the Construction of a System
1163 of Sewage by the Town of Dedham”);

1164 (3) Chapter 52 of the Acts of 1921 (“An Act relative to the Sewage System of the
1165 Town of Dedham”);

1166 (4) Chapter 13 of the Acts of 1932 (“An Act relative to the Payment of the Cost of
1167 Construction of Particular Sewers and Connecting Drains in the Town of Dedham”);

1168 (5) Chapter 51 of the Acts of 1937 (“An Act Authorizing the Town of Dedham to use
1169 Stone Park, so called, for playground and Athletic Field Purposes”);

1170 (6) Chapter 446 of the Acts of 1956 (“An Act Authorizing the Town of Dedham to
1171 Borrow Money Outside the Debt Limit for Improving Wigwam Brook and Certain Meadow
1172 Land”);

1173 (7) Chapter 64 of the Acts of 1957 (“An Act Authorizing the Town of Dedham to use
1174 Certain Park Land for School Purposes”); and

1175 (8) Chapter 65 of the Acts of 1957 (“An Act Authorizing the Town of Dedham to use
1176 Certain Park Land for Municipal Purposes”).

1177 (b) Special Acts Repealed: Action Taken Thereunder Preserved — The following
1178 special acts are repealed; provided, however, that nothing contained in this Charter shall be
1179 construed to revoke, invalidate or otherwise alter acts done in compliance therewith or under the
1180 authority thereof:

1181 (1) Chapter 102 of the Acts of 1838; (2) Chapter 168 of the Acts of 1866; (3) Chapter 30
1182 of the Acts of 1886; (4) Chapter 156 of the Acts of 1889; (5) Chapter 74 of the Acts of 1895; (6)
1183 Chapter 128 of the Acts of 1910; (7) Chapter 135 of the Acts of 1913; (8) Chapter 9 of the Acts
1184 of 1924; (9) Chapter 292 of the Acts of 1925; (10) Chapter 335 of the Acts of 1926; (11) Chapter
1185 358 of the Acts of 1926; (12) Chapter 46 of the Acts of 1928; (13) Chapter 270 of the Acts of
1186 1929; (14) Chapter 8 of the Acts of 1930; (15) Chapter 211 of the Acts of 1933; (16) Chapter
1187 215 of the Acts of 1934; (17) Chapter 29 of the Acts of 1935; (18) Chapter 325 of the Acts of
1188 1935; (19) Chapter 3 of the Acts of 1936; (20) Chapter 96 of the Acts of 1943; (21) Chapter 18
1189 of the Acts of 1945; (22) Chapter 91 of the Acts of 1947; (23) Chapter 90 of the Acts of 1947;
1190 (24) Chapter 417 of the Acts of 1948; (25) Chapter 45 of the Acts of 1949; (26) Chapter 58 of
1191 the Acts of 1950; (27) Chapter 135 of the Acts of 1950; (28) Chapter 91 of the Acts of 1951; (29)
1192 Chapter 20 of the Acts of 1952; (30) Chapter 494 of the Acts of 1954; (31) Chapter 710 of the
1193 Acts of 1955; (32) Chapter 119 of the Acts of 1956; (33) Chapter 64 of the Acts of 1958; (34)
1194 Chapter 80 of the Acts of 1959; (35) Chapter 255 of the Acts of 1960; (36) Chapter 239 of the
1195 Acts of 1964; (37) Chapter 226 of the Acts of 1965; (38) Chapter 6 of the Acts of 1966; (39)
1196 Chapter 17 of the Acts of 1966; (40) Chapter 350 of the Acts of 1970; (41) Chapter 238 of the
1197 Acts of 1971; and, (42) Chapter 394 of the Acts of 1972.

1198 (c) Special Acts Specifically Retained — The following special acts are hereby
1199 recognized, confirmed and retained:

1200 (1) An Act of the General Court of the Colony of Massachusetts Bay, enacted
1201 September 8, 1636; and

1202 (2) Chapter 38 of the Acts of 1922 (“An Act Extending the Provisions of the Civil
1203 Service laws to the Chief of the Fire Department of the Town of Dedham”).

1204

1205 SECTION 2. Section 3-1 of said charter is hereby amended by striking out subsection (d)
1206 and inserting in place thereof the following subsection:-

1207 (d) Elected Town officials, other than the Town Clerk, shall serve without compensation,
1208 but shall, subject to appropriation, be reimbursed for their actual and necessary expenses
1209 incurred in the performance of their duties.

1210 SECTION 3. Subsection (a) of section 3-5 of said charter is hereby amended by striking
1211 out the word “three” and inserting in place thereof the following word:- five.

1212 SECTION 4. Section 4-2 of said charter is hereby amended by striking out subsection (b)
1213 and inserting in place thereof the following subsection:-

1214 (b) (1) To appoint for periods not in excess of five years, subject to the provisions of the
1215 civil service laws and of any collective bargaining agreements as may be applicable, all
1216 department heads, directors, principal deputies or principal agents of multiple member bodies
1217 other than those under the jurisdiction of the School Committee, Board of Library Trustees and
1218 the Parks and Recreation Commission and officers, and positions for which no other method of
1219 appointment is provided in this Charter; provided, however, that the Town Administrator shall
1220 consult with the appropriate elected or appointed multiple member body prior to hiring a
1221 department head, director, principal deputy or principal agent for a particular department.
1222 Subject to the provisions of the civil service laws and of any collective bargaining agreements as
1223 may be applicable, all appointments made hereunder shall be for employment “at will” provided
1224 they may be for periods not in excess of five years, and shall become effective on the fifteenth
1225 day following the day on which notice of the appointment is filed with the Board of Selectmen,
1226 unless, within that period, the Board of Selectmen by a vote of at least three of its members shall
1227 vote to reject such appointment, or, has sooner voted to affirm it. Copies of the notices of all
1228 such appointments shall be posted on the Town Bulletin Boards when submitted to the Board of
1229 Selectmen.

1230 (2) To suspend or remove, any person appointed by the Town Administrator under
1231 Section 4-2(b)(1), provided, however, that if such person is the department head director,
1232 principal deputy or principal agent for a department for which policy is set by an elected or
1233 appointed multiple member body, the Town Administrator shall, except in circumstances in
1234 which the best interest of the Town require immediate action, first consult with such body with
1235 respect to such suspension or removal. The decision of the Town Administrator in suspending or
1236 removing any person appointed by the Town Administrator shall be final.

1237 SECTION 5.(Said section 4-2 of said charter is hereby further amended by adding the
1238 following clause:-

1239 (s) To supervise and direct all appointed department heads, directors, principal deputies,
1240 and principal agents of elected and appointed multiple member bodies, but excluding the Board
1241 of Library Trustees and Parks and Recreation Director, with respect to day-to-day performance,
1242 in a manner consistent with the Town's personnel by-laws and policies, and, if applicable,
1243 contracts or collective bargaining agreements, and shall, in connection therewith, provide for an
1244 annual review of such department heads, directors, principal deputies and principal agents with
1245 respect to day-to-day performance, with or without the respective multiple member body.

1246 SECTION 6. Said charter is hereby amended by striking out the words, "Town
1247 Administrator", each time they appear and inserting in place thereof, in each instance, the
1248 following words:- Town Manager.

1249 SECTION 7. Sections 1 to 6, inclusive of this act shall be presented to the voters of the
1250 town of Dedham at an election in the form of the following questions, with all such questions to
1251 be preceded by instructions to aid the voter indicating that each question is to be considered
1252 independently, and further that each question shall be followed by a brief summary prepared by
1253 town counsel:

1254 "QUESTION 1: Shall section 1 of an act passed by the general court in the year 2014,
1255 entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM, which
1256 section amends the Town Charter by making ministerial, clerical and minor substantive
1257 revisions, be accepted?

1258 QUESTION 2: Shall section 3 of an act passed by the general court in the year 2014,
1259 entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM', which
1260 section increases the term of the elected Town Clerk from three to five years, be accepted?

1261 QUESTION 3: Shall section 2 of an act passed by the general court in the year 2014,
1262 entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM, which
1263 section amends the Town Charter to eliminate compensation for elected officials other than the
1264 Town Clerk, be accepted?

1265 QUESTION 4: Shall sections 4 and 5 of an act passed by the general court in the year
1266 2014, entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM,
1267 which sections amends the Town Charter to make the Town Administrator responsible for
1268 appointing and supervising all department heads other than the Library Director and Parks and
1269 Recreation Director, be accepted?

1270 QUESTION 5: Shall section 6 of an act passed by the general court in the year 2014,
1271 entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM, which

1272 section amends the Town Charter to change the title of “Town Administrator” to “Town
1273 Manager”, be accepted?”

1274 If a majority of the votes cast in answer to any of the questions is in the affirmative, the
1275 sections of this act therein referenced shall take effect immediately or as otherwise specified in
1276 said section, but not otherwise.

1277 SECTION 8. Notwithstanding section 2 of any other provision of this act, an elected
1278 official holding office as of the effective date of this act shall continue to receive compensation
1279 until the expiration of his or her current term of office, as of the effective date of this act, or his
1280 or her resignation, retirement or removal therefrom.

1281 SECTION 9. Notwithstanding section 3 of this act or any other provision of this act, the
1282 duration of office for the town clerk of the town of Dedham holding such office as of the
1283 effective date of this act, shall be for a period of 3 years; provided, however, upon the expiration
1284 of the current term of office, or the sooner resignation, retirement or removal of the town clerk
1285 serving as of the effective date of this act, the provisions of section 3 shall apply provided that
1286 the majority of votes cast in answer to question 3 set forth in section 7 are in the affirmative.

1287 SECTION 10. This act shall take effect upon passage.