

HOUSE No. 4080

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 adoption of the accompanying bill:

An Act amending the charter of the town of Dedham.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Paul McMurtry

11th Norfolk

Michael F. Rush

Norfolk and Suffolk

HOUSE No. 4080

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 4080) of Paul McMurtry and Michael F. Rush (by vote of the town) that the town of Dedham be authorized to amend the charter of said town by changing the name of the board of selectmen to select board. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act amending 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. Sections 1 through 15, inclusive, and sections 58 through 62, inclusive, of
2 chapter 53 of the acts of 2014 are hereby repealed.

3 SECTION 2. Notwithstanding any general or special law to the contrary, the following
4 shall be the charter of the town of Dedham:-

5 Article 1

6

7 INCORPORATION: SHORT TITLE; FORM OF GOVERNMENT; POWERS

8 SECTION 1-1 Incorporation

9 The inhabitants of the town of Dedham, within the territorial limits established by law,

10 shall continue to be a body corporate and politic under the name "town of Dedham".

11 SECTION 1-2 Short Title

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

13 SECTION 1-3 Form of Government

14 The administration of all the fiscal, prudential, and municipal affairs of the town, with the
15 government thereof, shall be vested in a legislative branch, to consist of a representative town
16 meeting, and an executive branch, to be headed by a select board.

17 SECTION 1-4 Powers of the Town, Intent of Voters

18 Subject only to express limitation on the exercise of any power or function by a town in
19 the constitution of the commonwealth or the General Laws, it is the intent and the purpose of the
20 voters of the town of Dedham, through the adoption of the charter, to secure for the town all
21 powers it is possible to secure under the constitution and the General Laws, as fully and as
22 completely as though each such power were specifically and individually 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) Specific Provisions Shall Prevail — To the extent that any specific provision of
28 this charter shall conflict with any provision expressed in general terms, the specific provision
29 shall prevail.

30 SECTION 1-6 Intergovernmental Relations

31 The town may exercise any of its powers and perform any of its functions, and may
32 participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the
33 commonwealth or any political subdivision or agency thereof or the United States government or
34 any agency thereof.

35 SECTION 1-7 Definitions

36 As used in this charter, the following words shall have the following meaning, unless the
37 context clearly requires otherwise:

38 (a) "Charter", this charter and any amendments to it made through any of the methods
39 provided under Article LXXXIX of the Amendments to the Constitution.

40 (b) "Days", in connection with a period of less than 7 days, shall mean business days,
41 and when referring to a period of 7 days or more shall mean calendar days; provided, however,
42 that if the last day for action falls on a Saturday, Sunday or legal holiday, the deadline shall,
43 unless otherwise addressed by law, move forward to the next occurring business day.

44 (c) "District", a precinct of the town, as established by the select board in accordance
45 with section 6 of chapter 54 of the General Laws.

46 (d) "Library", the Dedham public library and any branch that may be established
47 thereof.

48 (e) "Majority vote", a majority of those present and voting, provided that a quorum of
49 the body is present.

50 (f) "Multiple member body", any board, commission or committee consisting of 2 or
51 more persons, whether elected or appointed.

52 (g) "Officer", a person who in the exercise of the powers or duties of their position
53 exercises some portion of the sovereign authority of the town, including, but not limited to, any
54 elected official, elected or appointed member of a multiple member body established by this
55 charter, the by-laws or the General Laws or other person having of an office or department of the
56 town.

57 (h) "Town", the town of Dedham.

58 (i) "Town agency", any town board, commission, committee, department or office of
59 the town government.

60 (j) "Town bulletin boards", the bulletin boards on which official town notices are
61 posted, 1 of which shall be located in the town hall, 1 of which shall be located in the library and
62 those at such other locations within the town as the select board may from time to time designate.
63 This shall include the town's official website; provided, however, that unless otherwise required
64 by the General Laws to be posted on the town's website, failure to post on the website shall not
65 impair the legality or validity of the actions taken by the town or others in connection with the
66 notices required to be posted thereon, including the posting of a warrant for any town meeting.

67 (k) "Voters", registered voters of the town of Dedham.

68 Article 2

69 REPRESENTATIVE TOWN MEETING

70 SECTION 2-1 Composition, Annual and Special Meetings

71 (a) The legislative body of the town shall be a representative town meeting to consist
72 of not less than 270 members and not more than the closest higher number of members necessary

73 to achieve an equal number of members from each district who shall be elected to meet,
74 deliberate, act and vote in the exercise of the corporate powers of the town at annual and special
75 town meetings.

76 (b) The representative town meeting shall meet at the spring annual town meeting in
77 the last 4 months of the fiscal year, on a date set by by-law. There shall also be a fall annual town
78 meeting held on a date to be determined by the select board in the last 3 months of the calendar
79 year, which meeting shall be an "annual town meeting" for purposes of the General Laws;
80 provided, however, that the select board may, at its discretion, cancel the fall annual town
81 meeting not later than September 15 in any year, so long as not more than 10 articles have been
82 submitted under subsection (a) of section 2-9 for inclusion on the warrant at that fall annual town
83 meeting and notice of the select board's action with regard to that town meeting shall be posted
84 on the town bulletin boards. The select board's decision whether to hold a fall annual town
85 meeting shall not affect the discretion of the select board to call for a special town meeting from
86 time to time.

87 (c) Special town meetings may be called by the select board, pursuant to section 10
88 of chapter 39 of the General Laws or other applicable laws, at such times as the board shall deem
89 appropriate.

90 SECTION 2-2 Eligibility; Nomination Procedures

91 (a) Eligibility — Any voter shall be eligible for election as a town representative;
92 provided, however, that no person shall simultaneously serve in any elected town office as
93 defined in section 3-1 or as a member of the finance and warrant committee established under
94 clause (i) of paragraph (1) of subsection (c) of section 2-9 and as a town representative.

95 (b) Nomination of Candidates for Town Representative — Any incumbent elected
96 town representative may become a candidate for re-election by filing written notice thereof with
97 the town clerk not later than 56 days prior to the date of the next regular annual election.
98 Nomination of candidates for the office of town representative may be made by nomination
99 papers, which shall clearly show whether the candidate is a former town representative, and if an
100 elected incumbent of such office, that the incumbent is a candidate for reelection, and shall bear
101 no other political designation. Such papers shall be signed by not less than 10 voters of the
102 district in which the candidate resides and from which the candidate seeks election, and shall be
103 submitted to the registrars of voters not later than 49 days prior to the date of the next regular
104 annual election. The registrars of voters shall check each name on the nomination papers and
105 shall certify thereon the number of signatures that are names of voters in the district making the
106 nomination. The nomination papers shall then be filed with the town clerk not later than 35 days
107 preceding the date of election.

108 If a town representative is a candidate for re-election, these words, "Candidate for Re-
109 election," shall be printed against that candidate's name as it appears on the ballot for the election
110 of town officers; provided, however, that a town representative elected by the remaining town
111 representatives of a district to fill a vacancy shall not be considered a candidate for reelection.
112 No nomination paper shall be valid in respect to a candidate if it fails to have the candidate's
113 written acceptance attached to or written thereon.

114 (c) Removal of Town Representative from Town or District — A town representative
115 who removes from the town shall forthwith cease to be a town representative. A town
116 representative who removes from the district from which that representative was elected to
117 another district within the town or who is so removed by a revision of district lines, may continue

118 to serve as a member of the representative town meeting from the district from which that
119 member was elected until the next regular annual election, at which time the remainder of that
120 member's term, if any, shall be terminated and a vacancy from that district shall exist which shall
121 be filled at that election. A person so removed from office may be elected as a town
122 representative from the new district in which that person then resides at the same election. An
123 elected town representative who is removed from the district from which the town representative
124 was elected solely as a result of the establishment or revision of districts shall be entitled to use
125 the words, "Candidate for Reelection" after the town representative's name on the ballot, even if,
126 by so doing, the number of candidates for re-election listed on the ballot in that district exceeds
127 the number of town representatives to be elected.

128 SECTION 2-3 Election and Terms

129 (a) Establishment or Revision of Districts and Tie Votes — At the first regular annual
130 election held following the establishment or revision of districts made in accordance with section
131 6 of chapter 54 of the General Laws, all of the town representatives in each district with
132 boundaries that are affected by the establishment or revision, shall be elected by official ballot by
133 the voters in that district.

134 In each such district, the first third to the nearest whole number of town representatives
135 elected in the order of votes received shall serve 3 years; the second third to the nearest whole
136 number shall serve 2 years; and the remaining third to the nearest whole number shall serve 1
137 year from the date of their election. In case of a tie vote affecting the division into thirds, the
138 town representatives elected from the district shall determine the same by written ballot in
139 accordance with the procedures set out in subsection (c).

140 (b) Three-Year Terms — Upon the expiration of the terms of town representatives
141 elected after the establishment or revision of districts and in all other cases as the terms of town
142 representatives expire, candidates shall be elected for 3-year terms to fill expiring terms and
143 candidates shall also be elected to fill the unexpired term of any existing vacancy.

144 (c) Tie Votes Generally — In the event of a tie vote for the office of town
145 representative, other than under the first paragraph of subsection (a), the town clerk shall, within
146 17 days of the election, call all of the candidates for that office who are affected by the tie
147 together at a convenient place and, under the supervision of the town clerk or a designee, any
148 such ties shall be broken by written ballots cast by the elected town representatives present from
149 that district.

150 SECTION 2-4 Compensation

151 The town representatives shall serve without a salary.

152 SECTION 2-5 Presiding Officer

153 A moderator, chosen in accordance with section 3-8, shall preside at all sessions of town
154 meeting, but the moderator shall not have a vote unless the town representatives present and
155 voting are equally divided. The moderator shall, at the first town meeting following each regular
156 annual election, appoint, subject to the approval of the representative town meeting, from among
157 the town representatives a deputy moderator to serve in the event of the moderator's absence or
158 disability. In the case of an absence or disability of the moderator and the deputy moderator the
159 representative town meeting shall elect from among its own membership a temporary moderator
160 to act during that absence or disability. The moderator shall perform such other duties as may

161 from time to time be assigned to the office of moderator by by-law, rule or other vote of the
162 representative town meeting.

163 SECTION 2-6 General Powers and Duties

164 All powers of the town shall be vested in the representative town meeting, except as
165 otherwise provided by law or by this charter. The representative town meeting shall provide for
166 the exercise of all of the powers of the town and for the performance of all duties and obligations
167 imposed upon the town.

168 SECTION 2-7 Vacancies; Filling of Vacancies

169 (a) Vacancy — The office of a town representative shall become vacant upon a
170 representative's death, resignation or removal from office in any manner authorized by law. No
171 office of town representative shall be considered vacant unless: (i) a letter of resignation has
172 been filed with the town clerk by such person; or (ii) the town clerk has issued a certificate that
173 such person has died or has removed from the town or that the position has otherwise become
174 vacant.

175 (b) Filling of Vacancies — A vacancy in the office of a town representative shall be
176 filled for the remainder of the unexpired term, if any, at the next regular annual election if such
177 election occurs within 120 days following the date the vacancy is established as described in
178 subsection (a). If no such election is to be held within 120 days, the remaining town
179 representatives from the same district shall be called together by the district chairperson not later
180 than 1 month prior to the next town meeting, or forthwith following the creation of a vacancy if
181 that vacancy arises with less than 1 month until the next town meeting, and shall, by a majority
182 vote of those present and voting, elect by written ballot a qualified person to fill the vacancy and

183 serve until the next regular annual election, at which time the remainder of the term, if any, shall
184 be filled by official ballot. Notice of such election by the remaining town representatives of the
185 district shall forthwith be filed with the town clerk.

186 SECTION 2-8 Clerk of the Town Meeting

187 The town clerk or the town clerk's designee shall serve as clerk of the town meeting. The
188 clerk shall give notice of all town meetings to the town representatives and to the public, keep
189 the record of its proceedings and perform such other duties as may be assigned by this charter, by
190 by-law or by other vote of the representative town meeting.

191 SECTION 2-9 Procedures

192 (a) Procedure for Submission of Warrant Articles — The select board shall at all
193 times receive all petitions which are addressed to it and which request the insertion of subjects in
194 a warrant for a town meeting and are filed by: (i) any individual elected town officer, including a
195 town representative; (ii) any appointed multiple member body, acting by a majority of its
196 members; (iii) any 10 voters; or (iv) a person or agency authorized by by-law. The select board
197 shall retain the original copy of each petition filed hereunder until at least 90 days following the
198 expiration of the town meeting at which the petition is acted upon.

199 (b) Warrants — All matters which are received by the select board under subsection
200 (a) above shall be placed on warrants issued by the select board at such convenient times as it
201 may determine and as otherwise provided by the charter or by by-law. The original copy of all
202 warrants for town meetings shall be kept in the office of the town clerk in a record book
203 maintained for that purpose. A copy of the warrants shall be posted on the town bulletin boards
204 and, unless otherwise addressed by by-law, by mailing a copy of the warrant to the place of

205 residence of the moderator, all town representatives and such other persons as may be designated
206 by by-law. The town clerk shall keep additional copies of all warrants available for distribution.

207 (c) Committees

208 (1) Standing Committees

209 (i) Finance and Warrant Committee — The finance and warrant committee, on which
210 no town representative shall serve, shall consist of 9 members appointed by the moderator for 3-
211 year terms, so arranged that the term of office of 3 members shall expire each year. The duties of
212 the finance and warrant committee shall include those listed under paragraph (2) and Article 5A.

213 (ii) Standing Committee on Planning and Zoning — The planning board, elected
214 under section 3-8, shall be considered the standing committee on planning and zoning.

215 (iii) Committee of Precinct Chairs — The committee of precinct chairs shall be
216 comprised of the town representatives elected as chair in each district of the town in accordance
217 with subsection (h). The committee shall, as may be requested by the representative town
218 meeting from time to time, or on its own initiative, and in consultation with the moderator,
219 review the rules, procedures and conduct of town meetings and make recommendations with
220 respect thereto to the select board and the representative town meeting.

221 (iv) The representative town meeting may, by vote or by-law, create such additional
222 standing committees as it deems necessary or desirable, which may consist of any combination
223 of town representatives and other voters as may be provided by said vote or by-law.

224 (v) Application of Open Meeting Law and Administrative Procedures — All
225 meetings of standing committees created under this subsection shall be subject to the open

226 meeting law in sections 18 to 25, inclusive, of chapter 30A of the General Laws, as amended
227 from time to time, and Article 6.

228 (2) Referral of Articles to Committee — When articles are generated or received by
229 the select board, copies of those articles shall be forwarded forthwith to an appropriate standing
230 committee for study and report. The study and report shall be considered at least once at a public
231 hearing at which the public is provided with the opportunity to share their views concerning such
232 matters. All warrants for town meetings shall include a notation of the standing committee to
233 which each article has been assigned by the select board.

234 Notwithstanding the previous paragraph, however, all articles that would require the
235 expenditure of town funds, and all other articles, shall, before enactment, be referred to the
236 finance and warrant committee for its report and recommendation. The finance and warrant
237 committee's recommendation shall be the main motion before the representative town meeting,
238 except as otherwise provided in this paragraph. All articles which relate to planning, zoning,
239 subdivision control and any other matters relating to land use shall, before enactment, also be
240 referred to the planning board, in its capacity as a standing committee, for study and report.
241 When the adoption or amendment of a zoning by-law is before the representative town meeting,
242 the planning board's recommendation shall be the main motion before the representative town
243 meeting; provided, however, that prior to enactment the finance and warrant committee shall also
244 provide its recommendation with respect to such adoption or amendment.

245 (d) Quorum — At every session of town meeting, the town clerk shall have
246 attendance taken at the doors for the purpose of ascertaining the names and the number of town

247 representatives present. All attendance records shall be posted upon the town bulletin boards and
248 published in the annual town report.

249 One hundred and seventy town representatives shall constitute a quorum for the conduct
250 of all business to come before the representative town meeting, but a smaller number may
251 adjourn from time to time.

252 (e) Rules and Record of Proceedings — The representative town meeting shall
253 determine its own rules and order of business unless otherwise provided by this charter or by by-
254 law and shall provide for keeping a record of its proceedings. The town clerk shall certify such
255 record to be true and accurate and such record shall be a public record readily accessible to the
256 public. A certified copy shall be kept available in the library.

257 (f) Voting — Voting shall be by voice vote and the moderator shall declare the result
258 of each vote taken. If 7 or more town representatives immediately stand to doubt the vote as
259 announced, the moderator shall verify the voice vote by taking a standing vote. If 15 or more
260 town representatives immediately stand to doubt the result of the standing vote, the moderator
261 shall verify the standing vote by taking a roll call vote. At the moderator's discretion, the
262 moderator may direct that any vote be taken by a call of the roll of the town representatives
263 present. Notwithstanding this subsection, the representative town meeting may, by by-law, allow
264 a different method for counting votes of town representatives present at a town meeting, such as
265 by electronic means. The representative town meeting shall not for any reason declare itself in
266 executive session or attempt to prohibit the public from attending any of its proceedings.

267 (g) Citizen Participation — Any voter or taxpayer of the town shall have a right to
268 speak at town meetings subject to such rules as may from time to time be adopted by by-law or
269 by a vote of the representative town meeting.

270 (h) District Organization — The town representatives from each district shall, within
271 17 days following each regular annual election, elect by written ballot, from among their own
272 members, a chairman, vice-chairman and a clerk, to serve for a term of 1 year, and shall file a
273 notice of such organization with the town clerk. Such organizational meeting shall take place on
274 a date determined by the chair of the committee of precinct chairs, established under clause (iii)
275 of paragraph (1) of subsection (c), in consultation with the town clerk, prior to making
276 nomination papers available for the regular annual election. Notice of the date of the
277 organizational meeting shall be posted on the town bulletin boards and the town clerk shall
278 provide written notice of the date, time and place of the organizational meeting to all persons
279 seeking election to the office of town representative who have complied with the requirements of
280 subsection (b) of section 2-2. If the town clerk receives no notice of organization for a district
281 within 17 days following a regular annual election, the town clerk shall immediately call a
282 meeting of the town representatives from the districts that have failed to give such notice of
283 organization.

284 SECTION 2-10 By-Laws

285 (a) Time of Taking Effect — Not sooner than 14 days after the proposed by-laws are
286 approved by the representative town meeting, such by-laws shall be transmitted to the attorney
287 general for review, as provided by section 32 of chapter 40 of the General Laws, and will
288 become effective, if not denied by the attorney general, in accordance with that statute.

289 (b) Codes of Technical Regulations — The representative town meeting may adopt
290 any standard code of technical regulations, in whole or in part, by reference to such regulations
291 in an adopting by-law; provided, however, that 1 or more copies of the proposed code shall be
292 available in the office of the town clerk and published as otherwise provided by law. The
293 adopting by-law shall not be construed to include changes or revisions to such code subsequent
294 to the representative town meeting vote to adopt the code.

295 SECTION 2-11 Availability of Town Officials at Town Meetings

296 Every town officer, or in the case of a multiple member body, a designated
297 representative, or a representative of each department shall attend all sessions of the town
298 meeting, unless deterred by illness or other reasonable cause, for the purpose of providing the
299 representative town meeting with information pertinent to matters appearing in the warrant.

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

302 If a person required to attend a town meeting under this section is not a voter, that person
303 shall, notwithstanding, be entitled to speak in order to provide the representative town meeting
304 with information on pertinent warrant articles.

305 Elected officials of the town, as defined in section 3-1, and the chair of the finance and
306 warrant committee, when attending a town meeting, shall have all of the rights and privileges of
307 town representatives except the right to vote.

308 SECTION 2-12 Referendum Petitions

309 No final vote of a representative town meeting approving a measure under any article in
310 the warrant shall be operative for 14 days after the dissolution of the town meeting excepting the
311 following votes, which shall take effect immediately upon dissolution of the meeting or
312 otherwise as provided by law: a vote to adjourn; an authorization to borrow money in
313 anticipation of taxes; an authorization to pay debts and obligations of the town; an appropriation
314 of funds necessary to implement a written agreement executed under collective bargaining or the
315 budget of the town as a whole; or a vote declared by preamble to be an emergency measure
316 necessary for the immediate preservation of the peace, health, safety or convenience of the town
317 and which is passed by a two-thirds vote of the town representatives present and voting at such
318 meeting.

319 If within the said 14 days, a petition, signed by not less than 5 per cent of the voters of the
320 town eligible to vote as of the date of the town meeting at which the final vote occurred, is filed
321 in the office of the select board requesting that the question involved in that vote be submitted to
322 the voters of the town at large, then the operation of that vote shall be further suspended pending
323 a determination as hereinafter provided. Such petition shall contain the names and addresses of
324 the voters who signed the petition as they appear on the list of voters. Within 14 days following
325 the filing and including the time for certification by the board of registrars of a referendum
326 petition, the select board shall call a special election which shall be held and forthwith and no
327 sooner than 35 days after issuing the call; provided, however, that if a regular or special election
328 is to be held not more than 60 days following the date the petition is filed, the select board may
329 provide that the question or questions involved be presented to the voters at the same election.

330 All votes shall be taken by official ballots and the voter list shall be used in the same
331 manner as in the election of town officers. The questions submitted shall be determined by a

332 majority vote of the voters voting thereon, but no action of the representative town meeting shall
333 be reversed unless at least 20 per cent of the voters eligible to vote in the election participate by
334 voting in the election.

335 The question submitted shall be stated on the ballot in substantially the same language
336 and form in which it was stated when presented by the moderator to the representative town
337 meeting as appearing in the records of the town meeting, and shall be similar to the following:
338 "Shall the voters of the town confirm the action taken by the representative town meeting at the
339 town meeting held on [insert date] to (insert here the question as stated when presented by the
340 moderator)? A brief summary of the measure drafted by town counsel shall appear below the
341 question.

342 This election shall be held on a Saturday, unless it is to be held in conjunction with
343 another election, and the polls shall open not later than 7:00 a.m. and shall not close earlier than
344 8:00 p.m.

345 If a petition conforming to the requirements of this section is not filed within 14 days of
346 the dissolution of the town meeting, the vote shall then become effective.

347 Article 3

348 ELECTED OFFICIALS

349 SECTION 3-1 General Provisions

350 (a) Elective Offices — The offices to be filled by the voters shall be the select board,
351 a moderator, the school committee, the planning board, the board of assessors, the board of
352 library trustees, a town clerk, the board of health, the parks and recreation commission, the board

353 of commissioners of trust funds, the housing authority and such members of regional authorities
354 or districts as may be established by statute, inter-local agreement or otherwise.

355 (b) Eligibility — Any voter shall be eligible to hold any elective town office, but no
356 elected town official shall simultaneously hold another elected town office or be appointed to
357 any town office; provided, however, that this subsection shall not be interpreted as a restriction
358 on the number of multiple member bodies on which an elected town official may serve by virtue
359 of that official's office, so long as service on the body or bodies would terminate if the person no
360 longer held that elected position.

361 (c) Annual Election — The regular annual election of town officers, and
362 consideration of such questions as may be authorized by law to appear on the ballot, shall be
363 determined by the voters on official ballots without party or other designation, and shall be held
364 on such date as may from time to time be fixed in the town by-laws.

365 (d) Elected town officials, other than the town clerk, shall serve without
366 compensation, but shall, subject to appropriation, be reimbursed for their actual and necessary
367 expenses incurred in the performance of their duties.

368 (e) Nomination of Candidates — The signatures of 50 registered voters of the town
369 shall be required to place on the ballot for election the name of a candidate for any office other
370 than town representative.

371 (f) Ballot Position — The order in which names of candidates, including the office of
372 town representative, appear on the ballot for each office in a town election shall be determined
373 by a drawing by lot conducted by the town clerk. Each candidate shall have an opportunity to be
374 present or be represented at the drawing.

375 (g) Coordination — Notwithstanding their election by the voters, the town officers
376 named subsection (a) shall be subject to the call of the select board or of the town manager, at all
377 reasonable times, for consultation, conference and discussion on any matter relating to such
378 officers' respective offices.

379 (h) Vacancies

380 (1) An office of any elected multiple member body listed in subsection (a) shall
381 become vacant upon the death of that member or the resignation or removal from office in any
382 manner authorized by this charter or the General Laws or otherwise in accordance with law. No
383 such office shall be considered vacant unless: (i) a letter of resignation has been filed with the
384 town clerk by such person; or (ii) the town clerk has issued a certificate that such person has died
385 or has been removed from the town or that the office has otherwise become vacant.

386 (2) Filling of Vacancies — If a vacancy occurs otherwise than by expiration of term
387 in any elected multiple member body listed in subsection (a), other than a vacancy in the select
388 board, the unexpired terms shall be filled by appointment by the select board and the remainder
389 of the members of the elected multiple member body until the next regular annual election, at
390 which time such office shall be filled by election for the remainder of the unexpired term;
391 provided, however, that if the date the vacancy established in the manner described in paragraph
392 (1) is more than 120 days prior to the regular annual election, the select board may call for a
393 special election to be held not earlier than 64 days from the date of its call therefor to fill the
394 unexpired term.

395 (i) Application of other Provisions of Charter to Powers and Duties —
396 Notwithstanding any provision of this charter or the General Laws to the contrary, the powers

397 and duties of multiple member bodies elected under this Article shall be subject to Article 4 and
398 Article 6.

399 SECTION 3-2 Select board

400 (a) Composition, Term of Office — There shall be a select board consisting of 5
401 members elected for terms of 3 years each, so arranged that the term of office of as nearly an
402 equal number of members as is possible shall expire each year.

403 (b) Powers and Duties in General — The executive powers of the town shall be
404 vested in the select board which shall be deemed to be the chief executive office of the town. The
405 select board shall have all of the executive powers it is possible for a select board to have and to
406 exercise. The select board shall serve as the chief policy making agency of the town. The select
407 board shall be responsible for the formulation and promulgation of policy directives and
408 guidelines to be followed by all town agencies serving under it and, in conjunction with other
409 elected town officers and multiple member bodies, to develop and promulgate policy guidelines
410 designed to bring the operation of all town agencies into harmony.

411 (c) Licensing Authority — The select board shall be a licensing board for the town
412 and shall have the power to issue licenses as otherwise authorized by law, to make all necessary
413 rules and regulations regarding the issuance of such licenses, to attach conditions and to impose
414 restrictions on any such license as it may issue as it deems to be in the public interest, and to
415 enforce all laws relating to all businesses for which it issues a license.

416 (d) Appointments — The select board shall appoint: a town manager; constables;
417 registrars of voters; election officers, but not including the town clerk; the board of appeals; the
418 conservation commission; the historic district commission; other members of multiple member

419 bodies, as set forth by law, or whose appointment authority is not otherwise specified by this
420 charter or vote of the representative town meeting; and individuals who are to serve as
421 representatives of the town to the governing or advisory bodies of area, regional or district
422 authorities; provided, however, that nothing in this subsection shall be interpreted to prohibit the
423 select board, town manager or moderator from appointing such multiple member bodies as
424 deemed appropriate to advise them on matters within their jurisdiction.

425 (e) Investigations — The select board may investigate the affairs of the town and the
426 conduct of any town agency including any doubtful claims against the town. Copies of the full
427 text of the report, including a summary of the results of any such investigation, shall be placed
428 on file in the offices of the select board and town clerk and in the library and shall be printed in
429 the next annual town report.

430 SECTION 3-3 School Committee

431 (a) Composition, Term of Office — There shall be a school committee which shall
432 consist of 7 members. The term of office of a school committee member shall be for 3 years. The
433 terms of office of school committee members shall be so arranged that as nearly an equal number
434 of terms as is possible shall expire each year.

435 (b) Powers and Duties — The school committee shall have general and
436 superintendence of the public schools and, for this purpose, shall have all of the powers and
437 duties which are given to school committees under the constitution and the General Laws and
438 such additional powers and duties as may be authorized by this charter, by by-law or by vote of
439 the representative town meeting.

440 SECTION 3-4 Board of Assessors

441 (a) Composition, Term of Office — There shall be a board of assessors that shall
442 consist of 3 members. The term of office of an assessor shall be for 3 years. The terms of office
443 of assessors shall be so arranged that 1 term shall expire each year.

444 (b) Powers and Duties — The board of assessors shall annually make a fair cash
445 valuation of all property, both real and personal, within the town, and it shall have all of the
446 powers and duties which are given to boards of assessors under the constitution and the General
447 Laws and such additional powers and duties as may be authorized by this charter, by by-law or
448 by vote of the representative town meeting.

449 SECTION 3-5 Town Clerk

450 (a) Term of Office — There shall be a town clerk. The term of office of the town
451 clerk shall be for 3 years.

452 (b) Powers and Duties — The town clerk shall be the keeper of vital statistics of the
453 town and the custodian of the town seal and all public records, shall administer the oaths of
454 office to all town officers who apply to the Clerk therefor, be the clerk of the town meeting and
455 perform such duties with regard to elections and other matters as may be provided by law. The
456 town clerk shall have all of the powers and duties which are given to town clerks under the
457 constitution and the General Laws and such additional powers and duties as may be authorized
458 by this charter, by by-law or by vote of the representative town meeting.

459 SECTION 3-6 Board of Health

460 (a) Composition, Term of Office — There shall be a board of health that shall consist
461 of 3 members. The term of office of a board of health member shall be for 3 years. The terms of

462 office of board of health members shall be so arranged that the term of 1 member shall expire
463 each year.

464 (b) Powers and Duties — The board of health shall be responsible for the formulation
465 and enforcement of rules and regulations affecting the environment and the public health, and
466 shall have all of the powers and duties that are given to boards of health under the constitution
467 and the General Laws and such additional powers and duties as may be authorized by this
468 charter, by by-law or by vote of the representative town meeting.

469 SECTION 3-7 Board of Library Trustees

470 (a) Composition, Term of Office — There shall be a board of library trustees that
471 shall consist of 5 members. The terms of office of library trustees shall be for 3 years so arranged
472 that as nearly an equal number of terms as is possible shall expire each year.

473 (b) Powers and Duties — The board of library trustees shall have general charge of
474 the care and management of town libraries and of all property of the town relating thereto. The
475 board of library trustees shall have all of the powers and duties that are given to library trustees
476 under the constitution and the General Laws and shall have such additional powers and duties as
477 may be authorized by this charter, by by-law or by vote of the representative town meeting.

478 SECTION 3-8 Moderator

479 (a) Term of Office — There shall be a moderator. The term of office of the moderator
480 shall be for 3 years.

481 (b) Powers and Duties — The moderator shall preside and regulate the procedure at
482 all town meetings, appoint the finance and warrant committee, established by clause (i) of

483 paragraph (1) of subsection (c) of section 2-9, such committees as may be authorized by the
484 representative town meeting and such other committees created by the moderator, from time to
485 time, solely to advise the moderator on matters within the moderator's jurisdiction. The
486 moderator shall have all of the powers and duties which are given to moderators under the
487 constitution and laws of the commonwealth and such additional powers and duties as may be
488 authorized by this charter, by by-law or by vote of the town meeting.

489 SECTION 3-9 Planning Board

490 (a) Composition, Term of Office — There shall be a planning board that shall consist
491 of 5 members. The term of office of a planning board member shall be for 5 years. The terms of
492 office of planning board members shall be so arranged that as nearly an equal number of terms as
493 is possible shall expire each year.

494 (b) Powers and Duties — The planning board shall make studies and prepare plans
495 concerning the resources, possibilities and needs of the town. It shall prepare a comprehensive
496 plan that shall set forth, in graphic and textual form, information concerning the present
497 development of the town and parts thereof. Such comprehensive plan shall include
498 recommendations of the planning board concerning the future development, including physical,
499 economic, and environmental aspects, of the entire town and parts thereof. Such plan may be
500 amended from time to time, and shall be formally reviewed and updated not less than once every
501 10 years.

502 The Planning board shall review proposed zoning by-laws and amendments thereto in
503 accordance with section 5 of chapter 40A of the General Laws, as it may be amended from time
504 to time, and have all of the other powers and duties which are given to planning boards under the

505 constitution and the General Laws and shall have such additional powers and duties as may be
506 authorized by this charter, by by-law or by vote of the representative town meeting.

507 SECTION 3-10 Parks and Recreation Commission

508 (a) Composition, Term of Office — There shall be a parks and recreation
509 commission that shall consist of 5 members, elected at large. The terms of office of parks and
510 recreation commission members shall be for 3 years. The terms of office of parks and recreation
511 commission members shall be so arranged that as nearly an equal number as is possible shall
512 expire each year.

513 (b) Powers and Duties — The parks and recreation commission shall conduct and
514 promote recreation, play, sport, physical education and other programs to meet the leisure time
515 needs of the community and shall have all powers, duties and trusts that are conferred or
516 imposed on park commissions and recreation commissions under the constitution and the
517 General Laws. The parks and recreation commission shall consider the needs of all age groups in
518 the development of programs. The parks and recreation commission shall have such additional
519 powers and duties as may be authorized by this charter, by-law or by other vote of the
520 representative town meeting.

521 (c) Powers and Duties — The parks and recreation commission may appoint a
522 director of parks and recreation. Said director shall be appointed annually by the commission for
523 a term of one year and until qualification by a successor and may be removed by the commission
524 at any time when, in the judgment of the commission, the public interest so requires; and any
525 vacancy for any cause may be filled by appointment by the commission of the remainder of the
526 unexpired term.

527 SECTION 3-11 Commissioners of Trust Funds

528 (a) Composition, Term of Office — There shall be a board of commissioners of trust
529 funds consisting of 5 members. The term of office of commissioners of trust funds members
530 shall be for 3 years, so arranged that as nearly an equal number of terms as is possible shall
531 expire each year.

532 (b) Powers and Duties — The board of commissioners of trust funds shall, so far as
533 consistent with the terms of the trusts, manage and control all funds left, given, bequeathed or
534 devised to the town, and distribute the income in accordance with the terms of the respective
535 trusts. The board shall keep a record of its actions and, at the close of each financial year, shall
536 make a report to the town showing the total amount of the funds and their investments, receipts
537 and disbursements on account of the same, setting forth in detail the sources of the receipts and
538 purposes of the expenditures. The board of commissioners of trust funds shall have all of the
539 other powers and duties that commissioners of trust funds may have under the General Laws and
540 such additional powers and duties as may be authorized by this charter, by bylaw or by vote of
541 the representative town meeting.

542 SECTION 3-12 Housing Authority

543 (a) Composition, Term of Office — There shall be a housing authority which shall
544 consist of 5 members. Four of the members shall be chosen by, ballot and the fifth member shall
545 be a resident of the town appointed under section 5 of chapter 121B of the General Laws or as
546 otherwise provided by law. The term of office of a housing authority member shall be for 5
547 years, so arranged that the term of as nearly an equal number of members as is possible shall
548 expire each year.

549 (b) Powers and Duties — The housing authority shall have all of the powers and
550 duties that are given to housing authorities under the constitution and the General Laws and shall
551 have such additional powers and duties as may be authorized by this charter, by by-law or by
552 vote of the representative town meeting.

553 SECTION 3-13 Recall of Elected Officials

554 (a) Who Can be Recalled — Any holder of an elective town office, as defined in
555 subsection (a) of section 3-1, with more than 6 months remaining in the term for which that
556 person was elected, may be recalled therefrom by the voters as herein provided.

557 (b) Recall Petition

558 (1) Affidavit — Any 250 voters may file with the town clerk an affidavit signed
559 under the penalties of perjury bearing the name and office of the officer sought to be recalled and
560 a statement of the grounds for recall. An affidavit shall contain the names of at least 25 voters
561 from each district into which the town is divided, and shall specify thereon who shall be
562 considered the "lead petitioner" and who shall be understood to be the "first 10 voters" signing
563 the affidavit for the purposes of the recall process. If, within 3 days following such submission,
564 the affidavits are found by the board of registrars of voters to be sufficient and valid and, if on
565 that date the candidate whose recall is sought has at least 6 months remaining on the term for
566 which the officer elected, the town clerk shall, without delay, make available at the town clerk's
567 office to the first 10 voters on the affidavit, copies of petition blanks demanding such recall.
568 Such printed forms shall be kept available.

569 (2) Petition Form — When issued, the petition blanks shall contain a facsimile of the
570 signature of the town clerk and official seal of the town. The petition blanks shall be dated, shall

571 be addressed to the select board and shall contain the names of the first 10 voters on the affidavit
572 filed under paragraph (1) of subsection (b), the name and office of the person whose recall is
573 sought, the grounds for recall as stated in the affidavit and shall demand the election of a
574 successor to the office. No copies of petition blanks shall be made by the first 10 signers or
575 others circulating petitions for signatures. A copy of the petition blank shall be entered in a
576 record book to be kept in the office of town clerk.

577 (3) Petition Signature Requirements — The recall petitions shall be returned and filed
578 with the town clerk within 21 days following the date the petition blanks are made available in
579 the clerk's office and shall have been signed by at least 10 per cent of the voters eligible to vote
580 as of the most recent regular annual election, not more than 25 per cent of which shall be voters
581 in any 1 district into which the town is divided. In signing such petitions, voters shall add to their
582 signatures the street and number, if any, of their residences.

583 The town clerk shall within 1 day of receipt, submit the petition to the board of registrars
584 of voters and the said registrars shall forthwith, but in no event more than 5 days after receipt,
585 certify thereon the number of signatures that are the names of voters.

586 (c) Select board's Action on Receiving Petition — If the petition shall be found and
587 certified by the registrars of voters to be sufficient, the registrars shall submit the same with their
588 certificate to the select board without delay, and the select board shall meet forthwith at a
589 properly posted meeting, in accordance with the open meeting law, to give written notice of the
590 receipt of the certificate to the officer sought to be recalled and shall, if the officer does not
591 resign within 5 days after written notice has been provided, order an election to be held on a date
592 not less than 60 days nor more than 75 days from the date the select board calls for such election;

593 provided, however, that if another town election is to occur within 90 days after the date of the
594 certificate, the select board shall postpone the holding of the recall election to the date of such
595 other election and the question of recall may appear on the ballot at that election. If a vacancy
596 occurs in the office after a recall election has been ordered, the election shall nevertheless
597 proceed as provided in this section.

598 (d) Nomination of Candidates — The officer whose recall is sought may be a
599 candidate at the recall election, and unless such officer has resigned the office or requests
600 otherwise in writing, the town clerk shall place the officer's name on the official ballots without
601 nomination. The nomination of other candidates, the publication of the warrant for the recall
602 election, and the conduct of the same, shall all be in accordance with the provisions of law
603 relating to elections, unless otherwise provided in this section.

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

608 (f) Recall Election — Ballots used in a recall election shall include the following
609 propositions in the order specified:

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

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

612 Below the propositions shall be a list of the names of all candidates nominated as
613 hereinbefore provided, arranged as provided in subsection (e) of section 3-1, with instructions

614 that shall aid the voter. If the number of votes in favor of the recall is in the majority, then the
615 officer shall be deemed recalled, the votes cast for each of the candidates counted and the
616 candidate receiving the highest number of votes declared elected for the remainder of the
617 unexpired term. If the number of votes against the recall is in the majority, the incumbent shall
618 not have been recalled and the votes for candidates shall not be counted. If such successor shall
619 fail to qualify within 14 days after receiving notification of election, the office shall be deemed
620 to be vacant and shall be filled in the manner provided in subsection (i) of section 3-1.
621 Notwithstanding any other provision of this paragraph, if fewer than 20 per cent of the voters
622 eligible to vote in the recall election participate at such election, no votes need be counted and
623 the election shall be deemed not to have recalled the incumbent.

624 (g) Repeat of Recall Petition — No recall petition shall be filed against an officer
625 within 6 months after taking office, nor, in the case of an officer subjected to a recall election and
626 not recalled thereby, until at least 6 months after the election at which the recall was submitted to
627 the voters.

628 (h) Appointment of Person Recalled — No person who has been recalled from an
629 office, or who has resigned from office while recall proceedings were pending against that
630 person, shall be appointed to any town office within 2 years after such recall or such resignation.
631 Resignation at any time after a recall affidavit has been certified by the board of registrars of
632 voters as being valid shall be deemed to be while recall proceedings were pending.

633 Article 4

634 TOWN MANAGER

635 SECTION 4-1 Appointment; Qualification; Term

636 The select board shall appoint the town manager to serve for a definite term of not more
637 than 5 years and shall fix the compensation for such person, annually, within the amount
638 appropriated by the representative town meeting. The town manager shall be appointed solely on
639 the basis of demonstrated executive and administrative qualifications. The town manager shall be
640 a person qualified by education, training and previous experience to perform the duties of the
641 office. The town manager shall not have served in any elected office in the town government for
642 at least 12 months prior to appointment. The representative town meeting may from time to time
643 establish, by by-law, such additional qualifications as deemed necessary and appropriate. The
644 town manager shall devote full time to the office and shall not hold any other public office,
645 elective or appointive, and shall not be actively engaged in any other business or occupation
646 during such service, unless the select board approves such action in advance and in writing. The
647 select board shall provide for an annual review of the job performance of the town manager that
648 shall, in summary form, be a public record.

649 SECTION 4-2 Powers and Duties

650 The town manager shall be the chief administrative officer of the town, directly
651 responsible to the select board for the administration of all town affairs for which the office of
652 town manager is given responsibility under this charter. The powers and duties of the town
653 manager shall include, but not be limited to, the following:

654 (a) to supervise, direct and be responsible for the efficient administration of all
655 functions and activities for which the office of town manager is given authority, responsibility or
656 control by this charter, by by-law, by the representative town meeting, by vote of the select
657 board, or otherwise;

658 (b)

659 (1) To appoint for periods not in excess of 5 years, subject to the civil service laws
660 and of any collective bargaining agreements as may be applicable, all department heads,
661 directors, principal deputies or principal agents of multiple member bodies other than those
662 under the jurisdiction of the school committee, board of library trustees, and the parks and
663 recreation commission and officers and positions for which no other method of appointment is
664 provided in this charter; provided, however, that the town manager shall consult with the
665 appropriate elected or appointed multiple member body prior to hiring a department head,
666 director, principal deputy or principal agent for a particular department. Subject to civil service
667 laws and any applicable collective bargaining agreements, all appointments made hereunder shall
668 be for employment "at will", provided, that such employment may be for periods not in excess of
669 5 years, and shall become effective on the fifteenth day following the day on which notice of the
670 appointment is filed with the select board; provided, however, that if within that period, the
671 select board, by a vote of at least 3 of its members, shall vote to reject such appointment or has
672 sooner voted to affirm it. Notwithstanding the preceding sentence with respect to the "at will"
673 nature of employment, the town manager shall have authority to enter into employment contracts
674 with the fire chief, police chief, and finance director that provide for other terms and conditions
675 of employment, including dismissal. Copies of the notices of all such appointments shall be
676 posted on the town bulletin boards when submitted to the select board.

677 (2) To suspend or remove, any person appointed by the town manager under section
678 4-2(b)(1); provided, however, that if such person is the department head director, principal
679 deputy or principal agent for a department for which policy is set by an elected or appointed
680 multiple member body, the town manager shall, except in circumstances in which the best

681 interest of the town require immediate action, first consult with such body with respect to such
682 suspension or removal. The decision of the town manager in suspending or removing any person
683 appointed by the town manager shall be final.

684 (c) to be entrusted with the administration of a town personnel system, including, but
685 not limited to, personnel policies and practices, rules and regulations, including provisions for an
686 annual employee performance review, personnel by-laws and collective bargaining agreements
687 entered into by the town. The town manager shall also prepare and keep current a plan
688 establishing the personnel staffing requirements for each town agency, except the school
689 department.

690 (d) to fix the compensation of all appointed officers and employees within the limits
691 established by appropriations of the representative town meeting;

692 (e)

693 (1) to attend all regular and special meetings of the select board unless unavailable
694 for reasonable cause and shall have a voice, but no vote, in all of its proceedings;

695 (2) to keep the select board fully advised concerning the status of all matters which
696 have been referred to the office of the town manager by the select board by providing to its
697 members for review at each regular meeting of the select board a full and complete summary of
698 all activity conducted by the office of the town manager since the last meeting of the select
699 board;

700 (f) to assure that full and complete records of the financial and administrative
701 activities of the town are kept and to render, as often as may be required by the select board, a

702 full report of all town administrative operations during the period reported on, which report shall
703 be made available to the public;

704 (g) to keep the select board fully advised as to the needs of the town and shall
705 recommend to the select board and to other elected town officers and agencies for adoption such
706 measures requiring action by them or the representative town meeting as the town manager may
707 deem necessary or desirable;

708 (h) to have full jurisdiction over the rental and use of all town facilities and property
709 except property under the control of the school committee or the conservation commission;
710 provided, however, that the town manager shall be responsible for the maintenance and repair of
711 all town buildings and facilities placed under the town manager's control by this charter, by by-
712 law, by vote of the representative town meeting or otherwise;

713 (i) to prepare and present, in the manner provided in Article 5A, an annual operating
714 budget for the town and a proposed capital outlay program for the 5 fiscal years next ensuing.

715 (j) to assure that a full and complete inventory of all property of the town, both real
716 and personal, is kept, including all property under the jurisdiction of the school committee.

717 (k) to negotiate all contracts involving any subject within the jurisdiction of the office
718 of town manager, including contracts with town employees, except employees of the school
719 department, involving wages, hours and other terms and conditions of employment; provided,
720 however, that all such contracts shall be subject to ratification and execution by the select board;

721 (l) to serve as the chief procurement officer for purposes of chapter 30B of the
722 General Laws and be responsible for purchasing all supplies, material and equipment for all

723 departments and activities of the town, including execution of contracts therefor; provided,
724 however, that the town manager shall examine, or cause to be examined, the quantity, quality
725 and condition of all supplies, material and equipment delivered to or received by any town
726 agency; and provided further, that the town manager shall be responsible for the disposal of all
727 supplies, material and equipment that have been declared surplus by any town agency;

728 (m) to see that all of the provisions of the General Laws, this charter, town by-laws
729 and other votes of the representative town meeting and votes of the select board which require
730 enforcement by the town manager or officers subject to the direction and supervision of the town
731 manager are faithfully executed, performed or otherwise carried out;

732 (n) to inquire, at any time, into the conduct of office or performance of duties of any
733 officer or employee, department, board, commission or other town agency;

734 (o) to attend all sessions of all town meetings and answer all questions raised by
735 persons recognized by the moderator which relate to warrant articles and to matters over which
736 the town manager exercises any supervision;

737 (p) to create, reorganize, expand, consolidate or abolish, in the manner provided in
738 Article 5, town agencies serving under the supervision of the town manager, in whole or in part,
739 and provide for reassignment of powers, duties, functions and responsibilities with and among
740 such agencies so created or existing, notwithstanding any specific designation of a town agency
741 or any specific assignment of powers, duties, functions and responsibilities within this charter;
742 provided, however, that for the purposes of said Article 5, functions assigned by this charter to
743 appointed town agencies under the supervision of the town manager may be assigned to any
744 other agency under the supervision of the town manager or to any board, commission,

745 committee, department, position or office of any such agency in the manner provided in said
746 Article 5;

747 (q) to coordinate the activities of all town agencies serving under the office of town
748 manager and the office of select board with those under the control of other officers and multiple
749 member bodies elected directly by the voters; provided, however, that for the purpose of
750 effecting coordination and cooperation among all agencies of the town, the town manager may
751 require the persons so elected, or their representatives, to meet with the town manager, at
752 reasonable times, to submit such reports and summaries of actions taken as may be deemed to be
753 necessary or desirable to have available for the purpose of such coordination; and

754 (r) to perform any other duties as are required to be performed by the town manager
755 by the town by-laws, administrative organization plan, votes of the representative town meeting,
756 votes of the select board or otherwise.

757 (s) To supervise and direct all appointed department heads, directors, principal
758 deputies and principal agents of elected and appointed multiple member bodies, but excluding
759 the library director and parks and recreation director, with respect to day-to-day performance, in
760 a manner consistent with the town's personnel by-laws and policies, and, if applicable, contracts
761 or collective bargaining agreements. The town manager shall, in connection therewith, provide
762 for an annual review of such department heads, directors, principal deputies and principal agents
763 with respect to day-to-day performance, with or without the respective multiple member body.

764 SECTION 4-3 Delegation of Authority

765 The town manager may authorize any subordinate officer or employee to exercise any
766 power or perform any function or duty which is assigned to the office of town manager,

767 provided, however, that all acts performed under any such delegation shall be deemed to be the
768 acts of the town manager.

769 SECTION 4-4 Acting Town Manager

770 (a) Temporary Absence — By letter filed with the town clerk, the town manager shall
771 designate a qualified town administrative officer or employee to exercise the powers and perform
772 the duties of town manager during a temporary absence. During a temporary absence, the select
773 board shall not revoke such designation until at least 10 working days have elapsed, whereupon
774 it may appoint another qualified town administrative officer or employee to serve until the town
775 manager returns.

776 (b) Vacancy — Any vacancy in the office of town manager shall be filled as soon as
777 possible by the select board in the manner provided in section 4-1; provided, however, that
778 pending such regular appointment, the select board shall appoint a qualified town administrative
779 officer or employee to perform the duties of the office on an acting basis. Such temporary
780 appointment shall not exceed 6 months but 1 renewal may be voted by the select board not to
781 exceed a second 6 months. Compensation for such person shall be set by the select board but
782 shall not exceed the compensation paid to the most recent incumbent of the office of town
783 manager.

784 (c) Powers and Duties — The powers of a temporary or acting town manager, under
785 section 4-4 shall be limited to matters not admitting of delay and shall include authority to make
786 temporary, emergency appointments or designations to town office or employment but not to
787 make permanent appointments or designations.

788 SECTION 4-5 Removal and Suspension

789 The select board by the affirmative votes of at least 3 members may terminate, remove or
790 suspend the town manager from office; provided, however, that further conditions applicable to
791 termination, removal and suspension may be addressed by the terms of any contract between the
792 select board and the town manager.

793 Article 5

794 ADMINISTRATIVE ORGANIZATION

795 SECTION 5-1 Department of Finance

796 (a) Department and Director — There shall be a department of finance under the
797 direction of a director of finance, who shall be appointed and may be removed by the town
798 manager in accordance with clause (b) of section 4-2. The director of finance shall give bond to
799 the town, at the expense of, and in a form satisfactory to, the town.

800 (b) Powers and Duties of Director of Finance — In addition to all of the powers and
801 duties conferred and imposed by law upon town accountants and town comptrollers, the director
802 of finance shall: coordinate and direct all aspects of the town's financial practices and procedures
803 consistent with the General Laws; oversee the functions of the treasurer-collector; have oversight
804 of all accounting, treasury, collection and risk management functions of the town and related
805 automated data processing, information systems and procurements; engage in short and long-
806 term financial planning; and serve as an ex-officio member, with a voice but no vote, of every
807 multiple member body of the town involved with financial planning, policies or practices,
808 including the finance and warrant committee.

809 (c) Appointment of Treasurer-Collector and other Departmental Positions — The
810 director of finance may make other departmental appointments under section 6-5, including
811 appointment of a treasurer-collector. The treasurer-collector shall have all of the powers and
812 duties that treasurers and collectors may have under the constitution and General Laws and any
813 other powers and duties assigned to that office by this charter, by-law or other vote of the
814 representative town meeting. With the approval of the select board and town manager, the
815 director of finance may separate the responsibilities of the treasurer-collector and assign the
816 same to a separate treasurer and a separate collector.

817 (d) Acting Director of Finance — In the event of a vacancy in the office, or the
818 temporary absence of the director of finance due to illness or other cause, the town manager may
819 appoint an acting director of finance to serve for such limited time as is necessary to fill the
820 position permanently under subsection (b) of section 4-2 and section 6-5.

821 SECTION 5-2 Organization of Town Agencies

822 The organization of the town into operating agencies for the provision of services and the
823 administration of the government may be accomplished through either of the methods provided
824 in this Article 5.

825 (a) By-Laws — Subject only to express prohibitions in the General Laws or the
826 provisions of this charter, the representative town meeting may, by bylaw, reorganize,
827 consolidate, create, merge, divide or abolish any town agency, in whole or in part, establish such
828 new town agencies as it deems necessary or desirable, determine the manner of selection, the
829 term of office and prescribe the functions of all such entities; provided, however, that no function
830 assigned by this charter to a particular town agency may be discontinued or assigned to any other

831 town agency unless this charter specifically so provides. Pursuant to subsection (p) of section 4-
832 2, functions assigned by this charter to appointed town agencies under the supervision of the
833 town manager may, by by-law, be assigned to any other appointed town agency under the
834 supervision of the town manager or to any board, commission, committee, department, position
835 or office of any such agency.

836 (b) Administrative Organization Plan — The town manager, after consultation with
837 the select board, may from time to time prepare and submit to an annual representative town
838 meeting, plans of organization or reorganization which establish operating divisions for the
839 orderly, efficient or convenient conduct of the business of the town.

840 Whenever the town manager prepares such a plan, the select board shall hold at least 1
841 public hearing on the proposal giving notice by publication in a local newspaper, which notice
842 shall describe the scope of the proposal and the time and place at which the hearing shall be held,
843 not later than 14 days following such publication. Following such public hearing, the proposal,
844 which may have been amended subsequent to the public hearing, shall be submitted to the
845 representative town meeting by an appropriate warrant article. An organization or reorganization
846 plan shall become effective at the start of the next fiscal year following the date of adjournment
847 of the representative town meeting at which the proposal is submitted unless the representative
848 town meeting shall, by a majority vote, vote to disapprove the plan. The representative town
849 meeting may vote only to approve or to disapprove the plan and may not vote to amend or to
850 alter it.

851 The town manager may, through the administrative organization plan and subject only to
852 express prohibitions in the General Laws or this charter, reorganize, consolidate or abolish any

853 town agency, in whole or in part, establish such new town agencies as is deemed necessary or
854 desirable to the same extent as is provided in subsection (a) of section 5-2 and, for such purpose,
855 transfer the duties and powers and, so far as is consistent with the use for which the funds were
856 voted by the town, transfer the appropriation of 1 town agency to another; provided, however,
857 that no function assigned by this charter to a particular town agency may be discontinued or
858 assigned to any other town agency unless this charter specifically so provides.

859 SECTION 5-3 Publication of Administrative Code and Staffing Plan

860 The town by-laws, administrative organization plan and any amendments thereto, as well
861 as the personnel staffing plan, shall be posted on the town website and paper copies thereof shall
862 be made available in the office of the town clerk.

863 SECTION 5-4 Merit Principle

864 All appointments and promotions of town officers and employees shall be made on the
865 basis of merit and fitness, demonstrated by examination or by other evidence of competence and
866 suitability.

867 Article 5A

868 FINANCE AND FISCAL PROCEDURES

869 SECTION 5A-1 Budget Cycle

870 The fiscal year of the town shall begin on July 1 and shall end on June 30, unless another
871 period is required by the General Laws. The town manager shall establish a budget calendar,
872 consistent with any requirements in this charter and by-laws, setting forth key deadlines for

873 action. Following presentation of the same to the select board, the town manager shall provide
874 notice thereof to all town department heads, directors, boards, committees and officials.

875 SECTION 5A-2 School Committee Budget

876 (a) Public Hearing — At least 7 days before the meeting at which the school
877 committee is to vote on its final budget request, the school committee shall cause to be published
878 in a local newspaper information as to the times and places, which shall include, at a minimum,
879 the school website and superintendent's office, where copies of the committee's proposed budget
880 message and draft budget may be reviewed and or requested, and such information shall include
881 the date, time and place of the public hearing thereon. The budget message shall outline
882 proposed financial policies of the school department for the ensuing fiscal year, describe
883 important features of the budget, indicate any major variations from the current year in financial
884 policies, expenditures and revenues, together with the reasons for such changes, and include such
885 other material as the superintendent and school committee deem desirable or the town manager
886 or select board may reasonably require. The school committee shall take its final vote on its
887 proposed budget not sooner than at its next regularly scheduled meeting following the public
888 hearing.

889 (b) Submission to Town Manager — The budget, as adopted by the school
890 committee, shall be submitted to the town manager not later than 2 weeks prior to the date on
891 which the town manager is required to submit a proposed town budget to the finance and warrant
892 committee to enable the town manager to consider the effect of the school department's requested
893 appropriation upon the total town operating budget, which is required to be submitted under this
894 Article 5A.

895 SECTION 5A-3 Submission of Budget and Budget Message

896 Before the spring annual town meeting is to convene, the town manager shall, not later
897 than 1 week prior to the date on which the town manager will submit the proposed budget and
898 budget message to the select board for its review, cause to be published in a local newspaper
899 information as to the times and places, which shall include, at a minimum, the town website and
900 the town manager's office, where copies of the town manager's proposed budget and budget
901 message may be reviewed or requested, and such information shall include the date, time and
902 place of the public hearing thereon. After consultation with the select board, the town manager
903 shall submit to the finance and warrant committee a proposed, balanced, operating budget for the
904 ensuing fiscal year with an accompanying budget message and supporting documents.

905 SECTION 5A-4 Budget Message

906 The budget message of the town manager shall explain the budget for all town agencies,
907 both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of
908 the town for the ensuing fiscal year, describe important features of the budget, indicate any major
909 variations from the current year in financial policies, expenditures and revenues, together with
910 the reasons for such changes, summarize the town's debt position and include other material as
911 the town manager deems desirable or the select board may reasonably require.

912 SECTION 5A-5 The Budget

913 The proposed operating budget shall provide a complete financial plan for all town funds
914 and activities for the ensuing fiscal year. Except as may otherwise be required by the General
915 Laws, by this charter or by by-law, it shall be in the form which the town manager deems
916 desirable or the select board may require. In the presentation of the budget, the town manager

917 shall utilize modern concepts of fiscal presentation so as to furnish maximum information and
918 the best financial control. The budget shall show, in detail, all estimated income from the
919 proposed property tax levy and other sources and all proposed expenditures, including debt
920 service, for the following year. The budget shall be arranged to show the actual and estimated
921 income and expenditures for the previous, current and ensuing fiscal years and shall indicate in
922 separate sections:

923 (a) proposed expenditures for current operations during the ensuing fiscal year,
924 detailed by town agency and position in terms of work programs, and the method of financing
925 such expenditures;

926 (b) proposed capital expenditures during the ensuing fiscal year, detailed by town
927 agency, and the proposed method of financing each such capital expenditure; and

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

930 SECTION 5A-6 Action on the Budget

931 (a) Public Hearing — Forthwith upon its receipt of the proposed operating budget the
932 finance and warrant committee shall provide for the publication in a local newspaper of a notice
933 stating the time and place, not less than 7 nor more than 14 days following such publication, at
934 which it will hold a public hearing on the proposed operating budget as submitted.

935 (b) Review — The finance and warrant committee shall consider, in open public
936 meetings, the detailed expenditures proposed for each town agency and may confer with
937 representatives of each such agency in connection with its review and consideration. The finance

938 and warrant committee may require the town manager, or any other town agency, to furnish it
939 with such additional information as it may deem necessary or desirable to assist it in its review
940 and consideration of the proposed operating budget.

941 (c) Action by Representative Town Meeting — The finance and warrant committee
942 shall file a report containing its recommendations for the action to be taken on each line item in
943 the proposed operating budget as submitted by the town manager, which report shall be available
944 on the town website and in the offices of the town manager and town clerk. The finance and
945 warrant committee's recommendation on the proposed operating budget for the ensuing fiscal
946 year shall be presented as the main motion to the representative town meeting.

947 SECTION 5A-7 Capital Improvement Program

948 The town manager shall submit a capital improvement program to the select board and
949 the finance and warrant committee within the time fixed by by-law. The program shall be based
950 on material prepared by the capital improvement committee established by by-law, if any,
951 including:

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

953 (b) a list of all capital improvements proposed to be undertaken during the next
954 ensuing 5 years, with supporting information as to the need for each capital improvement;

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

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

959 This information is to be annually revised by the town manager with regard to the capital
960 improvements still pending or in the process of being acquired, improved or constructed.

961 SECTION 5A-8 Approval of Warrants

962 The town manager shall be the chief fiscal officer of the town. Warrants for the payment
963 of town funds prepared and signed by the director of finance in accordance with the provisions of
964 the General Laws shall be submitted to the town manager. The approval of any such warrant by
965 the town manager shall be sufficient authority to authorize payment by the treasurer-collector or,
966 as may be applicable, town treasurer, but the select board alone shall approve all warrants
967 prepared and signed by the director of finance in the event of the absence of the town manager or
968 a vacancy in the office of town manager.

969 SECTION 5A-9 Audits

970 The select board shall annually provide for an independent audit of all financial books
971 and records of the town or whenever it deems an audit of the whole town or of any particular
972 town agency to be necessary or desirable.

973 Audits of the town's financial books and records shall be conducted by a certified public
974 accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the
975 town.

976 Article 6

977 ADMINISTRATIVE PROVISIONS

978 SECTION 6-1 Rules and Regulations

979 A copy of all rules and regulations adopted by any town agency shall be filed in the
980 office of the town clerk and made available for review by any person who requests such
981 information. Such rules and regulations shall not become effective until 10 days following the
982 date they are filed.

983 SECTION 6-2 Procedures

984 (a) Meetings — All multiple member bodies of the town, whether elected or
985 appointed or otherwise constituted, shall meet regularly at such times and places open and
986 accessible to the public within the town as they may prescribe, and otherwise as consistent with
987 the open meeting law, sections 18 to 25, inclusive of chapter 30A of the General Laws as it may
988 be amended from time to time. Special meetings of any multiple member body shall be held on
989 the call of the respective chairman, by one-third of the members thereof by suitably written
990 notice delivered to the residence or place of business of each member at least 24 hours in
991 advance of the time set or called by the chairman within 1 week following the date of the filing
992 with the town clerk of a petition signed by at least 50 voters and which states the purpose or
993 purposes for which the meeting is to be called. For purposes of the open meeting law, if a special
994 meeting is called by one-third of the members of a public body or as a result of a petition, the
995 topics listed on the meeting notice or petition shall be deemed to be the list of topics reasonably
996 anticipated by the chair of such body. Except as otherwise authorized by the open meeting law,
997 all meetings of all multiple member bodies shall be conducted in open session.

998 (b) Meeting Notices — No action taken on a matter not included in the posted
999 meeting notice shall be effective unless the multiple member body first adopts by separate vote a
1000 resolution declaring that an emergency exists and that the particular matter is required to be acted

1001 upon at that meeting for the immediate preservation of the peace, health, safety or convenience
1002 of the town. The town shall also, subject to funding and administrative or technological
1003 constraints, post notices of all meetings on the town's website as soon as possible after the
1004 official notices of such meetings are posted; provided, however, that, unless otherwise required
1005 by the General Laws to be posted on the town's website, failure to so post shall not invalidate the
1006 meeting to which the notice relates or otherwise affect action taken thereat or in reliance thereon.

1007 (c) Rules and Minutes — Each multiple member body shall determine its own rules
1008 and order of business unless otherwise provided by this charter or by-law and shall provide for
1009 keeping minutes of its proceedings. These rules and minutes shall be a public record kept
1010 available in a place convenient to the public at all reasonable times and certified copies shall be
1011 kept available in the library.

1012 (d) Voting — Except on procedural matters, all votes of all multiple member bodies
1013 shall be taken by voice or roll call vote, the result of which shall be recorded in the minutes;
1014 provided, however, that if the vote is unanimous only that fact need be recorded.

1015 (e) Quorum — A majority of the members of the multiple member body shall
1016 constitute a quorum, but a smaller number may adjourn from time to time and may compel the
1017 attendance of absent members in the manner and subject to the penalties prescribed by the rules
1018 of the multiple member body.

1019 (f) Public Participation — Each multiple member body shall include on the notice for
1020 each meeting an item for a public participation period of such duration and subject to such rules
1021 as the body shall adopt, during which members of the public shall have the opportunity to
1022 address the body concerning matters within its jurisdiction.

1023 SECTION 6-3 Appointed Multiple-Member Bodies

1024 (a) Appointing Authority, in General — Except as may otherwise be specified by this
1025 charter, whenever, whether by a vote of the representative town meeting or by by-law a multiple
1026 member body is to be established, the representative town meeting shall designate the
1027 appropriate appointing authority therefor. In the absence of such designation, it shall be
1028 presumed that the select board shall make such appointment in accordance with subsection (d) of
1029 section 3-2.

1030 (b) Vacancies — Vacancies arising on an appointed multiple member body other than
1031 by expiration of the appointed term shall be filled for the remainder of the unexpired term in the
1032 same manner as the original appointment, subject to the requirements of section 6-4.

1033 (c) Powers and Duties — The officers and multiple member bodies appointed by the
1034 select board, town manager or moderator under subsection (d) of section 3-2, by the moderator
1035 under subsection (b) of section 3-8, as established by the representative town meeting under
1036 subsection (c) of section 2-9, or as specified by the representative town meeting consistent with
1037 subsection (a) of section 6-3 shall have all the powers and duties provided to such officers and
1038 bodies under the constitution and General Laws and such additional powers and duties as may be
1039 authorized by this charter, by by-law or by other vote of the representative town meeting;
1040 provided, however that notwithstanding any provision of this charter or of the General Laws to
1041 the contrary, the powers and duties of multiple member bodies appointed thereunder shall be
1042 subject to the applicable provisions of Article 6 and Article 4.

1043 SECTION 6-4 Notice of Vacancies

1044 Whenever a vacancy occurs in any town office or town employment or on any multiple
1045 member body, except for positions covered under the civil service laws, whether by reason of
1046 death, resignation, expiration of a fixed term for which a person has been appointed or otherwise,
1047 the appointing authority shall cause public notice of the vacancy to be posted on the town
1048 bulletin boards. No permanent appointment to fill such a position shall be effective until at least
1049 14 days following such posting. Any person who desires to be considered for appointment to the
1050 position may, within 10 days following the date the notice is posted or such later date as set forth
1051 in the posting, file with the select board or other appointing authority a statement which sets
1052 forth in clear and specific terms the qualifications which such person holds for the position.

1053 SECTION 6-5 Appointments by Department Heads

1054 All persons categorized as department heads shall, subject to the consent of the town
1055 manager, appoint all assistants, subordinates and other employees of the department for which
1056 such person is responsible. The department head may suspend or remove any assistant,
1057 subordinate or other employee of the department for which such person is responsible in
1058 accordance with procedures established in section 6-6. The decision to suspend or remove any
1059 assistant, subordinate or other employee shall be subject to review by the town manager. A
1060 person for whom a department head has determined that suspension or removal is appropriate
1061 may seek review of such determination by the town manager by filing a petition for review in the
1062 office of the town manager, in writing, within 10 days following receipt of notice of such
1063 determination. The review by the town manager shall be consistent with section 6-6. The
1064 decision of the town manager shall be final.

1065 SECTION 6-6 Removals and Suspensions

1066 Any appointed town officer, member of a multiple member body or employee of the
1067 town, not subject to the civil service laws, a collective bargaining agreement or contract to the
1068 contrary, and whether appointed for a fixed or indefinite term, shall be subject to suspension,
1069 termination or removal by the appointing authority for cause in accordance with a procedure set
1070 forth in the town's personnel by-laws, if any, or otherwise as the appointing authority, with the
1071 approval of the town manager, determines to be in the best interests of the town.

1072 Nothing in this section shall be construed as granting a right to such a hearing when a
1073 person who has been appointed for a fixed term is not reappointed when the original term
1074 expires.

1075 SECTION 6-7 Role of Multiple Member Bodies

1076 Nothing in this charter shall be construed to authorize any individual member of an
1077 elected or appointed multiple-member body, nor a majority of members of such body, to become
1078 involved in the day-to-day operation and administration of any town agency, including
1079 appointment and supervision of department heads and staff, except as otherwise expressly
1080 provided in subsections (b) and (s) of section 4-2. Instead, day-to-day operations shall be subject
1081 to oversight by the town manager under section 4-2 and department heads under sections 6-5 and
1082 6-6. It is the intention of this section to affirmatively establish that such bodies shall act only
1083 through the adoption of broad policy guidelines that are to be implemented by officers and
1084 employees serving under such body.

1085 SECTION 6-8 Report of Multiple Member Bodies

1086 Each elected and appointed multiple member body shall report annually to the town, prior
1087 to the spring annual town meeting, giving information regarding the status of those matters under

1088 its jurisdiction, including any relevant plans or proposals known to it affecting the resources,
1089 possibilities and needs of the town and, in the case of any such multiple member body required
1090 to prepare or maintain plans or studies, an indication of the plan or study and any amendments
1091 made thereto during the past year.

1092 Article 7

1093 REVIEW AND CHANGES OF CHARTER AND BY-LAWS

1094 SECTION 7-1 Charter Changes

1095 This charter may be replaced, revised or amended in accordance with Article LXXXIX of
1096 the Amendments to the Constitution.

1097 SECTION 7-2 Periodic Review of Charter and By-Laws

1098 The select board shall appoint a special committee of not less than 5 voters in each year
1099 ending in "0" to review this charter and in each year ending in "5" to review the town by-laws.
1100 Such committees shall make recommendations concerning possible revision or recodification as
1101 the committee deems appropriate and shall present such recommendations, accompanied by a
1102 statement as to the reasons therefor, in a report to the select board.

1103 No more than 10 months following such respective appointments, each committee shall
1104 prepare a preliminary report summarizing its recommendations and shall schedule a public
1105 hearing in connection therewith to be held not earlier than 2 weeks after the date of notice of the
1106 availability of such report is published in a newspaper of general circulation in the town. The
1107 notice shall include information as to times and places, which shall include at a minimum the

1108 town's website and the town clerk's office, where copies of the report may be reviewed or
1109 requested and include the date, time and place of the public hearing.