

HOUSE No. 4166

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry and Michael F. Rush

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 relative to the charter of the town of Westwood.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Paul McMurtry

11th Norfolk

Michael F. Rush

Norfolk and Suffolk

HOUSE No. 4166

By Representative McMurtry of Dedham and Senator Rush, a joint petition (accompanied by bill, House, No. 4166) of Paul McMurtry and Michael F. Rush (by vote of the town) relative to the charter of the town of Westwood. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

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

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 56 of the acts of 2012 is hereby repealed.

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

4 PREAMBLE: We, the people of the town of Westwood, Massachusetts, in order to
5 reaffirm the customary and traditional liberties of the people with respect to the conduct of our
6 local government and to take the fullest advantages inherent in the home rule amendment of the
7 constitution of the commonwealth, do hereby adopt the following home rule charter for this
8 town.

9 CHAPTER 1. POWERS OF THE TOWN

10 Section 1. Incorporation

11 1-1-1.

12 The present town of Westwood, Massachusetts, within its corporate limits as now
13 established, shall continue to be a body politic and corporate under the name, town of Westwood.

14 Section 2. Scope of Town Powers

15 1-2-1.

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

19 Section 3. Form of Government

20 1-3-1.

21 This charter provides for a select board – open town meeting – town administrator form
22 of town government.

23 Section 4. Construction of Charter

24 1-4-1.

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

28 Section 5. Intergovernmental Relations

29 1-5-1.

30 The town may exercise, consistent with the law, any of its powers or perform any of its
31 functions and may participate in the financing thereof, jointly or in cooperation, by contract or
32 otherwise, with any one or more civil divisions, subdivisions or agencies of the commonwealth,
33 other states or of the United States government.

34 CHAPTER 2. ELECTIONS AND TOWN MEETING

35 Section 1. Legislative Power

36 2-1-1.

37 The legislative powers of the town shall be exercised by a town meeting open to all
38 registered voters of the town.

39 Section 2. Town Elections

40 2-2-1.

41 The annual town meeting shall be held on the last Tuesday in April of each year, except
42 in years in which the presidential primary elections are held on the last Tuesday in April, then the
43 annual town meeting shall be held on the second Tuesday in April, but the only business to be
44 conducted on that day shall be the election of town officers and the balloting on all matters
45 which are to be determined by official ballot.

46 2-2-2.

47 All General Laws regarding town elections shall apply, except as provided by this charter
48 or by special act of the legislature.

49 Section 3. Elections to be Nonpartisan

50 2-3-1.

51 All elections of town officers shall be nonpartisan and election ballots for town officers
52 shall be printed without any party mark, emblem, vignette or designation whatsoever.

53 Section 4. Eligibility of Town Voters

54 2-4-1.

55 Any registered voter of the town shall be eligible for election to any elective office or
56 board of the town. Any person duly elected to any such office or board shall take up the duties of
57 the office the day after the adjournment sine die of the town meeting at which the individual was
58 elected, unless such office was vacant at the time of the election, in which case the individual
59 shall take up the duties of the office immediately; provided, however, the individual shall first
60 have been sworn to the faithful performance of the individual's duties by the town clerk.

61 Section 5. Initiative

62 2-5-1.

63 Petition. Any 10 voters of the town may secure, by written petition to the select board,
64 the inclusion of an article for the warrant of any duly scheduled annual town meeting, and at
65 least 100 registered voters may secure the same for any duly scheduled special town meeting.

66 2-5-1.1.

67 Pre-Petition.

68 (a) Any 5 voters of the town may submit to the select board or the finance and warrant
69 commission by a date set by town by-law prior to the annual town meeting a proposed warrant
70 article and shall designate a lead petitioner.

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

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

79 Section 6. Business Sessions of the Town Meeting

80 2-6-1.

81 Business sessions of the annual town meeting shall be held on the first Monday in May
82 and may be continued on such additional days as may be decided by the town meeting. There
83 shall also be a second business session of the annual town meeting held in the last 3 months of
84 the calendar year on a date to be determined by the select board, which meeting shall be an
85 "annual town meeting" for purposes of the General Laws; provided, however, that the select
86 board may, at its discretion, cancel said fall annual town meeting no later than September 15 in
87 any year, so long as no more than 10 petitioned articles have been submitted for inclusion on the
88 warrant at said fall annual town meeting and notice of the board's action with regard to such
89 meeting shall be posted on the town's website and principal bulletin board. The board's decision

90 as to whether to hold a fall town meeting shall not prohibit the board from calling for a special
91 town meeting at its discretion.

92 2-6-2.

93 Rules of procedure of the town meeting shall be determined through town by-law.

94 2-6-3.

95 A journal of the proceedings of the town meeting shall be kept and it shall be a public
96 record.

97 Section 7. Finance and Warrant Commission Recommendation

98 2-7-1.

99 The finance and warrant commission shall consider all articles in warrants for all town
100 meetings and shall report in writing before each town meeting in the manner provided by town
101 by-law its advice, estimates and recommendations for consideration by the town meeting, and it
102 shall hold a public meeting with respect to the warrant at least 14 days prior to any town
103 meeting. Failure to timely post, publish or mail such advice, estimates and recommendations in
104 the manner provided by town by-law shall not affect the validity of the town meeting.

105 Section 8. Quorum

106 2-8-1.

107 The town meeting shall establish by town by-law a quorum requirement for the conduct
108 of its business, but a smaller number than the established quorum may adjourn immediately any
109 meeting to a stated date, time and place.

110 Section 9. Presiding Officer

111 2-9-1.

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

114 2-9-2.

115 If the office of moderator becomes vacant, or if the moderator is absent, the select board
116 shall appoint an acting moderator for a particular meeting or to serve until the next regular
117 election of town officers.

118 2-9-3.

119 No elected town officer shall be eligible to be appointed acting moderator.

120 CHAPTER 3. THE SELECT BOARD

121 Section 1. Composition and Terms

122 3-1-1.

123 A select board of 3 members shall be elected for 3-year overlapping terms. At each
124 annual town election, 1 select board member shall be elected to fill the office the term of which
125 is expiring. Members may receive such compensation as may be appropriated by the town
126 meeting.

127 Section 2. Powers and Duties

128 3-2-1.

129 The board shall exercise those powers and duties prescribed by the General Laws, this
130 charter and town by-laws.

131 3-2-2.

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

134 3-2-3

135 Except as expressly provided in this charter, the select board shall have all the powers
136 and duties of a board of selectmen under the General Laws and any special laws applicable to the
137 town of Westwood.

138 Section 3. Power of Investigation

139 3-3-1.

140 The board may conduct investigations into the conduct and operation of any town
141 department as authorized by the General Laws.

142 Section 4. Power to Appoint Town Officers

143 3-4-1.

144 The board shall have the power to fill by appointment the offices of: police chief, fire
145 chief, department of public works director and town counsel.

146 Section 5. Power to Appoint Town Boards and Commissions

147 3-5-1.

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

152 Section 6. Power to Rescind Appointments

153 3-6-1.

154 The board shall have the power to rescind any appointment to any board, commission,
155 committee or individual office made under this chapter, provided that the appointee shall first
156 have been served with written notice of the board's intention and reasons for rescinding said
157 appointment.

158 CHAPTER 4. ELECTED TOWN BOARDS AND OFFICERS

159 Section 1. School Committee

160 4-1-1.

161 A school committee of 5 members shall be elected for 3-year overlapping terms.
162 Members shall serve without compensation.

163 4-1-2.

164 The committee shall have general charge of all public schools in the town, under the
165 General Laws, this charter and town by-laws.

166 Section 2. Board of Assessors

167 4-2-1.

168 A board of assessors of 3 members shall be elected for 3-year overlapping terms.

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

170 Section 3. Sewer Commission

171 4-3-1.

172 A board of sewer commissioners of 3 members shall be elected for 3-year overlapping
173 terms. Members may receive such compensation as may be appropriated by the town meeting.

174 4-3-2.

175 The board of sewer commissioners shall be responsible for the development of general
176 goals and long-term plans for the town's sewer system and shall also establish the fees, user
177 charges or rates necessary to fully fund the sewer system operations.

178 Section 4. Planning Board

179 4-4-1.

180 A planning board of 5 members shall be elected for 3-year overlapping terms. Members
181 shall serve without compensation.

182 4-4-2.

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

186 Section 5. Library Trustees

187 4-5-1.

188 A board of 6 library trustees shall be elected for 3-year overlapping terms. Members shall
189 serve without compensation.

190 4-5-2.

191 The board shall be responsible for the administration and operation of the town library,
192 including staffing, acquisitions, maintenance and the promulgation of library rules and
193 regulations.

194 Section 6. Associate Members

195 4-6-1.

196 Notwithstanding any general or special law to the contrary, there shall be not more than 2
197 associate members of each board elected under this chapter who may participate in all board
198 matters. The chair of the elected board may designate the associate member(s) to sit on the board
199 in the case of absence, inability to act or conflict of interest, on the part of any member of the
200 board or in the event of a vacancy on the board. The associate members shall be appointed for 3-
201 year rotating terms by majority vote of a joint meeting of the select board and the elected board
202 being augmented with the associate members. Any vacancies arising in said position shall be
203 filled in the same manner as the original appointment for the remainder of the unexpired term.

204 4-6-2.

205 Notwithstanding the provisions of 4-6-1, the following town officers shall be elected by
206 ballot of the whole town for three-year terms.

207 Town Treasurer commencing at the Annual Town Election in 2003

208 Town Clerk commencing at the Annual Town Election in 2004

209 Tax Collector commencing at the Annual Town Election in 2005

210 Section 7. Elected Officers

211 4-7-1.

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

215 Section 8. Recall

216 4-8-1.

217 A holder of an elected office in the town of Westwood may be recalled from that office
218 by the registered voters of the town under this section, except that the maximum number of
219 members of a board that may be recalled shall be a majority or as otherwise limited by section 4-
220 8-7.

221 4-8-2.

222 Any 200 registered voters of the town of Westwood may initiate a recall petition by filing
223 with the town clerk an affidavit containing the name of the officer sought to be recalled and a

224 statement of the grounds for recall. Not more than 33 1/3 per cent of the signatures appearing on
225 the affidavit may be from any 1 precinct of the town. The town clerk shall thereupon prepare a
226 sufficient number of copies of petition blanks demanding such recall, a supply of which shall be
227 kept on hand. Such blanks shall be issued by the town clerk, with the clerk's signature and
228 official seal attached. Further, such blanks shall be dated, addressed to the select board of the
229 town and contain the names of the first 10 signers to the affidavit, as designated by the person
230 identified as the lead petitioner at the time of filing of the affidavit, the name and office of the
231 person whose recall is sought and the grounds of recall as stated in the affidavit, and shall
232 demand the election of a successor to said office. A copy of the affidavit shall be entered in a
233 record book to be kept in the office of the town clerk. The recall petition shall be returned and
234 filed with the town clerk within 20 days after the recall petition blanks are made available to the
235 lead petitioner and shall be signed by at least 15 per cent of the registered voters of the town as
236 of the date of the most recent regular town election, who shall add to their signatures their place
237 of residence, including their street, number and precinct; provided, however, that not more than
238 33 1/3 per cent of the total number shall be from any 1 precinct.

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

242 4-8-3.

243 If the petition shall be found and certified to be sufficient, the town clerk shall submit the
244 petition with a certificate to the select board within 5 working days and the select board shall,
245 within 5 working days, give written notice of the receipt of the certificate to the officer sought to

246 be recalled and shall, if the officer does not resign within 5 days thereafter, immediately order an
247 election to be held on a date fixed by them not less than 65 days nor more than 90 days after the
248 date the select board calls for said election; provided, however, that if any other town election is
249 to occur within 100 days thereafter, the select board shall postpone the holding of the recall
250 election to the date of such other election. If a vacancy occurs in said office after a recall election
251 has been ordered, the election shall proceed as provided in this section.

252 4-8-4.

253 An officer sought to be removed may be a candidate at such election and, unless such
254 officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot
255 without nomination. The nomination of other candidates, the publication of the warrant for and
256 the conduct of the removal election shall be under the laws relative to elections unless otherwise
257 provided in this chapter.

258 4-8-5.

259 An incumbent shall continue to perform the duties of the office until a recall election is
260 held. If not recalled, such officer shall continue in office for the remainder of the unexpired term
261 subject to recall as before, except as provided in section 4-8-7. If such officer is recalled in the
262 recall election, the officer shall be removed upon certification of the election results. If a
263 successor fails to qualify within 15 days after receiving notification of election, the office shall
264 be vacant.

265 4-8-6.

266 Ballots used in a recall election shall submit the following propositions in the order
267 indicated:

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

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

270 Immediate at the right of each proposition there shall be a location in which a voter may
271 vote for either of said propositions. Under the propositions shall appear the word "Candidates",
272 the directions to the voters required by section 42 of chapter 54 of the General Laws and, beneath
273 this, the names of Candidates nominated under the laws relating to elections. If two-thirds of the
274 votes cast upon the question of recall are in the affirmative, the candidate receiving the highest
275 number of votes shall be declared elected. If more than one-third of the votes on the question are
276 in the negative, the ballots for candidates need not be counted.

277 4-8-7.

278 No recall petition shall be filed against an officer within 90 days after the officer takes
279 office, nor shall any officer be subject to recall if the officer's term of office expires within 90
280 days of the town clerk's certificate issued under section 4-8-3. In the case of an officer subjected
281 to a recall election and not recalled, no recall petition shall be filed against such officer until at
282 least 90 days after the election at which the officer's recall was submitted to the voters.

283 4-8-8.

284 No person who has been recalled from an office or who has resigned from office after
285 the filing of a recall petition shall be appointed to town office within 1 year after such recall or
286 such resignation.

287 CHAPTER 5. APPOINTED TOWN BOARDS

288 Section 1. Board of Health

289 5-1-1.

290 A board of health of 3 members shall be appointed by the select board for 3-year
291 overlapping terms. Members shall serve without compensation. One member of the board, who
292 shall not necessarily be the chair, shall be a doctor of medicine, certified to practice medicine in
293 Massachusetts or a registered nurse with current and valid Massachusetts registration.

294 5-1-2.

295 The board shall exercise such public health functions as may be prescribed by the General
296 Laws, this charter and town by-laws.

297 Section 2. Council on Aging

298 5-2-1.

299 A council on aging of 9 members shall be appointed by the select board for 3-year
300 overlapping terms. No member will be eligible for reappointment to a third term until and unless
301 1 year has elapsed from and after the expiration of that member's second full term. Members
302 shall serve without compensation.

303 5-2-2.

304 The council shall coordinate and carry out programs designed to meet the problems of
305 aging persons, under the General Laws, this charter and town by-laws.

306 Section 3. Conservation Commission

307 5-3-1.

308 A conservation commission of 7 members shall be appointed by the select board for 3-
309 year overlapping terms under the General Laws. Members shall serve without compensation.

310 5-3-2.

311 The conservation commission shall exercise such conservation-related functions as may
312 be prescribed by the General Laws, this charter and town by-laws.

313 Section 4. Recreation Commission

314 5-4-1.

315 A recreation commission of 7 members shall be appointed by the select board for 3-year
316 overlapping terms. Members shall serve without compensation.

317 5-4-2.

318 The commission shall be responsible for the development and supervision of a town
319 recreation program.

320 Section 5. Zoning Board of Appeals

321 5-5-1.

322 A zoning board of appeals of 3 regular members and 6 associate members shall be
323 appointed by the select board for 3-year overlapping terms. Members shall serve without
324 compensation.

325 5-5-2.

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

328 Section 6. Youth and Family Services

329 5-6-1.

330 A youth and family services commission consisting of no fewer than 3 nor more than 17
331 members shall be appointed by the select board for 3-year overlapping terms. A quorum of the
332 commission shall be a majority of those members then in office, provided, however, that a lesser
333 number may adjourn from time to time.

334 5-6-2.

335 The youth and family services commission shall carry out programs designed or
336 established to support the development of youth of the town as may be prescribed by the General
337 Laws, this charter and town by-laws.

338 Section 7. Associate Members

339 5-7-1.

340 There shall be not more than 2 associate members of each board appointed under this
341 chapter and chapter 7, other than the zoning board of appeals, who shall be eligible to participate
342 in all board matters. The chair of the appointed board may designate the associate members to sit
343 on the board in the case of absence, inability to act or conflict of interest, on the part of any
344 member of the appointed board or in the event of a vacancy on the appointed board. The

345 associate members shall be appointed for 3-year rotating terms by the board or officer
346 responsible for appointing the board itself and any vacancies arising in said position shall be
347 filled in the same manner as the original appointment for the remainder of the unexpired term.

348 CHAPTER 6. TOWN ADMINISTRATOR

349 Section 1. Town Administrator

350 6-1-1.

351 The select board shall appoint a town administrator for an indefinite term to serve at its
352 pleasure and shall fix the compensation for such person, annually, within the amount
353 appropriated by the town. The select board may establish an employment contract with the town
354 administrator for salary, fringe benefits and other conditions of employment, including, but not
355 limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the
356 performance of the duties or office, liability insurance, conditions of discipline, termination,
357 dismissal and reappointment, performance standards and leave.

358 6-1-2.

359 The town administrator shall not have served in an elective office in the town government
360 for at least 12 months prior to appointment.

361 6-1-3.

362 The town administrator shall devote full time to the office and shall not hold any other
363 public office, elected or appointed, nor engage in any business or occupation during such service,
364 unless such action is approved in advance by the select board; provided, however, that this
365 section shall not prevent the town administrator from serving, at the direction of the select board,

366 on any committee as an ex officio member or as the select board's designee on other committees
367 and boards. The select board shall provide for an annual review of the job performance of the
368 town administrator.

369 Section 2. Duties

370 6-2-1.

371 The town administrator shall be the chief administrative officer of the town and shall be
372 directly responsible to the select board. The town administrator shall supervise, direct and be
373 responsible for the efficient administration of all functions under the administrator's control as
374 may be authorized by the charter, by town by-law, by town meeting vote or by the vote of the
375 select board, including all department heads and employees appointed by the town administrator
376 or the select board, and their respective departments, and shall coordinate activities of all town
377 departments. The powers and duties of the town administrator shall include, but not be limited to,
378 the power or duty to:

379 (a) (i) appoint, discipline, suspend or remove town officers, department heads or principal
380 deputies or agents of elected and appointed boards or officers, and other employees, including
381 employees in civil service positions, for whom no other method of selection is provided by the
382 charter or general or special laws, consistent with the town's personnel policies and subject to the
383 terms of any applicable collective bargaining agreements; provided, however, that the town
384 administrator shall keep the chair of the select board, or the chair's designee, informed as to
385 status of all personnel decisions made or to be made hereunder and shall consult with the
386 appropriate department head or principal deputy or
387 agent prior to hiring an employee for that department;

388 (ii) appointments or removals of town officers, department heads or principal deputies or
389 agents of elected and appointed boards or officers made by the town administrator under
390 paragraph (i) shall become effective on the 15th day following the day notice of proposed
391 appointment or removal is filed with the select board unless said board, within that period,
392 rejects such appointment or removal, or has sooner voted to affirm it; copies of notices of
393 proposed appointments, as filed with the select board, shall simultaneously be posted on the town
394 bulletin board.

395 (iii) the town administrator shall consult with the select board prior to appointing a
396 finance director under section 8-1-2 of this charter; provided, that such appointment shall be
397 subject to subsection (a) of section 6-2-1.

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

401 (c) coordinate the activities of all town agencies serving under the office of the town
402 administrator and the office of the select board with those under the control of other officers and
403 multiple member bodies elected directly by the voters; for this purpose, the town administrator
404 shall have authority to require the persons so elected, or their representatives, to meet with the
405 town administrator, at reasonable times, for the purpose of effecting coordination and
406 cooperation among all agencies of the town; the town administrator shall have the right to attend
407 and speak at any public meeting of any multiple member body;

408 (d) administer and enforce, to the extent required, the General Laws, special acts of the
409 commonwealth applicable to the town or town by-laws, and all regulations established by the
410 select board;

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

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

416 (g) keep the select board fully informed as to the needs of the town and recommend to the
417 selectmen for adoption such measures requiring action by them or by the town as the town
418 administrator considers necessary or expedient;

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

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

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

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

430 (l) subject to the approval of the select board, fix the compensation of all officers,
431 department heads, officers and employees appointed by the town administrator or the select
432 board within the limits established by appropriation and any applicable compensation plan and
433 collective bargaining agreement;

434 (m) be responsible for the negotiation of all contracts with town employees, except
435 employees of the school department, regarding wages and other terms and conditions of
436 employment; provided, that collective bargaining agreements negotiated under the authority of
437 this section shall be subject to the approval of the select board and to chapter 150E of the
438 General Laws;

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

446 (o) keep the select board and the finance and warrant commission fully informed as to the
447 financial condition of the town and make recommendations to the select board;

448 (p) prepare and submit to the select board at the end of the fiscal year a comprehensive
449 report on the finances and the activities and operations of all departments, boards and
450 committees of the town;

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

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

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

458 (t) approve all payroll and expense warrants for payment of town funds; provided, that in
459 the event of the absence of the town administrator, the select board shall approve such warrants;
460 provided, further, that if a vacancy exists in the office of town administrator, the select board
461 shall approve all such warrants or may delegate such responsibility to an acting or temporary
462 town administrator appointed under sections 6-4-1 or 6-4-2 of this charter;

463 (u) represent the select board, at its direction, at any county, regional, state and federal
464 meetings;

465 (v) supervise the issuance by the select board of licenses and permits, and schedule all
466 related hearings;

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

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

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

473 Section 3. Qualifications

474 6-3-1.

475 The town administrator shall be appointed solely on the basis of educational, executive
476 and administrative qualifications and experience. The educational qualifications shall consist of a
477 master's degree granted by an accredited degree granting college or university, in public or
478 business administration or related field, and professional experience shall include at least 5 years
479 of full-time, compensated service in finance, government law, personnel administration,
480 collective bargaining or organization development or extensive experience in working with the
481 public and responding to customer service requests. The select board may waive the education or
482 experience requirements listed herein if the board determines that an applicant's qualifications
483 provide an equivalent combination of education and experience and that such waiver is in the
484 best interest of the town.

485 Section 4. Acting and Temporary Town Administrator

486 6-4-1.

487 Acting Town Administrator. The select board may designate a qualified person to
488 exercise the rights and perform the duties of the town administrator during a temporary vacancy

489 caused by the suspension, removal or resignation of the town administrator. Members of the
490 select board shall be ineligible to serve in this capacity.

491 6-4-2.

492 Temporary Town Administrator. With the approval of the select board, the town
493 administrator may designate a qualified town administrative officer or employee to exercise the
494 powers and perform the duties of the town administrator during an absence of the town
495 administrator. Such delegation shall be made by letter filed with the town clerk and the select
496 board.

497 6-4-3.

498 Powers and Duties. The powers and duties of the acting or temporary town administrator,
499 under sections 6-4-1 and 6-4-2 shall be limited to matters not admitting of delay and shall
500 include authority to make temporary, emergency appointments or designations to town office or
501 employment but not to make permanent appointments or designations, unless otherwise
502 authorized by the select board.

503 CHAPTER 7. BOARDS AND COMMISSIONS APPOINTED BY MODERATOR

504 Section 1. Moderator's Power of Appointment

505 7-1-1.

506 The moderator shall have the power to appoint members of those boards and
507 commissions authorized under this chapter. Appointments made by the moderator shall in each
508 instance be for a fixed term and such appointments shall not be subject to review or confirmation
509 by any other person or group.

510 Section 2. Power to Rescind Appointments

511 7-2-1.

512 The moderator may rescind any appointment to any board or commission made under the
513 authority of this chapter; provided, however, that the appointee shall first have been served with
514 a written notice of the moderator's intention and the moderator's reasons for rescinding the
515 appointment.

516 Section 3. Finance and Warrant Commission

517 7-3-1.

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

521 7-3-2.

522 In making appointments to the commission, the moderator shall take into consideration
523 the demographic composition of the town.

524 Section 4. Personnel Board

525 7-4-1.

526 A personnel board of 5 persons shall be appointed for 3-year overlapping terms.
527 Members shall serve without compensation.

528 7-4-2.

529 It shall be the responsibility of the board to administer and to propose periodic revisions
530 of the town classification and compensation plan, under the General Laws.

531 Section 5. Permanent Building Commission

532 7-5-1.

533 A permanent building commission of not more than 7 members shall be appointed for 3-
534 year overlapping terms. In making appointments to the permanent building commission, the
535 moderator shall endeavor to include town residents with architecture, engineering or construction
536 experience, or knowledge of state public bidding laws. Members shall serve without
537 compensation.

538 7-5-2.

539 Temporary members. For each municipal project with an estimated cost of more than
540 \$100,000, a temporary member who is a member or representative of the appointed or elected
541 board or committee sponsoring or requesting the project or whose facility would benefit from the
542 project shall be appointed and may participate for the duration of the project as a voting member
543 of the commission.

544 7-5-3.

545 Ex officio members. For each project, the moderator may appoint town employees or
546 other town residents, with particular expertise or knowledge, to advise the commission related to
547 the particular project. Any such request shall be made to the town moderator, who shall consult
548 with the town administrator with regard to the appointment of town employees, other than school
549 department employees, and to the superintendent of schools for school department employees.

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

552 7-5-4.

553 The commission shall have charge and direction of the construction and reconstruction of
554 all buildings owned, leased or occupied by the town, and it shall have the power to make
555 recommendations concerning the design, plans, specifications and location of other buildings
556 financed, in whole or in part, by other public funds. From time to time the commission shall
557 consult with the ultimate user of such buildings concerning said design, plans, specifications and
558 locations of such buildings.

559 CHAPTER 8. DEPARTMENTS

560 Section 1. Finance Department

561 8-1-1.

562 There shall be a department of municipal finance which shall be responsible for the
563 coordination of all financial services and activities of the town, the maintenance of all accounting
564 records and other financial statements, payment of all obligations, receipt of all funds due,
565 monitoring of and reporting on all fiscal and financial activities of the town, supervision of all
566 purchases of goods, materials and supplies, and maintenance of inventory controls. The
567 department shall include the offices and functions of the town accountant, town treasurer, tax
568 collector and board of assessors; provided, however, that although the offices of the town
569 treasurer, tax collector and board of assessors shall be part of the department of municipal
570 finance, such officers shall continue to exercise their respective duties and responsibilities under

571 the General Laws, except as otherwise provided in this charter. The department shall have such
572 additional powers, duties and responsibilities with respect to municipal finance-related functions
573 and activities as the town may provide by town by-law.

574 8-1-2.

575 Finance Director. The department of municipal finance shall be under the direct control
576 and supervision of a director of municipal finance who shall be appointed by the town
577 administrator, after consultation with the select board, and whose salary shall be fixed annually
578 within the amount appropriated by the town. The appointment, and any discipline, suspension or
579 removal of said finance director shall be undertaken under paragraphs (i) to (iii) of subsection (a)
580 of section 6-2-1.

581 8-1-3.

582 Finance Director, Qualifications. The director of municipal finance shall be a person
583 especially fitted by education, experience and training to perform the duties of the office. The
584 educational qualifications shall consist of a master's degree in finance, accounting or public or
585 business administration, granted by an accredited degree-granting college or university, and
586 professional qualifications shall include at least 3 years of prior full-time compensated service in
587 accounting or business administration or 5 years or more of such professional experience and a
588 bachelor's degree in an appropriate discipline. At the request of the town administrator, the select
589 board may waive the education or experience requirements listed if the board determines that an
590 applicant's qualifications provide an equivalent combination of education and experience and
591 that such waiver is in the best interests of the town.

592 The salary, fringe benefits and other conditions of employment of the director of
593 municipal finance, including but not limited to, severance pay, relocation expenses,
594 reimbursement for expenses incurred in the performance of the duties of office, liability
595 insurance, conditions of discipline, termination, dismissal and reappointment, performance
596 standards and leave may be established by contract.

597 8-1-4.

598 Finance Director, Duties and Responsibilities. The director of municipal finance shall be
599 responsible for the supervision and coordination of all financial personnel, tasks and activities of
600 the department under the charter. General Laws, town by-laws and any applicable rules and
601 regulations. The director of municipal finance may serve as the town accountant and shall be
602 responsible for coordinating the fiscal management procedures of the offices of the town
603 treasurer, tax collector and board of assessors and shall be the administrator of budgeting,
604 including financial reporting, accountability and control, as well as an advisor to the select board,
605 town administrator, finance and warrant commission and all other town departments, concerning
606 financial and programmatic implications of current and future financial policies. The director of
607 municipal finance shall provide such assistance to the town administrator as the town
608 administrator shall request with regard to the preparation of the town budget and capital plan.
609 and have such additional duties and responsibilities with regard thereto under subsection (n) of
610 section 6-2-1 and chapter 9 of the charter.

611 Section 2. Other Departments

612 8-2-1.

613 Department of Public Works.

614 There shall be a department of public works, as established by chapter 140 of the acts of
615 1992, with the powers, duties and responsibilities under said chapter 140, as said chapter 140
616 may be amended from time to time.

617 8-2-2.

618 Fire Department. There shall be a fire department in accordance with the terms in this
619 charter and the general bylaws, and in accordance with Chapter 149 of the Acts of 2015.

620 8-2-3.

621 Police Department. There shall be a police department, as established by vote of the
622 March 12, 1951 Town Meeting accepting chapter 595 of the acts of 1948, now codified as
623 section 97A of chapter 41 of the General Laws, with the powers, duties and responsibilities
624 under said section 97A.

625 CHAPTER 9. FINANCIAL PROCEDURES

626 Section 1. Fiscal Year

627 9-1-1.

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

630 Section 2. Audit Committee

631 9-2-1.

632 There shall be an audit committee consisting of 3 members appointed by the select board
633 for overlapping 3-year terms. The audit committee shall review annual financial statements of
634 the town financial offices; review the independent auditor's management recommendations; and
635 provide advice and counsel to the select board, town administrator and other financial staff.

636 Section 3. Budget – Preparation and Schedule

637 9-3-1.

638 The town administrator shall prepare an annual operating budget for the town as
639 described in section 9-4-3. For such purposes, the town administrator shall establish a budget
640 schedule for the development and submission of all departmental budgets to the town
641 administrator and director of municipal finance, and for the compilation of a proposed
642 consolidated operating budget for the town, or such schedule may be established by town by-law.
643 The town administrator shall also prepare, in consultation with the director of municipal finance,
644 a 5-year capital plan.

645 Section 4. Budgetary Procedures

646 9-4-1.

647 Not less than 3 months before the business session of the spring annual town meeting, the
648 town administrator shall submit to the select board for its review and approval a proposed
649 operating budget for the town with a summary budget message and supporting documents, and a
650 5-year capital plan. The select board may make such changes to the proposed operating budget
651 and budget message as it considers appropriate. Following approval by the select board, the

652 proposed annual operating budget, with summary budget message and supporting documents,
653 and 5-year capital plan shall immediately be forwarded to the finance and warrant commission.

654 9-4-2.

655 The summary budget message shall explain the budget both in fiscal terms and in terms
656 of work programs. It shall outline the proposed financial policies of the town for the ensuing year
657 and shall indicate any major changes from the current year in financial policies, expenditures and
658 revenues, together with the reasons for such changes.

659 9-4-3.

660 The operating budget shall provide a complete financial plan for all town funds and
661 activities and shall be in such form as the finance and warrant commission may require:
662 provided, that it shall indicate proposed expenditures for both current operations and capital
663 projects during the ensuing year, detailed by purpose, offices, departments, commissions and
664 committees.

665 9-4-4.

666 The 5-year capital plan shall be designed to address unmet long-range needs and to
667 implement the capital goals and objectives of the town, and shall include all town activities and
668 departments. The capital improvements plan shall include a clear summary of its contents; a list
669 of all capital improvements proposed to be undertaken during the next 5 years, together with
670 supporting data; cost estimates, methods of financing and recommended time schedules; and the
671 estimated annual cost of operating and maintaining the facilities or equipment to be constructed
672 or acquired. The information required by this section may be revised and extended each year by

673 the town administrator and shall apply each year to capital improvements pending or in the
674 process of construction or acquisition.

675 9-4-5.

676 The finance and warrant commission shall conduct 1 or more public meetings on the
677 proposed operating budget at least 14 days prior to its submission at the annual town meeting.

678 9-4-6.

679 The select board shall be responsible for presenting the proposed operating budget to the
680 town meeting.

681 9-4-7.

682 Town meeting may, by town by-law, establish additional procedures applicable to
683 consideration and adoption of the budget that are not inconsistent with this charter.

684 CHAPTER 10. TOWN BY-LAWS

685 Section 1. How Proposed

686 10-1-1.

687 Town by-laws may be proposed in warrant article form under the General Laws and
688 section 2-5-1 of this charter.

689 Section 2. How Adopted and Revised

690 10-2-1.

691 Adoption of a new town by-law or town by-law revision shall be by a two-thirds vote of
692 those voting at an annual or special town meeting.

693 Section 3. Revision and Publication

694 10-3-1.

695 The select board shall ensure that the town by-laws are reviewed and prepared for any
696 necessary revision at least every 5 years.

697 10-3-2.

698 The town clerk shall codify and republish the town by-laws every 5 years. Copies shall be
699 made available to all registered voters who request them.

700 Section 4. Continuation of Town By-Laws

701 10-4-1.

702 All special acts, town by-laws, town meeting resolutions, rules and regulations of the
703 town in force at the time this charter takes effect, not inconsistent with this charter, shall continue
704 in force.

705 CHAPTER 11. SEVERABILITY

706 Section 1.

707 11-1-1.

708 If any section or partial section of this charter shall be held invalid by a court of
709 competent jurisdiction, such holding shall not affect the validity of the remainder of this charter,
710 nor the context in which such section or partial section so held invalid may appear.

711 CHAPTER 12. CHARTER REVISION

712 Section 1. Proposal of Amendments

713 12-1-1.

714 Amendments to this charter relating in any way to the composition, mode of election or
715 appointment or terms of office of the legislative body, select board or the town administrator
716 may be proposed only by a charter commission elected under the General Laws, or proposed as
717 otherwise authorized by the Massachusetts constitution.

718 12-1-2.

719 Amendments to the charter relating to other matters may be proposed by a two-thirds
720 vote at a duly called town meeting under the General Laws, or proposed as otherwise authorized
721 by the Massachusetts constitution.

722 Section 2. Adoption of Amendments

723 12-2-1.

724 Proposed amendments under this charter shall be acted upon by ballot of the whole town
725 at a regular or special town meeting for the election of town officers under the General Laws, or
726 approved as otherwise authorized by the Massachusetts constitution.

727 Section 3. Periodic Review

728 12-3-1.

729 The select board shall appoint a committee of no fewer than 5 nor more than 9 members
730 to review the charter and town by-laws not less than once every 10 years from the date of the last
731 review undertaken under this section and said committee may make recommendations to a
732 subsequent town meeting to amend said charter and town by-laws.

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