

HOUSE No. 4259

Substituted, on motion of Ms. Garlick of Needham, for a bill with the same title (House, No. 3899). November 16, 2021. Substituted, on motion of Ms. Garlick of Needham, for a bill with the same title (House, No. 3899). November 16, 2021. Substituted, on motion of Ms. Garlick of Needham, for a bill with the same title (House, No. 3899). November 16, 2021.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act amending the charter of the town of Medway.

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

1 SECTION 1. The second sentence of subsection 1-4-1 of section 4 of chapter 1 of the
2 charter of the town of Medway, which is on file in the office of the archivist of the
3 commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby
4 amended by striking out the words “board of selectmen” and inserting in place thereof the
5 following words:- select board.

6 SECTION 2. Subsection 2-1-4 of section 1 of chapter 2 of said charter is hereby amended
7 by striking out the words “board of selectmen” and inserting in place thereof the following
8 words:- select board.

9 SECTION 3. Subsection 2-2-1 of section 2 of said chapter 2 of said charter is hereby
10 amended by striking out the words “board of selectmen” and inserting in place thereof the
11 following words:- select board.

12 SECTION 4. Subsection 2-3-1 of section 3 of said chapter 2 of said charter is hereby
13 amended by striking out the words “board of selectmen” and insert in place thereof the following
14 words:- select board.

15 SECTION 5. The first sentence of subsection 2-3-2 of said section 3 of said chapter 2 of
16 said charter is hereby amended by striking out the words “board of selectmen” and inserting in
17 place thereof the following words:- select board.

18 SECTION 6. The second sentence of said subsection 2-3-2 of said section 3 of said
19 chapter 2 of said charter is hereby amended by inserting after the word “The” the following
20 word:- select.

21 SECTION 7. Subsection 2-5-2 of section 5 of said chapter 2 of said charter is hereby
22 amended by striking out the second paragraph and inserting in place thereof the following
23 paragraph:-

24 Annually, not later than July 1, an appointment committee consisting of the town
25 moderator, the chair of the finance committee and the chair of the select board shall appoint 3
26 members of the finance committee for a term of 3 years in place of those whose terms expire in
27 that year. The appointment committee shall commence its appointment process by posting a
28 notice of annual vacancies on the town bulletin board, the town’s website and in at least 1 local
29 newspaper of daily circulation not later than 7 days following that year’s date of annual town
30 meeting. The appointment committee shall formally interview all applicants and shall appear
31 before the select board to notify it and the public of its appointments in person at a regularly
32 scheduled public meeting of the select board.

33 SECTION 8. The second sentence of the third paragraph of said subsection 2-5-2 of said
34 section 5 of said chapter 2 of said charter is hereby amended by striking out the words “board of
35 selectmen’s” and inserting in place thereof the following words:- select board’s.

36 SECTION 9. The first sentence of subsection 3-1-1 of section 1 of chapter 3 of said
37 charter is hereby amended by striking out the words “board of selectmen” and inserting in place
38 thereof the following words:- select board.

39 SECTION 10. The first sentence of subsection 3-1-5 of said section 1 of said chapter 3 of
40 said charter is hereby amended by striking out the words “board of selectmen” and inserting in
41 place thereof the following words:- select board.

42 SECTION 11. Subsection 3-1-6 of said section 1 of said chapter 3 of said charter is
43 hereby amended by striking out the words “board of selectmen”, each time it appears, and
44 inserting in place thereof, in each instance, the following words:- select board.

45 SECTION 12. Subsection 3-1-7 of said section 1 of said chapter 3 of said charter is
46 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
47 following words:- select board.

48 SECTION 13. Said section 1 of said chapter 3 of said charter is hereby amended by
49 striking out subsection 3-1-8 and inserting in place thereof the following subsection:-

50 3-1-8 If there exists a vacancy in an elected office that is not a multiple-member body,
51 the select board shall provide for notice of the vacancy by posting the vacancy on the town
52 bulletin board and the town’s website. Any person who desires to be considered to fill the
53 vacancy shall file with the select board a statement that sets forth in clear and specific terms the

54 person's qualifications for the position within 10 days following the date the notice is posted.
55 The select board shall fill the vacancy not earlier than 14 days and not later than 30 days after the
56 notice is posted. The person who receives a majority of the votes cast at the select board's
57 meeting shall be the person appointed to fill the vacancy. The person appointed to fill the
58 vacancy shall hold office until the next regularly scheduled annual town election at which time
59 the vacant position shall be included on the ballot.

60 SECTION 14. Subsection 3-1-9 of said section 1 of said chapter 3 of said charter is
61 hereby amended by striking out the words "board of selectmen" and inserting in place thereof the
62 following words:- select board.

63 SECTION 15. Section 2 of said chapter 3 of said charter is hereby amended by striking
64 out the title and inserting in place thereof the following heading:- Select Board.

65 SECTION 16. Subsection 3-2-1 of said section 2 of said chapter 3 of said charter is
66 hereby amended by striking out the words "board of selectmen" and inserting in place thereof the
67 following words:- select board.

68 SECTION 17. Said section 2 of said chapter 3 of said charter is hereby amended by
69 striking out subsection 3-2-2 and inserting in place thereof the following subsection:-

70 3-2-2 The executive powers of the town shall be vested in the select board, which shall
71 be the chief executive office of the town. The select board shall have all of the executive powers
72 available to boards of selectmen under the constitution and the General Laws, and such
73 additional powers and duties as may be authorized by this charter, by-law or other town meeting
74 vote. The select board shall serve as the chief policy making agency of the town and shall be
75 responsible for formulating and promulgating police directives and guidelines to be followed by

76 all town agencies serving under it and, in consultation with other elected town officers and
77 multiple-member bodies, for developing and promulgating policy guidelines designed to bring
78 all town agencies into harmony; provided, however, that nothing in this section shall authorize a
79 member of the select board or a majority of such members to become involved in the day-to-day
80 administration of a town agency. As chief policymaking agency of the town, the select board
81 shall seek to secure the cooperation of the town's elected boards, committees and officials in the
82 implementation of such policies. The select board shall be responsible for the efficient and
83 effective coordination of the activities of all elected and appointed boards and committees and,
84 for such purpose, may call together for consultation, conference and discussion at reasonable
85 times all elected and appointed boards and committees. This provision shall not apply to the
86 school committee.

87 SECTION 18. Subsection 3-2-3 of said section 2 of said chapter 3 of said charter is
88 hereby amended by striking out the words "board of selectmen, or a designee appointed by the
89 board" and inserting in place thereof the following words:- select board, or a designee appointed
90 by the select board.

91 SECTION 19. Subsection 3-2-4 of said section 2 of said chapter 3 of said charter is
92 hereby amended by striking out the words "board of selectmen" and inserting in place thereof the
93 following words:- select board.

94 SECTION 20. Said section 2 of said chapter 3 of said charter is hereby amended by
95 striking out subsection 3-2-5 and inserting in place thereof the following subsection:-

96 3-2-5 The select board shall appoint a town manager for a term not to exceed 3 years.

97 Appointment of a town manager shall be by the affirmative vote of not less than 3 members of

98 the select board, with reappointment not less than 3 affirmative votes of the select board.
99 Removal of the town manager shall require the affirmative vote of 4 members of the select board
100 and shall be in accordance with procedures outlined in subsection 5-4-1.

101 SECTION 21. Subsection 3-2-6 of said section 2 of said chapter 3 of said charter is
102 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
103 following words:- select board.

104 SECTION 22. Subsection 3-2-7 of said section 2 of said chapter 3 of said charter is
105 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
106 following words:- select board.

107 SECTION 23. The first sentence of subsection 3-2-8 of said section 2 of said chapter 3 of
108 said charter is hereby amended by striking out the words “board of selectmen” and inserting in
109 place thereof the following words:- select board.

110 SECTION 24. Said subsection 3-2-8 of said section 2 of said chapter 3 of said charter is
111 hereby further amended by striking out the second sentence and inserting in place thereof the
112 following sentence:- A report of the investigation shall be placed on file in the office of the select
113 board. SECTION 25. Subsection 3-7-1 of section 7 of said chapter 3 of said charter is hereby
114 amended by striking out the words “board of selectmen”, each time they appear, and inserting in
115 place thereof, in each instance, the following words:- select board.

116 SECTION 26. Subsection 3-8-1 of section 8 of said chapter 3 of said charter is hereby
117 amended by striking out the words “board of selectmen” and inserting in place thereof the
118 following words:- select board.

119 SECTION 27. The first sentence of subsection 3-10-1 of section 10 of said chapter 3 of
120 said charter is hereby amended by striking out the words “board of selectmen” and inserting in
121 place thereof the following words:- select board.

122 SECTION 28. The second sentence of said subsection 3-10-1 of said section 10 of said
123 chapter 3 of said charter is hereby amended by inserting after the word “The”, the first time it
124 appears, the following word:- select.

125 SECTION 29. The fourth sentence of subsection 3-11-2 of section 11 of said chapter 3 of
126 said charter is hereby amended by striking out the words “board of selectmen” and inserting in
127 place thereof the following words:- select board.

128 SECTION 30. The first sentence of subsection 3-11-3 of said section 11 of said chapter 3
129 of said charter is hereby amended by striking out the words “board of selectmen” and inserting in
130 place thereof the following words:- select board.

131 SECTION 31. Said subsection 3-11-3 of said chapter 3 of said charter is hereby further
132 amended by striking out the second sentence and inserting in place thereof the following
133 sentence:- The select board shall immediately give written notice to the officer sought to be
134 recalled of the receipt of the certificate and shall, if the officer does not resign within 5 days
135 thereafter, order a recall election to be held on a day fixed by the select board not less than 64
136 days from the date the select board calls for the election but not more than 90 days after the date
137 of the town clerk’s certificate; provided, however, that if another town election is to occur within
138 100 days after the date of the certificate, the select board may postpone the date of the recall
139 election to the date of the other election, with the recall election to be held as a separate special
140 election.

141 SECTION 32. Subsection 4-1-1 of section 1 of chapter 4 of said charter is hereby
142 amended by striking out the words “board of selectmen” and inserting in place thereof the
143 following words:- select board.

144 SECTION 33. The first sentence of subsection 4-1-2 of said section 1 of said chapter 4 of
145 said charter is hereby amended by striking out the words “board of selectmen” and inserting in
146 place thereof the following words:- select board.

147 SECTION 34. Said section 1 of said chapter 4 of said charter is hereby further amended
148 by striking out subsection 4-1-3 and inserting in place thereof the following subsection:-

149 4-1-3 The select board shall appoint an independent external auditor, who shall report to
150 the select board and ensure compliance with the finance and fiscal procedures provided in this
151 charter.

152 SECTION 35. Subsection 4-1-4 of said section 1 of said chapter 4 of said charter
153 is hereby amended by striking out the words “board of selectmen” and inserting in place thereof
154 the following words:- select board.

155 SECTION 36. Subsection 4-1-5 of said section 1 of said chapter 4 of said charter is
156 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
157 following words:- select board.

158 SECTION 37. The first sentence of subsection 5-1-1 of section 1 of chapter 5 of said
159 charter is hereby amended by striking out the words “board of selectmen” and inserting in place
thereof the following words:- select board.

160 SECTION 38. Subsection 5-1-2 of said section 1 of said chapter 5 of said charter is
161 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
162 following words:- select board.

163 SECTION 39. Subsection 5-1-3 of said section 1 of said chapter 5 of said charter is
164 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
165 following words:- select board.

166 SECTION 40. Subsection 5-1-5 of said section 1 of said chapter 5 of said charter is
167 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
168 following words:- select board.

169 SECTION 41. Said section 1 of said chapter 5 of said charter is hereby amended by
170 striking out subsection 5-1-6 and inserting in place thereof the following subsection:-

171 5-1-6 The select board may establish additional duties or qualifications for the office of
172 town manager. The town manager shall perform such other duties consistent with the office as
173 may be required by by-law, vote of the select board or town meeting.

174 SECTION 42. Section 2 of said chapter 5 of said charter is hereby amended by striking
175 out subsection 5-2-1 and inserting in place thereof the following subsection:-

176 5-2-1 The town manager shall be the administrative officer of the town and shall be
177 responsible to the select board for the proper operation of town affairs for which the town
178 manager has been given responsibility by this charter, vote of the town meeting or vote of the
179 select board.

180 SECTION 43. The fourth sentence of subsection 5-2-2 of said section 2 of said chapter 5
181 of said charter is hereby amended by striking out the words “board of selectmen” and inserting in
182 place thereof the following words:- select board.

183 SECTION 44. The second sentence of subsection 5-2-5 of said section 2 of said chapter 5
184 of said charter is hereby amended by striking out the words “board of selectmen” and inserting in
185 place thereof the following words:- select board.

186 SECTION 45. Subsection 5-2-6 of said section 2 of said chapter 5 of said charter is
187 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
188 following words:- select board.

189 SECTION 46. Subsection 5-2-7 of said section 2 of said chapter 5 of said charter is
190 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
191 following words:- select board.

192 SECTION 47. Subsection 5-2-10 of said section 2 of said chapter 5 of said charter is
193 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
194 following words:- select board.

195 SECTION 48. Subsection 5-2-11 of said section 2 of said chapter 5 of said charter is
196 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
197 following words:- select board.

198 SECTION 49. The second sentence of subsection 5-2-14 of said section 2 of said chapter
199 5 of said charter is hereby amended by striking out the words “board of selectmen” and inserting
200 in place thereof the following words:- select board.

201 SECTION 50. Said section 2 of said chapter 5 of said charter is hereby amended by
202 striking out subsection 5-2-15 and inserting in place thereof the following subsection:-

203 5-2-15 The town manager shall keep full and complete records of the financial and
204 administrative activities of the town and shall render a full report to the select board at the end of
205 each fiscal year and otherwise as the select board may require.

206 SECTION 51. Subsection 5-3-1 of section 3 of said chapter 5 of said charter is hereby
207 amended by striking out the words “board of selectmen”, each time they appear, and inserting in
208 place thereof, in each instance, the following words:- select board.

209 SECTION 52. Said section 3 said chapter 5 of said charter is hereby amended by striking
210 out subsection 5-3-2 and inserting in place thereof the following subsection:-

211 5-3-2 Any vacancy in the office of the town manager shall be filled as soon as possible
212 by the select board. Pending such regular appointment, the select board shall appoint a qualified
213 administrative officer or other qualified individual to perform the duties of the office on
214 temporary basis. The temporary appointment shall not exceed 3 months; provided, however, that
215 successive temporary appointments shall not exceed 1 year. Compensation for the person
216 appointed for the temporary appointment shall be set by the select board.

217 SECTION 53. Section 4 of said chapter 5 of said charter is hereby amended by striking
218 out subsection 5-4-1 and inserting in place thereof the following subsection:-

219 5-4-1 The select board may for just cause, by the affirmative vote of 4 of its members,
220 remove or suspend the town manager from office in accordance with this section.

221 (a) The select board shall adopt a preliminary resolution of removal or suspension by
222 affirmative vote of 4 members that shall state the reason for removal or suspension. This
223 preliminary resolution may suspend the town manager for a period of not more than 45 days. A
224 copy of the resolution shall be delivered to the town manager immediately.

225 (b) Within 5 days after receipt of the preliminary resolution, the town manager may
226 request a public hearing by filing a written request for the hearing with the select board. The
227 hearing shall be held at a meeting of the select board not later than 30 days after the request is
228 filed nor earlier than 20 days after such request is filed. The town manager may file a written
229 statement responding to the reasons stated in the resolution of removal or suspension with the
230 select board; provided however, that the written statement is received at the select board's office
231 more than 48 hours in advance of the public hearing.

232 (c) The select board may adopt a final resolution of removal or suspension, which may be
233 made effective immediately, by the affirmative vote of 4 of its members: (i) not less than 10 nor
234 more than 21 days following the date of delivery of a copy of the preliminary resolution to the
235 town manager if the town manager has not requested a public hearing; or (ii) within 10 days
236 following the close of the public hearing if the town manager has requested one. Failure to adopt
237 a final resolution of removal or suspension within the time periods provided in this section shall
238 nullify the preliminary resolution of removal or suspension and the town manager shall resume
239 the duties of the office at the expiration of the time.

240 (d) Faced with action by the select board to terminate, remove or suspend the town
241 manager, the town manager shall be afforded all of the provisions provided municipal employees
242 under sections 18 to 25, inclusive, of chapter 30A of the General Laws.

243 SECTION 54. Said section 4 of said chapter 5 of said charter is hereby further amended
244 by striking out subsection 5-4-2 and inserting in place thereof the following subsection:-

245 5-4-2 The action of the select board in suspending or removing the town manager shall
246 be final and all authority and responsibility for such suspension and removal shall be vested
247 solely in the select board.

248 SECTION 55. Subsection 5-6-1 of section 6 of said chapter 5 of said charter is hereby
249 amended by striking out the words “board of selectmen” and inserting in place thereof the
250 following words:- select board.

251 SECTION 56. The first paragraph of subsection 6-1-2 of section 1 of chapter 6 of said
252 charter is hereby amended by striking out the words “board of selectmen” and inserting in place
253 thereof the following words:- select board.

254 SECTION 57. The first sentence of the second paragraph of said subsection 6-1-2 of said
255 section 1 of said chapter 6 of said charter is hereby amended by inserting after the word “the”,
256 the second time it appears, the following word:- select.

257 SECTION 58. Subsection 6-2-3 of section 2 of said chapter 6 of said charter is hereby
258 amended by striking out first sentence and inserting in place thereof the following sentence:- The
259 select board may set water and sewer rates and promulgate regulations in connection with the
260 scope of the authority of the department of public works; provided, however, that before taking
261 any action hereunder the select board, following consultation with the water and sewer advisory
262 board, shall hold a public hearing for which notice is provided on the town website and in the
263 same manner required by sections 18 to 25, inclusive, of chapter 30A of the General Laws for a
264 period of not less than 14 days before the date of the public hearing.

265 SECTION 59. Subsection 7-2-1 of section 2 of chapter 7 of said charter is hereby
266 amended by striking out the words “board of selectmen” and inserting in place thereof the
267 following words:- select board.

268 SECTION 60. Subsection 7-2-2 of said section 2 of said chapter 7 of said charter is
269 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
270 following words:- select board.

271 SECTION 61. Subsection 7-2-3 of said section 2 of said chapter 7 of said charter is
272 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
273 following words:- select board.

274 SECTION 62. Subsection 7-2-4 of said section 2 of said chapter 7 of said charter is
275 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
276 following words:- select board.

277 SECTION 63. Subsection 7-2-5 of said section 2 of said chapter 7 of said charter is
278 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
279 following words:- select board.

280 SECTION 64. Said section 2 of said chapter 7 of said charter is hereby further amended
281 by striking out subsection 7-2-6 and inserting in place thereof the following subsection:-

282 7-2-6 The town manager shall submit to the select board, in accordance with the select
283 board’s budgeting calendar, a comprehensive draft budget for all town functions for the ensuing
284 fiscal year and an accompanying budget message.

285 SECTION 65. The first sentence of subsection 7-2-9 of said section 2 of said chapter 7 of
286 said charter is hereby amended by striking out the words “board of selectmen” and inserting in
287 place thereof the following words:- select board.

288 SECTION 66. The second sentence of said subsection 7-2-9 of said chapter 7 of said
289 charter is hereby amended by inserting after the word “The”, the first time it appears, the
290 following word:- select.

291 SECTION 67. Subsection 7-2-10 of said section 2 of said chapter 7 of said charter is
292 hereby amended by striking out the words “board of selectmen’s” and inserting in place thereof
293 the following words:- select board’s.

294 SECTION 68. Said section 2 of said chapter 7 of said charter is hereby amended by
295 striking out subsection 7-2-11 and inserting in place thereof the following subsection:-

296 7-2-11 The select board shall meet with and consider all finance committee
297 recommendations and present the select board’s proposed budget to the town meeting, with or
298 without finance committee changes thereto. SECTION 69. The second sentence of subsection 7-
299 3-1 of section 3 of said chapter 7 of said charter is hereby amended by striking out the words
300 “board of selectmen” and inserting in place thereof the following words:- select board.

301 SECTION 70. Said section 3 of said chapter 7 of said charter is hereby amended by
302 striking out subsection 7-3-2 and inserting in place thereof the following subsection:-

303 7-3-2 Wherever variances to the budget exist, the select board shall ensure that
304 corrective action is taken by each agency or department to bring the town’s revenues and
305 expenses in line. Annually, at the fall town meeting, the select board shall report all significant,

306 anticipated and actual variances to the budget and the corrective actions being taken to bring the
307 total revenues and expenses in line.

308 SECTION 71. Subsection 8-2-1 of section 2 of chapter 8 of said charter is hereby
309 amended by striking out the words “board of selectmen” and inserting in place thereof the
310 following words:- select board.

311 SECTION 72. Subsection 8-2-2 of said section 2 of said chapter 8 of said charter is
312 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
313 following words:- select board.

314 SECTION 73. This act shall take effect upon its passage.