

SENATE No. 1203

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 gender neutral redraft of the town charter of Ipswich.

PETITION OF:

NAME:

Bruce E. Tarr
Bradford Hill

DISTRICT/ADDRESS:

First Essex and Middlesex
4th Essex

SENATE No. 1203

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1203) of Bruce E. Tarr and Bradford Hill for legislation relative to gender neutral redraft of the town charter of Ipswich. 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 gender neutral redraft of the town charter of Ipswich.

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 620 of the Acts of 1966 as amended is hereby amended by striking all
2 after the enacting clause and inserting in place thereof the following:-

3 SECTION 1 Town Meeting.

4 The annual town meeting of the Town of Ipswich for the transaction of all business
5 except the election of such officers and the determination of such matters as are by law to be
6 determined by ballot shall be held on such date as the Town shall provide by by-law consistent
7 with the provisions of the General Laws as amended. That part of the annual town meeting
8 devoted to the election of officers and to take action on such matters as are by law to be
9 determined by ballot shall be held within thirty days of the annual town meeting, and the time
10 and place of holding such election and vote shall be stated in the warrant for the annual town
11 meeting.

12 SECTION 2 Select Board.

13 The Select Board shall consist of five members, each to be elected by official ballot by
14 the qualified voters of the Town at the annual town election, and each to hold a three year term
15 of office. Such term shall be staggered as they were prior to the acceptance of this act, and Select
16 Board members holding office at the time of the acceptance of this act shall serve out their
17 elected terms. The Select Board shall present annual Town Meetings a balanced operating and
18 capital budget for the forthcoming fiscal year. The Select Board shall lead the long-term
19 planning process on Town goals and priorities to include capital assets, infrastructure, the
20 environment and community wellbeing. The Select Board shall approve all Town regulations not
21 under the lawful authority of another board, commission or committee.

22 SECTION 3 Appointive Powers of Select Board.

23 The Select Board shall appoint and may remove election officers, registrars of voters
24 (except the Town Clerk), Trust Fund Commissioners, Town Accountant, Zoning Board of
25 Appeals, an Electric Light Manager, and the Town Manager. The Treasurer and Collector shall
26 be appointed by the Select Board as provided in chapter two hundred and fifty-one of the acts of
27 nineteen hundred and sixty-three, which was accepted by the town of Ipswich in March nineteen
28 hundred and sixty-four and which shall not be affected by this act in any way. The Town
29 Accountant and the Treasurer and Collector shall, in the performance of their duties, be subject
30 to the general supervision and direction of the Town Manager.

31 SECTION 4 Investigations or Surveys.

32 For the purpose of making investigations or surveys, the Select Board may employ such
33 experts, counsel and other assistants and incur such other expenses, not exceeding in any year the
34 sum of one thousand dollars, or such larger sum as may be appropriated for the purpose by the

35 Town, as they may deem necessary, and the same shall be paid by the Treasurer upon a warrant
36 signed by a majority of the Select Board.

37 SECTION 5 Other Elective Boards and Offices.

38 In addition to the Select Board, the registered voters of the Town shall elect a moderator,
39 a constable, a school committee of seven members and a housing authority of five members,
40 each to be elected in accordance with the practices in effect for the election of such officials prior
41 to the acceptance of this act. Any of said officials holding office at the time of the acceptance of
42 this act shall serve out their elected terms.

43 SECTION 6 Town Manager.

44 The Select Board shall appoint, for a term of 3 years. The town manager shall be a person
45 especially fitted by education, training and experience to perform the duties of the office. The
46 town manager shall be appointed without regard to the town manager's political beliefs. The
47 Select Board may reappoint an incumbent town manager for successive, 3-year terms of office,
48 as the board may determine to be in the best interests of the town. The town manager shall not be
49 required to be a resident of the town or of the commonwealth when appointed or during the town
50 manager's initial term; provided, however, that if reappointed, the town manager shall be
51 required to reside in the town not more than 12 months after the beginning of the town
52 manager's second term of office and throughout all successive terms of office. Before entering
53 upon the duties of the office, the town manager shall be sworn to the faithful and impartial
54 performance thereof by the chair of the Select Board, the town clerk or a justice of the peace.
55 The town manager shall execute a bond in favor of the town for the faithful performance of the

56 town manager's duties in such sum and with such surety as may be fixed or approved by the
57 Select Board.

58 SECTION 7 Temporary Town Manager.

59 A vacancy in the office of Town Manager shall be filled as soon as possible by
60 appointment by the Select Board. Pending the appointment of a town manager or the filling of
61 such a vacancy, the Select Board may appoint a suitable person to perform the duties of the
62 office temporarily. Said temporary appointment shall be made within thirty days of the
63 occurrence of the vacancy, but any such temporary appointment shall be for a term not to exceed
64 ninety days. If necessary, the Select Board may extend the temporary appointment for an
65 additional term not to exceed ninety days. A temporary town manager, appointed according to
66 the terms of this section, shall serve at compensation to be set by the Select Board, but such
67 compensation shall not exceed the rate of compensation approved for the Town Manager by the
68 Town.

69 SECTION 8 Acting Town Manager.

70 In the event of a temporary absence or disability of the Town Manager, the Select Board
71 may designate an officer of the Town to perform the duties of the Town Manager until the Town
72 Manager returns or is no longer disabled. Such an appointment must be made if absence or
73 disability extends beyond thirty days.

74 SECTION 9 Removal of Town Manager.

75 The Select Board, at any meeting of the full membership of the Board, may adopt a
76 preliminary resolution to remove the Town Manager by a vote in which not more than one

77 member dissents. At least thirty days before such proposed removal becomes effective, the
78 Select Board shall file a preliminary written resolution with the Town Clerk setting forth in detail
79 the specific reasons for the proposed removal, a copy of which resolution shall be delivered to
80 the Town Manager. The Town Manager, within thirty days after notice so filed, may reply in
81 writing to the resolution and may request a public hearing. If the Town Manager so requests, the
82 Select Board shall hold a public hearing not earlier than twenty days nor later than thirty days
83 after the filing of such request. After such public hearing, if any, otherwise at the expiration of
84 thirty days following the filing of the preliminary resolution, and after full consideration, the
85 Select Board, by vote of the full membership of the Board at which no more than one member
86 dissents, may adopt a final resolution of removal. In the preliminary resolution the Select Board
87 may suspend the Town Manager from duty, but shall in any case cause payment of any unpaid
88 balance of the Town Manager's salary through the date of the final resolution, plus one month's
89 severance pay, to be made forthwith.

90 SECTION 10 Compensation of Town Manager.

91 The Town Manager shall receive such compensation as the Select Board shall determine
92 but it shall not exceed the amount appropriated therefor by the Town without prior approval of
93 the Finance Committee.

94 SECTION 11 Powers and Duties of the Town Manager.

95 In addition to specific powers and duties provided in this act, the Town Manager shall
96 have the general powers and duties enumerated in this section:

97 (a) The Town Manager shall supervise and direct the administration of all
98 departments, boards and offices subject to the Town Manager's appointment.

99 (b) The Town Manager, in accordance with the provisions of this act and except as
100 otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish
101 departments, commissions, boards or offices under his direction and supervision, in whole or in
102 part, may establish such new departments, commissions, boards or offices as he deems
103 necessary, and in so doing, may transfer the duties, powers and appropriation of one department,
104 commission, board or office to another.

105 (c) Except as otherwise provided by this act, the Town Manager shall appoint upon
106 merit and fitness alone, and subject to the provision of chapter thirty-one of the General Laws
107 where applicable, may remove all officers and employees of the Town under his supervision.
108 Town officers and employees not subject to the provisions of said chapter thirty-one shall not be
109 removed except on five days' notice in writing, setting forth the cause of such removal.

110 (d) Notwithstanding the provision of section one hundred and eight of chapter forty-
111 one of the General Laws, the Town Manager shall fix the compensation of all officers and
112 employees subject to the Town Manager's appointment and removal. Said compensation shall
113 not exceed the sums appropriated by the Town.

114 (e) The Town Manager shall attend all regular meetings of the Select Board unless
115 excused by the Board.

116 (f) The Town Manager shall keep full and complete records of the office, and shall
117 render as often as may be required by the Select Board a full report of all operations during the
118 period reported on.

119 (g) The Town Manager shall keep the Select Board fully advised as to the needs of
120 the Town and shall recommend to the Select Board for adoption such measures requiring action
121 by them or by the Town as the Town Manager may deem necessary or expedient.

122 (h) The Town Manager shall have jurisdiction over the rental and use of all Town
123 property and shall be responsible for the maintenance and repair of all Town buildings. The
124 Town Manager shall be responsible for the preparation of plans and the supervision of work on
125 existing buildings or on the construction of new buildings. However, the Town Manager shall
126 not have such responsibilities for property and buildings under the control of the School
127 Committee unless so requested of the Select Board by that committee.

128 (i) The Town Manager shall administer either directly or through a person or persons
129 appointed by him in accordance with this act all provisions of general and special laws
130 applicable to said Town, all by-laws and all regulations established by the Select Board.

131 (j) The Town Manager shall be responsible for publication of the annual town report
132 which shall include, in addition to that which is required by law or by by-law, the warrants and
133 actions taken by the Town of such warrants for all town meetings which have occurred since the
134 last town meeting included in the last annual town report. The first such report to include town
135 meeting data shall begin with the data from the previous annual town meeting.

136 (k) The Town Manager shall perform such other duties consistent with the office, as
137 may be required by the by-laws of the Town or by the vote of the Select Board.

138 (l) The Town Manager shall appoint all necessary town officers not specifically
139 provided for herein.

140 (m) The Town Manager shall act as the purchasing agent for the Town with the
141 powers and duties provided in section one hundred and three of chapter forty-one of the General
142 Laws.

143 SECTION 12 Investigations by the Town Manager.

144 The Town Manager may, without notice, cause the affairs of any division or department
145 under the Town Manager's control, or conduct of any officer or employee thereof, to be
146 examined. The Town Manager shall have access to all Town books and papers for information
147 necessary for the proper performance of the duties of the Town Manager's office.

148 SECTION 13 Boards and Offices to be Appointed by the Town Manager.

149 The following boards or offices in existence at the time of acceptance of this act shall
150 continue in force and effect: Planning Board, Board of Assessors, Town Counsel, Civil Defense
151 Director or Emergency Planning Manager, and Safety Director. Members of said boards or
152 offices holding office at the time of acceptance of this act shall serve out their appointed terms,
153 and future appointments shall be made by the Town Manager. If for any reason a vacancy occurs
154 in any of these boards or offices, the vacancy shall be filled for the unexpired term by
155 appointment by the Town Manager.

156 The director of the Ipswich public library shall be appointed by the town manager with
157 the approval of the board of library trustees. The town manager may remove the director of the
158 Ipswich public library, with the approval of the board of library trustees, for just cause, following
159 a hearing.

160 SECTION 14 Recreation Committee.

161 Upon acceptance of this act, there shall be established a Recreation Committee to consist
162 of seven members to be appointed by the Town Manager. Said committee shall assume all the
163 duties and responsibilities of the Recreation Committee as they exist prior to the acceptance of
164 this act, with the exception of the responsibility for employing and removing personnel, which
165 shall be the responsibility of the Town Manager. The term of office shall be three years, terms to
166 be staggered such that in one year, two; the second year, two; and the third year, three terms shall
167 expire. If for any reason a vacancy occurs in the membership of the committee, the vacancy shall
168 be filled for the unexpired term by appointment by the Town Manager. The Town Manager shall
169 appoint a recreation director and a buildings and grounds director who shall be subject to the
170 general supervision and direction of the Town Manager.

171 SECTION 15 Board of Cemetery and Park Commissioners.

172 Upon the acceptance of this act, the Board of Cemetery and Park Commissioners, which
173 board was elected prior to the acceptance of this act, shall revert to an appointed board, said
174 appointments to be made by the Town Manager. Elected members of the board shall serve out
175 their unexpired terms, at the expiration of which their successors shall be appointed by the Town
176 Manager. If for any reason a vacancy occurs in the membership of the Board of Cemetery and
177 Park Commissioners, the vacancy shall be filled for the unexpired term by appointment by the
178 Town Manager. Said board shall assume all duties and responsibilities of the Board of Cemetery
179 Commissioners and of the Park Commissioners in existence prior to the acceptance of this act,
180 with the exception of the responsibility for employing and removing personnel, which shall be
181 the responsibility of the Town Manager.

182 SECTION 16

183 [Deleted by order under General Laws Chapter 43B, Section 10, adopted by vote of
184 Town Meeting April 6, 1998; approved by the voters on April 13, 1998; approved by the
185 Attorney General on May 7, 1998; effective June 4, 1998.]

186 SECTION 17 Board of Health.

187 Upon the acceptance of this act, the Board of Health, which board was elected prior to the
188 acceptance of this act, shall revert to an appointed board, said appointments to be made by the
189 Town Manager. Elected members of the board shall serve out their unexpired terms, at the
190 expiration of which their successors shall be appointed by the Town Manager. If for any reason a
191 vacancy occurs in the membership of the Board of Health, the vacancy shall be filled for the
192 unexpired term by appointment by the Town Manager. Said board shall assume all duties and
193 responsibilities of the Board of Health in existence prior to the acceptance of this act with the
194 exception of the responsibility for employing and removing personnel, which shall be the
195 responsibility of the Town Manager. The Town Manager may appoint an agent of the Board of
196 Health who may be a member of said board and who shall possess all the powers and duties
197 conferred or imposed by law upon agents of boards of health of towns, but who shall, in the
198 performance of his duties, be subject to the general supervision and direction of the Town
199 Manager.

200 SECTION 18 Town Clerk.

201 The Town Manager shall appoint a suitably qualified person to the office of Town Clerk.
202 The Town Clerk shall have the powers, perform the duties, and be subject to the liabilities and
203 penalties now or hereafter conferred or imposed by law upon town clerks but shall be subject to
204 the general supervision and direction of the Town Manager in the performance of the duties of

205 the office The Town Clerk shall be sworn to the faithful performance of the duties of the office
206 by the chair of the Select Board or by a justice of the peace.

207 SECTION 19 Inspectors.

208 SECTION 20 Additional Committees or Boards.

209 In addition to the above mentioned boards, committees or officers, the Town Manager
210 may establish and appoint the members of such advisory boards or committees as the Town
211 Manager deems necessary. Such boards or committees may include, but need not be restricted to,
212 a water-sewer advisory board, mosquito control committee, traffic safety committee, building
213 code committee, public safety advisory committee, personnel advisory board and an electric light
214 advisory board.

215 SECTION 21 Department of Public Works.

216 Upon the acceptance of this act there shall be established a department of public works as
217 herein provided. The Town Manager shall assume all the powers and duties as heretofore
218 delegated to the Board of Public Works. The Select Board shall assume all the powers and duties
219 heretofore delegated to the Water Commissioners and Sewer Commissioners. The Town
220 Manager may appoint such superintendents of separate sections of said department as the Town
221 Manager deems necessary except that the existing position of Superintendent of Streets as now
222 established shall continue to exist within the Department of Public Works. The Department of
223 Public Works may include, but need not be restricted to, the Engineering Department, Water
224 Department, Sewer Department, Forestry Department, Highway Department and Shellfish
225 Department as they existed prior to the acceptance of this act. The Cemetery Department, at the
226 discretion of the Select Board, may be included under Public Works also after the expiration of

227 the terms of the elected members as specified in section fifteen. The Public Works Department
228 so established shall assume all the functions of the departments it incorporates as these functions
229 existed prior to the acceptance of this act. The Town Manager may consolidate the functions of
230 various departments as they become part of the Department of Public Works, but the organized
231 composite departments shall consist of divisions that compare as nearly as practical by title and
232 function with the departments as they existed prior to the acceptance of this act, and the
233 accounting for this department shall be subdivided according to the divisions so defined. The
234 collection and removal of refuse, garbage and offal shall also be the responsibility of said
235 department.

236 SECTION 22 Electric Light Department.

237 The Electric Light Department in existence at the time of acceptance of this act shall
238 continue in force and effect. Said department shall be under the direct supervision of an officer to
239 be known as the Electric Light Manager, but shall be subject to the general supervision of the
240 Town Manager who shall be responsible to the Select Board as Electric Light Commissioners.

241 SECTION 23 Approval of Warrants.

242 The Town Manager shall be the chief fiscal officer of the Town. Warrants for the
243 payment of Town funds prepared by the Town Accountant in accordance with the provisions of
244 section fifty-six of chapter forty-one of the General Laws shall be submitted to the Town
245 Manager. The approval of any such warrant by the Town Manager shall be sufficient authority to
246 authorize payment by the Town Treasurer, but the Select Board shall approve all warrants in the
247 event of the absence of the Town Manager or a vacancy in the office of the Town Manager.

248 SECTION 24 Investigation of Claims.

249 Whenever any payroll, bill or other claim against the Town is presented to the Town
250 Manager that is of doubtful validity, excessive in amount, or otherwise contrary to the interests
251 of the Town, the Town Manager shall refer it to the Select Board who shall immediately
252 investigate the facts and determine what, if any, payment should be made. Pending such
253 investigation and determination by the Select Board, payment shall be withheld.

254 SECTION 25 Receipts Paid to the Treasury.

255 Every officer shall pay into the treasury of the Town all amounts received by such officer
256 on behalf of the Town, and shall make a true return thereof to the Town Accountant stating the
257 accounts upon which such amounts were received.

258 SECTION 26 Fees Paid to Treasury.

259 The aggregate annual compensation of each Town employee appointed by the Town
260 Manager shall be limited to the amount established in accordance with the provisions of this act
261 and all fees received in accordance with the provisions of any general or special law shall be paid
262 into the treasury of the Town.

263 SECTION 27 Estimates of Expenditures.

264 No later than one hundred (100) days prior to the Annual Town Meeting, the Town
265 Manager shall submit to the Select Board a careful, detailed estimate in writing of the probable
266 expenditures of the Town Government for the ensuing fiscal year, stating the amount required to
267 meet the interest and maturing bonds and notes or other outstanding indebtedness of the Town
268 and showing specifically the amount necessary to be provided for each fund and department,
269 together with a statement of the expenditures of the Town for the same purposes in the two

270 preceding years and an estimate of expenditures for the current year. The Town Manager shall
271 also submit a statement showing all revenues received by the Town in the town preceding fiscal
272 years and an estimate of the amount of income from all sources of revenue exclusive of taxes
273 upon property in the ensuing year. For the purpose of enabling the Town Manager to make up
274 the annual estimate of expenditures, all boards, officers, and committees of the Town shall, upon
275 the Town Manager's written request, furnish all information in the possession and submit in
276 writing a detailed estimate of the appropriations required for the efficient and proper conduct of
277 their respective departments during the next fiscal year.

278 SECTION 28 Annual Budget.

279 The Select Board shall consider the tentative budget submitted by the Town Manager and
280 make such recommendations relative thereto as they deem expedient and proper in the interests
281 of the Town. No later than 65 days prior to the Annual Town Meeting, the Select Board shall
282 transit a copy of the budget together with their recommendations relative thereto to each member
283 of the Finance Committee.

284 Between May 15 and July 15 of each year, in closing the fiscal year, the Town Manager,
285 with the approval of the Select Board and the Finance Committee, may transfer funds between
286 departments and categories appropriated within the municipal operating budget for the year then
287 ending; said actions may be taken without further town meeting approval, provided the total
288 budget is not increased, and provided further that the aggregate total of funds transferred
289 pursuant to the provisions of this Section shall not exceed two percent (2%) of the total
290 municipal operating budget for the year then ending.

291 SECTION 29 Finance Committee.

292 The Finance Committee shall continue to exist as it is now established in accordance with
293 chapter four of the By-Laws of the Town of Ipswich.

294 SECTION 30 By-Laws, Rules, Etc.

295 All laws, by-laws, rules and regulations in force in the Town of Ipswich when this act
296 takes effect, not inconsistent with its provisions, whether enacted by authority of the Town or
297 any other authority, shall continue in full force and effect until otherwise provided by law, by-
298 law or vote, respectively; all other laws, by-laws, rules and regulations, so far as they refer to the
299 Town of Ipswich, are hereby repealed and annulled, but such repeal shall not revive any pre-
300 existing enactment.

301 SECTION 31 Submission of Act and Time of Taking Effect.

302 This act shall be submitted to the qualified voters of the Town of Ipswich for acceptance
303 at the annual town meeting to be held in the year nineteen hundred and sixty-seven in the form of
304 the following question which shall be placed upon the official ballot to be used at said meeting:
305 "Shall an act passed by the General Court in the year nineteen hundred and sixty-six, entitled 'An
306 Act establishing a Selectmen-Town Manager form of government for the Town of Ipswich', be
307 accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall
308 thereupon take effect immediately, but not otherwise.

309 SECTION 32 Revocation of Acceptance.

310 At any time after the expiration of three years from the date on which this act is accepted
311 and not less than sixty days before the date of an annual town meeting, a petition signed by not
312 less than twenty percent of the registered voters of the Town may be filed with the Select Board,

313 requesting that the question of revoking the acceptance of this act be submitted to the voters.
314 Thereupon the Select Board shall cause the question of revocation of the acceptance to be placed
315 on the ballot at the next annual town election. At said election the vote shall be taken in answer
316 to the following question which shall be printed on the official ballot: "Shall an act passed by the
317 General Court in the year nineteen hundred and sixty-six, entitled 'An Act establishing a
318 Selectmen-Town Manager form of government for the Town of Ipswich', be retained?" If
319 retention of the act is favored by a majority of the voters voting thereon, no further petition
320 therefor shall be filed under this section more often than once every three years thereafter. If
321 retention of this act is not favored by a majority of the voters voting thereon, this act shall cease
322 to be operative on and after the next annual town election following such vote, the term of office
323 of the Town Manager terminating at that time. At the first annual town election following such
324 vote of revocation, the registered voters of the Town shall elect by ballot all elective officers,
325 boards, and committees whose election of office was required immediately prior to the
326 acceptance of this act, but whose election to office was not required according to the terms of
327 this act; provided, however, that the Town has not voted to accept other plans which provide for
328 a different arrangement from that existing immediately prior to the acceptance of this act. It shall
329 be the duty of the Select Board and the Town Clerk in office, and any other Town official upon
330 whom by reason of his office a duty devolves when this act is revoked, to comply with all of the
331 requirements of this section relating to elections, to the end that all things may be done necessary
332 for the nomination and election of the officers required to be elected following the revocation of
333 this act. The said revocation shall not affect any contract then existing or any action at law of any
334 suit in equity or any other proceedings then pending. Any special laws relative to said Town
335 which are repealed by this act shall be revived by this revocation. All laws, by-laws, votes, rules,

336 and regulations repealed and annulled as provided in section thirty shall be revived by such
337 revocation. By-laws, votes and rules and regulations in force when said revocation takes effect,
338 so far as consistent with the General Laws respecting town government and town officers and
339 with special laws, shall not be affected thereby. For those positions for which the unexpired
340 terms of office were not affected by the acceptance of this act, the unexpired terms of office shall
341 not be affected by the revocation of this act.

342 SECTION 33 Recall of Elected Officials.

343 (a) Any holder of an elected office in the town of Ipswich who has held an elected
344 town wide office and whose term of office extends beyond the next annual town election, may be
345 recalled therefrom by the registered voters of the town as provided in this section, for reasons of:
346 (i) conviction of a felony while in office or conviction of the following misdemeanors, as defined
347 by the General Laws, while in office: domestic violence, driving under the influence of alcohol
348 or drugs, the illegal manufacture, distribution or dispensing of controlled substances, assault or
349 criminal harassment; (ii) admission to facts, while in office, sufficient to be convicted of a felony
350 or sufficient to be convicted of the following misdemeanors, as defined in the General Laws:
351 domestic violence, driving under the influence of alcohol or drugs, the illegal manufacture,
352 distribution or dispensing of controlled substances, assault or criminal harassment; (iii) being in
353 violation of the conflict of interest law, in chapter 268A of the General Laws, while in office, as
354 determined by the state ethics commission or the attorney general; or (iv) attended less than 50
355 per cent of the posted public meetings of the board or office on which the official was an elected
356 member or to which the official was elected or appointed as part of that official's elected position
357 during the previous 12 months. The elected official's vote on a matter, other than in connection
358 with a conflict of interest violation, shall not be grounds for a recall petition.

359 (b) Ten or more registered voters of the town of Ipswich may make and file a notice
360 of intent with the town clerk bearing the name of the elected official sought to be recalled and a
361 statement of the specific grounds for the recall as established under subsection (a), with
362 information sufficient to support the specific grounds for recall, at least 170 days before the next
363 annual town election. Upon certification of the required signatures by the registrar of voters and
364 a determination that the notice of intent contains information sufficient to support the specific
365 grounds for the recall, as confirmed by town counsel, within 5 business days, the clerk shall
366 deliver to the first named voter on the notice of intent, the petition forms, addressed to the Select
367 Board requesting a recall. The petition forms shall be issued under the signature and official seal
368 of the town clerk. The petition forms shall be dated and shall contain the names of the first 10
369 registered voters whose names appear on the notice of intent to recall. In addition, the petition
370 shall request the election of a successor to the office. A copy of the petition form shall be entered
371 in a record book to be kept in the office of the town clerk. The recall petition forms shall be
372 returned and filed with the town clerk within 60 days after the receipt of the signed petition
373 forms, or the next business day if the sixtieth day falls on a Saturday, Sunday or legal holiday,
374 with signatures, names and precincts. The town clerk shall, within 3 business days after the
375 petition forms are filed with the office of the town clerk, submit the recall petition forms to the
376 registrar of voters. The registrar shall, within 15 business days after the date of receipt, certify in
377 writing to the town clerk, the number of signatures which are names of registered voters in
378 Ipswich.

379 (c) If the recall forms shall be certified by the registrar of voters to contain at least
380 1500 signatures of registered voters in Ipswich, including at least 200 registered voters from each
381 precinct, the petition shall be filed by the town clerk with the Select Board within 2 business

382 days. The Select Board shall give notice following the next scheduled Select Board meeting, in
383 writing, to the elected official whose recall is sought by sending that elected official a copy of the
384 certified recall petition. If the elected official to whom the recall is directed by the Select Board
385 does not resign the office within 5 business days from the date of notice, the Select Board shall
386 order a recall election to be held on the date of the next town election. If a vacancy occurs in the
387 office after a recall election has been ordered, the election shall proceed as provided in this
388 section, but only ballots for the new candidates shall be counted.

389 (d) An elected official whose recall is sought shall not be a candidate in the recall
390 election. The nomination of candidates, the publication of the warrant for the recall election and
391 the conduct of the election shall be in accordance with the state and local laws relative to
392 elections, unless otherwise provided in this section.

393 (e) The incumbent shall continue to perform the duties of the office until the recall
394 election, unless the elected official resigns. If the incumbent is not recalled, that person shall
395 remain in office for the remainder of the incumbent's unexpired term, subject to recall as before,
396 except as provided by this section. If recalled in the recall election, the incumbent shall be
397 considered removed upon the qualification of the successor, who shall hold office during the
398 unexpired term.

399 (f) Ballots used in a recall election shall contain the following propositions in the
400 order indicated: For the recall of (name of elected official) who holds the position of (elected
401 office) Against the recall of (name of official) who holds the position of (elected office)
402 Immediately at the right of each proposition there shall be a designated space for voters to vote
403 for either of the propositions. Under the propositions shall appear the words "Candidates and

404 directions to voters required by section 42 of chapter 54 of the General Laws" and beneath those
405 words, the names of the candidates nominated listed alphabetically as herein provided. If a
406 majority of the votes cast upon the question of the recall is in favor of the recall, the elected
407 official shall be recalled and the ballots for candidates shall be counted. The candidate receiving
408 the highest number of votes shall be declared elected. If the majority of the votes are cast in the
409 negative, the ballots for candidates need not be counted unless the incumbent official has
410 previously resigned or a vacancy occurs in the office after a recall election has been ordered
411 under subsection (c).

412 (g) A recall petition shall not be filed against an elected official within 6 months after
413 the official has taken office, unless the elected official has been re-elected to another consecutive
414 term in office, then a recall petition may be filed not sooner than 3 months after such official
415 takes office on the re-election vote. In the case of an elected official subjected to a recall election
416 and not recalled, a recall petition shall not be filed against that official until at least 6 months
417 after the election at which the recall was submitted to the voters of the town; provided, however,
418 that an elected official shall not be subject to a subsequent recall petition for the same specific
419 grounds that were the basis of any prior recall petition.

420 (h) A person who has been recalled from office, or who has resigned from office after
421 the recall petition has been certified by the registrar of voters, shall not be appointed to any town
422 office, board or committee within 2 years after the recall or resignation.

423 Section 34 Charter Changes

424 This charter may be revised or amended in accordance with the procedures made
425 available by Article LXXXIX (89) of the Amendments to the State Constitution and any

426 legislation enacted to implement the said amendment, including by further act of the General
427 Court, or by the Town, as follows:

428 (a) Amendments to this charter relating in any way to the composition of the town
429 meeting or the composition or mode of election or terms of the office of selectmen or the town
430 manager may be proposed only by a charter commission elected under Chapter 43B of the
431 General Laws.

432 (b) Amendments to the charter relating to other matters may be proposed by a two -
433 thirds vote at a duly called town meeting in accordance with the said General Law.

434 (c) Favorably voted proposals for revision under either (a) or (b) shall be
435 submitted to the voters on the ballot at the next annual election.