

SENATE No. 1884

[Pin Slip]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act amending the charter of the town of Sandwich.

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 Chapter 106 of the acts of 2009 is hereby repealed.

2 SECTION 2. The following shall be the charter of the town of Sandwich:-

3 ARTICLE I

4 INCORPORATION, FORM OF GOVERNMENT

5 Section 1.1 INCORPORATION

6 The inhabitants of the town of Sandwich, residing within its corporate boundaries as
7 established by law, are hereby constituted and shall continue to be a body politic and corporate in
8 perpetuity under the name of the town of Sandwich.

9 Section 1.2 FORM OF GOVERNMENT

10 (a) The municipal form of government provided by this charter shall consist of a town
11 meeting open to all voters of the town of Sandwich; a board of selectmen, elected by the people
12 and accountable to the people; and a town manager, appointed by and accountable to the board
13 of selectmen for proper administration of the affairs of the town.

14 (b) The schools of the town shall be operated by a school department and supervised by
15 a superintendent of schools under the direction of a school committee, elected by the people of
16 the town of Sandwich and accountable to the people for proper administration of the affairs of
17 the schools.

18 ARTICLE II

19 POWERS OF THE TOWN

20 Section 2.1 POWERS

21 (a) The town shall have all the powers granted to towns by the constitution and General
22 Laws together with all of the implied powers necessary to execute such granted powers.

23 (b) The powers of the town under the charter shall be construed and interpreted liberally
24 in favor of the town and the specific mention of any particular power is not intended to limit in
25 any way the general powers.

26 (c) The town may enter into agreements with any other agency of municipal government,
27 agency of the commonwealth, other states or the United States government to perform jointly, by
28 contract, or otherwise, any of its powers or functions and may participate in the financing
29 thereof.

30 ARTICLE III

31 LEGISLATIVE BRANCH

32 Section 3.1 OPEN TOWN MEETING

33 The legislative powers of the town shall be exercised by a town meeting open to all
34 voters of the town of Sandwich.

35 Section 3.2 PRESIDING OFFICER

36 All sessions of the town meeting shall be presided over by a moderator, elected as
37 provided in section 4.4. The moderator shall regulate the proceedings, decide questions of order
38 and make public declarations of all votes. The moderator shall have all of the powers and duties
39 given to moderators under the constitution and the General Laws, and such additional powers
40 and duties as may be authorized by the charter, by by-law or by other town meeting vote.

41 Section 3.3 ANNUAL TOWN MEEETING

42 The annual town meeting shall be held on such dates as may be fixed by the board of
43 selectmen as provided in paragraph (e) of Section 4.2.5.

44 Section 3.4 SPECIAL TOWN MEETINGS

45 Special town meetings shall be held at the call of the board of selectmen at such times as
46 it may deem appropriate and whenever a special meeting is requested by the voters under the
47 procedures of the General Laws.

48 Section 3.5 QUORUM

49 The quorum for both the annual town meeting and any special town meeting shall be set
50 by by-law.

51 Section 3.6 CLERK OF THE MEETING

52 The town clerk shall serve as the clerk to the town meeting. In the event that the town
53 clerk is absent, the assistant town clerk shall serve.

54 Section 3.7 WARRANT ARTICLES

55 (a) Except for procedural matters, all subjects to be acted on by town meeting shall be
56 placed on warrants issued by the board of selectmen.

57 (b) The board of selectmen shall receive all petitions addressed to it which require the
58 submission of particular subject matter to the town meeting in accordance with the General
59 Laws. Ten signatures shall be required on a petition to have an article inserted in the warrant for
60 an annual town meeting, and 100 signatures shall be required on a petition to have an article
61 inserted in a warrant for a special town meeting.

62 (c) Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall
63 show comparative figures including actual figures for the preceding year, appropriations for the
64 current year, requests for the next fiscal year and amounts recommended by the finance
65 committee.

66 (d) Copies of main motions to be considered on articles in the warrant that were not
67 originally included in the printed warrant or on the script to be read by selectmen at the town
68 meeting, shall be made available as draft versions in writing to all voters prior to the town
69 meeting and distributed at the town meeting. Final adjustments, if necessary, will be shown on
70 the viewing screen. The moderator may require other motions to be submitted in writing. Failure
71 to comply with this subsection shall not invalidate any vote taken by the town meeting.

72 Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

73 In addition to any notice required by the General Laws, the board of selectmen shall
74 cause the annual town meeting warrant to be posted on the town bulletin board and otherwise
75 distributed as provided by paragraph (e) of section 4.2.5. Additional copies shall be kept
76 available for distribution by the town clerk. In addition, the board of selectmen shall cause the
77 town meeting warrant to be posted on the town's website for the convenience of the residents of
78 the town; provided, however, that failure to post the warrant on the website or to post it at least 1
79 week prior to the date of the town meeting shall not invalidate or otherwise affect the legality or
80 validity of the actions taken at the town meeting.

81 ARTICLE IV

82 ELECTED TOWN OFFICES

83 Section 4.1 ELECTED TOWN OFFICES, IN GENERAL

84 The offices to be filled by the voters shall be: a board of selectmen, consisting of 5
85 members; a school committee, consisting of 7 members; a moderator; a town clerk; a board of
86 assessors, consisting of 3 members; a board of health, consisting of 3 members; a planning
87 board, consisting of 7 members; constables; trustees of the Sandwich library, consisting of 9
88 members; trustees of the Weston Memorial Fund, consisting of 3 members; Sandwich historic
89 district, consisting of 5 members; a housing authority, consisting of 5 members, 4 of whom shall
90 be elected and 1 of whom shall be appointed by the governor; and such other regional
91 authorities, districts or committees as may be required by the General Laws or inter-local
92 agreement. All elected or appointed multiple member boards shall be arranged so that as nearly
93 an equal number of terms as possible shall expire each year. Notwithstanding any other
94 provision of the charter, all elected officials and officers shall have the powers and duties as
95 prescribed by the General Laws.

96 Section 4.2 BOARD OF SELECTMEN

97 The board of selectmen shall be composed of 5 members. Each member shall be elected
98 from the town at-large to a 3 year term.

99 Section 4.2.1 QUALIFICATIONS

100 In addition to any other qualifications prescribed by law, each selectman shall be a
101 qualified voter of the town and shall reside within the town while in office.

102 Section 4.2.2 COMPENSATION

103 Selectmen shall receive such compensation as may be specified in the annual budget;
104 provided, however, that they shall be entitled to all necessary expenses incurred in the
105 performance of their official duties upon approval by the board of selectmen.

106 Section 4.2.3 CHAIRMAN AND VICE CHAIRMAN

107 (a) A chairman shall be elected by the board of selectmen at the first meeting following
108 each regular town election. The chairman shall preside at all meetings of the board. The
109 chairman shall perform such other duties consistent with the General Laws and this charter or as
110 may be imposed on the chairman by the board.

111 (b) A vice chairman shall be elected by the board of selectmen at the first meeting
112 following each regular town election. The vice chairman shall act as chairman during the
113 disability or absence of the chairman and in this capacity shall have the rights and duties
114 conferred upon the chairman.

115 Section 4.2.4 VACANCIES

116 Vacancies in the office of selectman shall be filled by special election if the vacancy
117 occurs at least 8 months or more prior to the next annual election. If a vacancy occurs, the board
118 of selectmen shall, within 10 days after the occurrence of a vacancy, call a special election that
119 shall be held not less than 65 days nor more than 90 days after issuing the call. A vacancy which
120 occurs less than 8 months prior to the next annual election shall be filled at the next annual
121 election.

122 Section 4.2.5 GENERAL POWERS AND DUTIES

123 (a) Except as otherwise provided by the General Laws or this charter, all executive
124 powers of the town shall be vested in the board of selectmen. The board of selectmen shall
125 provide for the exercise thereof and for the performance of all duties and obligations imposed on
126 the town by law.

127 (b) At least a majority of the board of selectmen shall sign all official documents and
128 approve the financial warrants.

129 (c) The board of selectmen shall serve as the board of directors and policy-making body
130 of the town. They shall appoint a town manager to carry out the day-to-day operations of the
131 town within the policies set by the board of selectmen. The board of selectmen shall appoint
132 members of committees.

133 (d) No member of the board of selectmen may serve in any other elected or appointed
134 town office or committee during that member's term as selectman, excluding ex-officio
135 positions, except that selectmen may serve on committees when authorized by state law or town
136 by-law. Service as a representative from the town to another body other than the Town shall not
137 be prohibited by this provision.

138 (e) The board of selectmen shall set guidelines for the preparation of the annual budget
139 and present the budget to the town meeting. The board of selectmen shall set the date and
140 warrant articles for the town meeting and any special town meeting. The board of selectmen shall
141 make available sufficient copies of the warrant for the town meeting for all registered voters. The
142 board of selectmen shall either provide direct mailings to households or publish notice of the
143 availability of and make available the warrants at town facilities and other common locations
144 throughout the town at least 2 weeks prior to the town meeting; provided, however, that failure to
145 post the warrant on the website or to post it at least 1 week prior to the date of the town meeting
146 shall not invalidate or otherwise affect the legality or validity of the actions taken at the town
147 meeting.

148 (f) The board of selectmen shall be a licensing board for the town and shall have the
149 power to issue licenses as authorized by law, to make all necessary rules and regulations
150 regarding the issuance of such licenses and to impose restrictions on any such license as it deems

151 to be in the public interest and to enforce all laws, rules, regulations and restrictions relating to all
152 such businesses for which it issues licenses.

153 (g) The board shall require bonds for all municipal officers and employees who receive
154 or pay out any moneys of the town. The amount of such bonds shall be determined by the board
155 and the cost of such bonds shall be borne by the town.

156 (h) The board of selectmen shall be authorized to institute, prosecute, compromise or
157 defend any claim, action, suit or other proceeding in the name of the town and to settle any
158 claim, action, suit or other proceeding brought by or on behalf of or against the town. If a
159 settlement requires the issuance of a permit or license or the transfer of property, and such matter
160 is not within the board of selectmen's jurisdiction, the town board or officer with legal
161 jurisdiction over the matter shall retain sole authority to act on behalf of the town.

162 (i) The board of selectmen shall annually review a long-range plan, including capital
163 planning, to project the future needs of the town and report on this at town meeting.

164 (j) The board of selectmen shall serve as custodians of all town property except as
165 otherwise provided by the General Laws or by vote of the town.

166 (k) The board of selectmen shall be authorized to formally investigate cases of any
167 suspected serious misconduct or criminal wrongdoing by the town manager or other officers or
168 employees of the town; provided that such investigation is approved by a vote of 4 out of 5
169 selectmen.

170 (l) The board of selectmen shall exercise any other responsibilities as set forth in the
171 General Laws.

172 Section 4.2.6 MEETINGS OF THE BOARD

173 (a) The board of selectmen shall hold at least 2 regular meetings each month. The board
174 shall fix, by resolution, the days, times and location of its regular meetings.

175 (b) The board of selectmen may hold such special meetings as it deems necessary and
176 appropriate, which may be called for by 3 members of the board. Such regular or special
177 meetings shall be held only in a facility or at a location readily accessible to the public or
178 handicap accessible.

179 Section 4.2.7 RULES OF PROCEDURE

180 (a) The board of selectmen shall by resolution, determine its own rules and order of
181 business; provided however, the rules shall provide that citizens of the town shall have a
182 reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

183 (b) Voting, except on procedural motions, shall be by roll call if requested by a
184 selectman, and the ayes and nays shall be recorded in the minutes.

185 (c) Three selectmen shall constitute a quorum to transact business.

186 (d) No action of the board of selectmen shall be valid or binding unless adopted by the
187 affirmative vote of 3 or more members of the board.

188 Section 4.2.8 PROHIBITIONS

189 (a) Except if authorized by law, no selectman shall hold any other town office or town
190 employment during the selectman's term, nor shall any former selectman hold any compensated
191 appointed town office or town employment until 1 year after the expiration of a term as
192 selectman.

193 (b) The selectmen shall not, in any manner, dictate the appointment or removal of any
194 town administrative officers or employees whom the town manager or any of the town
195 manager's subordinates are empowered to appoint. The board of selectmen may express its
196 views and fully and freely discuss with the town manager anything pertaining to appointments
197 and removal of such officers and employees.

198 (c) The board of selectmen and its members shall deal with town officers and employees
199 who are subject to the direction and supervision of the town manager solely through the town
200 manager, and neither the board of selectmen nor any of its members shall give orders to any such
201 officer or employee, either publicly or privately.

202 Section 4.3 SCHOOL COMMITTEE

203 The school committee shall be composed of 7 members. Each member shall be elected
204 from the town at-large to a 3 year term. The 3-year terms of office for school committee
205 members shall be staggered.

206 4.3.1 QUALIFICATIONS

207 In addition to any other qualifications prescribed by law, each member of the school
208 committee shall be a qualified voter of the town and shall reside within the town while in office.

209 4.3.2 COMPENSATION

210 School committee members shall receive no compensation; provided, however, that
211 members shall be entitled to all necessary expenses incurred in the performance of the members'
212 official duties upon approval by the school committee.

213 4.3.3 CHAIRMAN AND VICE CHAIRMAN

214 (a) A chairman shall be elected by the school committee at the first meeting following
215 each regular town election. The chairman shall preside at all meetings of the committee. The
216 chairman shall perform such other duties consistent with the General Laws and this charter or as
217 may be imposed by the committee.

218 (b) A vice chairman shall be elected by the school committee at the first meeting
219 following each regular town election. The vice chairman shall act as chairman during the
220 disability or absence of the chairman and in this capacity shall have the rights and duties
221 conferred upon the chairman.

222 Section 4.3.4 VACANCIES

223 Vacancies in the school committee shall be filled by special election if the vacancy
224 occurs at least 8 months prior to the next annual election. In this case, the board of selectmen
225 shall, within 10 days after the occurrence of a vacancy, call a special election that shall be held
226 not less than 65 days nor more than 90 days after issuing the call. Any vacancy which occurs less
227 than 8 months prior to the next annual election shall be filled at the next annual election.

228 Section 4.3.5 GENERAL POWERS AND DUTIES

229 (a) The school committee shall have all the powers and duties given to school
230 committees by the General Laws. The school committee shall have the power to select, oversee
231 and to terminate the superintendent of schools and establish educational goals and policies for the
232 schools consistent with requirements of the General Laws and standards established by the
233 commonwealth.

234 (b) The superintendent of schools shall be chosen upon the basis of the individual's
235 executive and administrative training, education, experience and ability and any other factors the
236 school committee deems appropriate. The superintendent of schools shall be bonded at town
237 expense.

238 (c) The superintendent of schools shall have the duties and responsibilities provided by
239 the General Laws, this charter and vote of the school committee.

240 Section 4.3.6 MEETINGS OF THE BOARD

241 The school committee shall hold at least 1 regular meeting each month while school is in
242 session. The committee shall fix the days, times and location of its regular meetings.

243 The school committee may hold such special meetings as it deems necessary and
244 appropriate, which may be called by the chair or 4 members of the committee. Such regular or
245 special meetings shall be held only in a facility or at a location readily accessible to the public or
246 handicap accessible.

247 Section 4.3.7 RULES OF PROCEDURE

248 The school committee shall determine its own rules and order of business; provided,
249 however, the rules shall provide that citizens of the town shall have a reasonable opportunity to
250 be heard at any meeting in regard to any matter under consideration.

251 Voting, except on procedural motions, shall be by roll call if requested by a school
252 committee member and the ayes and nays shall be recorded in the minutes.

253 Section 4.3.8 BUDGET HEARING

254 The school committee shall prepare an annual line-item operating budget and hold a
255 public hearing on its proposed annual budget, required under section 38N of chapter 71 of
256 General Laws, by March 1.

257 Section 4.4 MODERATOR

258 A moderator shall be elected by the voters for a term of 3 years. In the event of absence
259 of the moderator, the town meeting may elect a temporary moderator to preside over the town
260 meeting.

261 Section 4.4.1 POWERS AND DUTIES

262 (a) The moderator shall have the powers and duties provided by the General Laws, by
263 this charter, by by-law or by any other town meeting vote.

264 (b) The moderator shall appoint members of the finance committee which shall consist of
265 9 members. If the moderator fails to fill a vacancy on the finance committee within 45 days of
266 having been notified in writing by the town clerk of said vacancy, a majority of the remaining
267 members of the finance committee may nominate a person for each such vacancy. If the
268 moderator fails to take action on said nomination within 21 days, the nominee shall become a
269 member of the finance committee.

270 (c) To assist in the application and appointment process and to better prepare potential
271 committee members, the moderator may, at his discretion, include participation by the chairman
272 of the board of selectmen, chairman of the finance committee or the chairman of the school
273 committee or their designated representatives.

274 (d) The moderator shall appoint members to other committees as directed by town
275 meeting.

276 Section 4.5 TOWN CLERK

277 A town clerk shall be elected by the voters at the annual town election, for a term of 3
278 years.

279 Section 4.6 BOARD OF LIBRARY TRUSTEES

280 The board of library trustees shall be composed of 9 members. Each member shall be
281 elected from the town at-large to a 3-year term.

282 Section 4.6.1 QUALIFICATIONS

283 Each member of the board of library trustees shall be a qualified registered voter of the
284 town and shall reside within the town while in office.

285 Section 4.6.2 GENERAL POWERS AND DUTIES

286 Notwithstanding any provision of this charter to the contrary, the board of library trustees
287 shall have all the powers and duties given to boards of library trustees under chapter 78 of the
288 General Laws and any other applicable law, except as otherwise provided herein. The board of
289 library trustees shall, except in the case of those employees subject to chapter 150E of the
290 General Laws, appoint the director of the library and all employees thereof and may enter into a
291 contract with said director; provided, however, that such contract shall meet minimum legal
292 standards established by the board of selectmen and town manager. The board of library trustees
293 shall implement such human resources practices and standards as established by the town
294 manager for all other town employees and employees of the library shall be subject to the
295 personnel policies and procedures adopted by the town and such other personnel policies and
296 procedures agreed upon in writing by the board of library trustees and town manager. The town
297 manager shall be responsible for the procurement of all contracts on behalf of the library.

298 Section 4.6.3 VACANCIES

299 Vacancies shall be filled by election under section 10 of chapter 41 of the General Laws
300 or by the board of selectmen and the remaining members of the board of library trustees under
301 section 11 of chapter 41 of the General Laws

302 Section 4.7 BOARDS, COMMITTEES AND OFFICERS

303 (a) Each board or committee shall be organized and charged with the powers and duties
304 specified in the General Laws and special acts of the commonwealth, town by-law or elsewhere
305 in this charter. The board of selectmen may also, from time to time, establish boards or
306 committees to address specific needs or issues. Each board or committee shall, at its annual
307 organization meeting, elect a presiding officer and shall cause the board of selectmen and the
308 town clerk to be notified of its selection. Such boards and committees shall make a written
309 annual report of its activities to the board of selectmen.

310 (b) Members of permanent committees shall be elected for a staggered term of 3 years
311 unless otherwise provided for by the General Laws or this charter. Appointees to temporary and
312 special committees shall be appointed by the board of selectmen for the duration of the charge of
313 the board or committee. Boards, committees or officers specifically provided for by the General
314 Laws or this charter may be continued or terminated only by the board of selectmen.

315 (c) No resignation of any town officer, including members of a board or committee, shall
316 be deemed effective unless and until such resignation is filed with the town clerk or such later
317 time certain as may be specified in such resignation. In the event an appointed board or
318 committee member misses 3 consecutive meetings without the permission of the chair, the chair
319 shall notify the board of selectmen, which board may, after opportunity for a hearing, deem such
320 position to be vacant.

321 ARTICLE V

322 ADMINISTRATIVE SERVICES

323 Section 5.1 TOWN MANAGER

324 Section 5.1.1 APPOINTMENT AND QUALIFICATIONS

325 The board of selectmen shall by majority vote of the entire board appoint a town
326 manager. The method of selection shall be left to the discretion of the board of selectmen so
327 long as the method of selection ensures orderly, nonpartisan action toward securing a competent
328 and qualified person to fill the position. The town manager shall be chosen solely upon the basis
329 of the individual's executive and administrative training, education, experience and ability and
330 need not, when appointed, be a resident of the town of Sandwich; provided however, that the
331 town manager shall establish such residence within 6 months following the effective date of
332 appointment and provided further that the board of selectmen may, by a unanimous vote of all
333 members of the board of selectmen then in office, extend to a time certain the time for
334 establishing residence or waive this requirement in its entirety. The town manager shall be
335 bonded at town expense.

336 Section 5.1.2 COMPENSATION

337 The town manager shall receive compensation as may be fixed by the board of electmen
338 according to the town manager's expertise, education and training. Any contract between the
339 board of selectmen and the town manager shall be under section 108N of chapter 41 of the
340 General Laws.

341 Section 5.1.3 TERM AND REMOVAL

342 The town manager may be appointed for a definite term, but may be removed at the
343 discretion of the board of selectmen by vote of the majority of the entire board. The action of the
344 board of selectmen in suspending or removing the town manager shall be final. It is the intention
345 of this charter to invest all authority and fix all responsibilities of such suspension or removal in
346 the board of selectmen.

347 Section 5.1.4 POWERS AND DUTIES

348 The town manager shall be responsible to the board of selectmen for the proper
349 administration of all the affairs of the town consistent with the General Laws and this charter,
350 and shall:

351 (a) appoint, discipline, suspend or remove town employees, including employees in civil
352 service positions, except that the approval of the board of selectmen shall be required for
353 appointment of department heads and the assistant town manager;

354 (b) supervise and direct all appointed department heads and organize and structure all
355 town departments accordingly;

356 (c) administer and enforce the General Laws or special acts of the commonwealth or
357 town by-laws and all regulations established by the board of electmen;

358 (d) coordinate activities of all town departments;

359 (e) attend all sessions of the town meeting and answer all questions addressed to the town
360 manager which are related to the warrant articles and to matters under the general supervision of
361 the town manager;

362 (f) keep the board of selectmen fully informed as to the needs of the town and
363 recommend to the selectmen for adoption such measures requiring action by the board or by the
364 town as the town manager deems necessary or expedient;

365 (g) ensure that complete and full records of the financial and administrative activity of
366 the town are maintained and render reports to the board selectmen as may be required;

367 (h) be responsible for the rental, use, maintenance, repair and the development of a
368 comprehensive maintenance program for all town facilities;

369 (i) serve as the chief procurement officer and be responsible for the purchase of all
370 supplies, materials and equipment and approve the award of all contracts; provided, however that
371 any contract over \$1,000,000 shall require approval by the board of selectmen;

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

374 (k) administer personnel policies, practices, rules and regulations, any compensation plan
375 and any related matters for all municipal employees and to administer all collective bargaining
376 agreements entered into by the town;

377 (l) fix the compensation of all town employees and officers appointed by the town
378 manager within the limits established by appropriation and any applicable compensation plan
379 and collective bargaining agreements;

380 (m) be responsible for the negotiation of all contracts with town employees regarding
381 wages and other terms and conditions of employment, except employees of the school
382 department. The town manager may, subject to the approval of the board of selectmen, employ
383 special counsel to assist in the performance of these duties. Collective bargaining agreements
384 shall be subject to the approval of the board of selectmen, and to chapter 150E of the General
385 Laws;

386 (n) prepare and submit an annual operating budget and capital improvement program as
387 provided in paragraph (b) of section 7.1 and be responsible for its administration after its
388 adoption. The town manager may transfer funds between individual line items within a
389 department account at any time during the fiscal year, and further, may transfer during the last 2
390 months of any fiscal year or during the first 15 days of the new fiscal year to apply to the
391 previous fiscal year, any amount appropriated for the use of any department other than a
392 municipal light department or the school department to the appropriation for any other
393 department, but the amount transferred from 1 department to another shall not exceed 3 per cent
394 of the annual budget of the department from which the transfer is made, with the approval of the
395 selectmen and finance committee;

396 (o) keep the board of selectmen and the finance committee fully informed as to the
397 financial condition of the town and make recommendations to the board of selectmen;

398 (p) prepare and submit to the board of selectmen at the end of the fiscal year a
399 comprehensive report on the finances and the activities and operations of all departments, boards
400 and committees of the town;

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

402 (r) have full authority to act on behalf of the town during emergencies, including
403 direction of town personnel, declaring a state of emergency, opening the emergency operations
404 center and shelters and the emergency expenditure of funds;

405 (s) delegate, authorize or direct any subordinate or employee in the town to exercise any
406 power, duty or responsibility which the office of town manager may exercise; provided,
407 however, that all acts performed under such delegation shall be deemed the acts of the town
408 manager; and

409 (t) perform such other duties as necessary or as may be assigned by this charter, town by-
410 law, town meeting vote, or vote of the board of selectmen.

411 Section 5.1.5 ACTING TOWN MANAGER

412 The assistant town manager shall perform the duties of the town manager in the town
413 manager's absence. In the event of long-term disability, resignation, termination or vacancy of
414 both the town manager and the assistant town manager at the same time, the board of selectmen

415 shall appoint an acting town manager for the duration of any such disability or until appointment
416 of a permanent town manager or assistant town manager. No member of the board of selectmen
417 shall serve as acting town manager.

418 Section 5.2 TOWN COUNSEL

419 The board of selectmen shall appoint a competent and duly qualified and licensed
420 attorney practicing in the commonwealth to be the counsel for the town. Town counsel shall
421 receive such compensation for services as may be fixed by the board of selectmen and shall hold
422 office at the pleasure of the board. The town counsel shall be the legal adviser of all of the
423 offices and departments of the town and shall represent the town in all litigation and legal
424 proceedings; provided, however, that the board of selectmen may retain special counsel at any
425 time the board deems appropriate and necessary. The town counsel shall review and concur or
426 dissent upon all documents, contracts and legal instruments in which the town may have an
427 interest. The town counsel shall perform other duties prescribed by this charter, town by-law or
428 as directed by the board of selectmen. No employee, committee or board, elected or appointed,
429 other than the board of selectmen, shall contact or otherwise interact with the town or labor
430 counsel in a manner inconsistent with the policy relative to access to counsel established by the
431 town manager. This section shall not limit the school committee from retaining its own legal
432 counsel.

433 ARTICLE VI

434 COMPLIANCE WITH LAW - PUBLIC RECORDS,

435 OPEN MEETINGS, AND CONFLICT OF INTEREST

436 All officers or employees of any agency, office, department, board, commission, bureau,
437 division or authority of the town shall comply with clause twenty-sixth of section 7 of chapter 4
438 of the General Laws and section 10 of chapter 66 of the General Laws.

439 All employees of the town, as defined in section 1 of chapter 268A, shall comply with the
440 requirements of chapter 268A of the General Laws.

441 All boards, committees and commissions shall comply with the requirements of sections
442 18 to 25, inclusive, of chapter 30A, of the General Laws, the open meeting law.

443 All board members, committee members and employees shall comply with chapter 268A
444 of the General Laws, the ethics law.

445 ARTICLE VII

446 FINANCIAL PROVISIONS AND ADMINISTRATION

447 Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE

448 (a) The town manager and school superintendent shall meet within 10 business days of
449 state certification of surplus revenue or finalization of October 1 enrollment, whichever occurs
450 later. Within 10 business days of that meeting, the town manager and school superintendent
451 shall submit a draft budget in a mutually agreed format to the board of selectmen, school
452 committee and finance committee.

453 (b) Annually, before November 1, the town manager shall establish and issue a budget
454 schedule which shall set forth the calendar dates for developing the annual budget for the next
455 fiscal year.

456 (c) On or before December 15, the board of selectmen shall meet in joint session with the
457 school committee. At this meeting the board of selectmen shall set guidelines for the preparation
458 of the annual budget.

459 (d) On or before February 1, the town manager and school committee shall each submit
460 to the board of selectmen and finance committee a proposed line-item budget and accompanying
461 message.

462 (e) The budget shall provide a complete financial plan of all town funds and activities,
463 including details on debt and debt service, anticipated income and proposed expenditures. The
464 budget shall include proposals for capital improvements for the next 5 years. The budget
465 message shall begin with a clear general summary of its content and explain in both fiscal terms
466 and program objectives, proposed expenditures for each department, capital expenditures and the
467 projected tax rate.

468 (f) The board of selectmen shall review the proposed town budget and refer it, including
469 the school department budget and recommendations, to the finance committee on or before
470 March 1.

471 (g) After the annual town meeting, but before June 15, the board of selectmen shall meet
472 in joint session with the finance committee to review the assumptions used to project budgets for
473 the next 2 fiscal years. If necessary, the board of selectmen shall vote to reset any of those
474 assumptions.

475 Section 7.2 FINANCE COMMITTEE

476 (a) There shall be a permanent committee known as the finance committee, composed of
477 9 registered voters of the town appointed by the moderator. They shall serve for 3-year terms,
478 which shall be staggered. Members shall serve without compensation and no member shall be an
479 employee of the town nor hold an elected or appointed town position during their term of office,
480 excluding ex-officio positions.

481 (b) The finance committee shall conduct a detailed line-item review of the town and
482 school budgets and submit a written budget report to the annual town meeting and a written

483 report to the annual town meeting and any special town meeting with its advisory
484 recommendations on all financial warrant articles and the projected tax impact consistent with its
485 recommendations.

486 (c) The finance committee can require that the town manager, school committee, any
487 town department, office, board, commission or committee furnish appropriate additional
488 financial information, as needed. This request shall be made in writing and include a reasonable
489 deadline for submission of the additional information.

490 (d) The finance committee shall elect a chairman and such other officers from among its
491 members and form subcommittees as it deems necessary to accomplish its duties.

492 Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

493 (a) The finance committee shall within 60 days following the submission of the draft
494 budget by the town manager, review the proposed budget and return it to the board of selectmen
495 with its recommendations.

496 (b) The board of selectmen shall conduct at least 2 public hearings. The first shall be
497 held in February to consider budget matters generally and notice of the time, date and place shall
498 be posted in town hall and on the town website and published in a daily newspaper of general
499 circulation in the town.

500 An additional public hearing shall be held prior to the town meeting on the proposed
501 budget, including the school budget and finance committee recommendations, and such hearing
502 shall be posted and published as described above and include: the times and places where copies
503 of the message and budget are available for inspection by the public.

504 Section 7.4 BUDGET ADOPTION

505 Town meeting shall adopt the annual operating budget, with or without amendments,
506 before the beginning of the fiscal year.

507 Section 7.5 ANNUAL AUDIT

508 At the close of each fiscal year, and at such times as it may be deemed necessary, the
509 board of selectmen shall cause an independent audit to be made of all accounts of the town by a
510 certified public accountant. The certified public accountant so selected shall have no personal
511 interest, directly or indirectly, in the financial affairs of the town or any of its offices. Upon
512 completion of the audit, the results in a summary form, shall be placed on file in the town clerk's
513 office and on the town website as a public record and in the Sandwich public library for public
514 information.

515 Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, and TRANSFERS

516 Any and all emergency appropriations, reductions and transfers shall be made in
517 accordance with the General Laws and the town by-laws.

518 ARTICLE VIII

519 RECALL

520 Section 8.1 RECALL

521 A holder of an elected office in the town of Sandwich may be recalled therefrom by the
522 qualified voters of the town as provided in chapter 408 of the acts of 1987 for reasons which
523 shall include, but are not limited to, the following: embezzlement; influence peddling; refusal to
524 comply with clause Twenty-sixth of section 7 of chapter 4 of the General Laws, section 10 of
525 chapter 66 of the General Laws, sections 23A to 23C, inclusive, of chapter 39 of the General
526 Laws or chapter 268A of the General Laws or any rules and regulations thereto, and the by-laws
527 of the town of Sandwich which pertains to same; destruction or alteration of public records;
528 nepotism; conviction for a felony; failure to perform the duties of the elected office; or other
529 willful acts of omission or commission which betray the public trust.

530 Section 8.2 RECALL PETITION

531 A recall petition shall be initiated by the request of 10 qualified voters. The recall petition
532 shall be signed by 25 per cent of the qualified voters and returned within 20 days in accordance
533 with chapter 408 of the acts of 1987.

534 ARTICLE IX

535 CHARTER

536 Section 9.1 SEVERABILITY

537 If any section, or part of a section of this Charter, shall be held invalid by a court of
538 competent jurisdiction, such holding shall not affect the remainder of this Charter.

539 Section 9.2 GENDER NEUTRALITY

540 Any reference to gender in this charter shall be construed as meaning any individual
541 regardless of sex and is contained herein only in the interest of brevity.

542 Section 9.3 CHARTER REVIEW COMMITTEE

543 At least every 5 years, the selectmen shall appoint a charter review committee to be
544 composed of 7 members for a period not longer than 6 months, who shall submit their
545 recommendations to the board of selectmen and shall file proceedings of their deliberations.

546 Section 9.4 AMENDMENT TO CHARTER

547 This charter may be amended or revised by special act of the General Court, upon the
548 recommendation of town meeting or under chapter 43B of the General Laws.

549 Section 9.5 INTERPRETATION OF THE CHARTER

550 Any question related to the interpretation of the charter shall be presented to the board of
551 selectmen for such action as it deems appropriate.

552 Section 9.6 TIME OF TAKING EFFECT AND TRANSITIONAL PROVISIONS

553 The amendments to the town charter as approved by the May 6, 2013 Annual Town
554 Meeting shall take effect upon the effective date of the special act revising the town charter.

555 To implement section 4.6.2, the personnel policies and procedures agreed upon in writing
556 by the board of library trustees and the town manager, and on file with the town clerk as of the
557 effective date of the special act revising the town charter, shall be operative for all employees of
558 the library until such time as the personnel policies and procedures applicable to library
559 employees are amended in accordance said section 4.6.2.

560 SECTION 3. This act shall take effect upon its passage.”