

SENATE No. 2048

Senate March 17, 2014 -- Text of the Senate amendment (Senator Rush) to the House Bill relative to the charter of the town of Dedham (House, No. 3955)

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Fourteen
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1 SECTION 1. The following shall be the charter for the town of Dedham:-

2 ARTICLE 1

3 INCORPORATION; SHORT TITLE; FORM OF GOVERNMENT; POWERS

4 Section 1-1. Incorporation

5 The inhabitants of the town of Dedham, within the territorial limits established by law,
6 shall continue to be a body corporate and politic under the name "town of Dedham".

7 Section 1-2. Short Title

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

9 Section 1-3. Form of Government

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

13 Section 1-4. Powers of the Town, Intent of Voters

14 Subject only to express limitation on the exercise of any power or function by a town in
15 the constitution of the commonwealth or the General Laws, it is the intent and the purpose of the
16 voters of the town of Dedham, through the adoption of this charter, to secure for the town all
17 powers it is possible to secure under the constitution and the General Laws, as fully and as
18 completely as though each such power were specifically and individually enumerated herein.

19 Section 1-5. Construction

20 (a) Town Powers - The powers of the town under this charter shall be construed liberally
21 in favor of the town, and the specific mention of particular powers is not intended to limit in any
22 way the general powers of the town as stated in Section 1-4.

23 (b) Specific Provisions Shall Prevail - To the extent that any specific provision of this
24 charter shall conflict with any provision expressed in general terms, the specific provision shall
25 prevail.

26 Section 1-6. Intergovernmental Relations

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

31 Section 1.7. Definitions

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

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

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

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

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

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

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

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

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

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

55 (j) "Town bulletin boards", the bulletin boards on which official town notices are posted,
56 1 of which shall be located in the town hall, 1 of which shall be located in the library and those at
57 such other locations within the town as the board of selectmen may from time to time designate.
58 This shall include the town's official website; provided, however, that unless otherwise required
59 by the General Laws to be posted on the town's website, failure to post on the website shall not
60 impair the legality or validity of the actions taken by the town or others in connection with the
61 notices required to be posted thereon, including the posting of a warrant for any town meeting.

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

63 ARTICLE 2

64 REPRESENTATIVE TOWN MEETING

65 Section 2-1. Composition, Annual and Special Meetings

66 (a) The legislative body of the town shall be a representative town meeting to consist of
67 not less than 270 members and not more than the closest higher number of members necessary to
68 achieve an equal number of members from each district who shall be elected to meet, deliberate,
69 act and vote in the exercise of the corporate powers of the town at annual and special town
70 meetings.

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

82 (c) Special town meetings may be called by the board of selectmen, pursuant to section
83 10 of chapter 39 of the General Laws or other applicable laws, at such times as the board shall
84 deem appropriate.

85 Section 2-2. Eligibility; Nomination Procedures

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

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

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

109 (c) Removal of Town Representative from Town or District - A town representative who
110 removes from the town shall forthwith cease to be a town representative. A town representative
111 who removes from the district from which that representative was elected to another district
112 within the town or who is so removed by a revision of district lines, may continue to serve as a
113 member of the representative town meeting from the district from which that member was
114 elected until the next regular annual election, at which time the remainder of that member's term,
115 if any, shall be terminated and a vacancy from that district shall exist which shall be filled at that
116 election. A person so removed from office may be elected as a town representative from the new
117 district in which that person then resides at the same election. An elected town representative
118 who is removed from the district from which the town representative was elected solely as a
119 result of the establishment or revision of districts shall be entitled to use the words, "Candidate
120 for Re-election" after the town representative's name on the ballot, even if, by so doing, the
121 number of candidates for re-election listed on the ballot in that district exceeds the number of
122 town representatives to be elected.

123 Section 2-3. Election and Terms

124 (a) Establishment or Revision of Districts and Tie Votes - At the first regular annual
125 election held following the establishment or revision of districts made in accordance with section
126 6 of chapter 54 of the General Laws, all of the town representatives in each district with
127 boundaries that are affected by the establishment or revision, shall be elected by official ballot by
128 the voters in that district.

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

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

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

144 Section 2-4. Compensation

145 The town representatives shall serve without a salary.

146 Section 2-5. Presiding Officer

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

157 Section 2-6. General Powers and Duties

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

162 Section 2-7. Vacancies; Filling of Vacancies

163 (a) Vacancy - The office of a town representative shall become vacant upon a
164 representative's death, resignation or removal from office in any manner authorized by law. No
165 office of town representative shall be considered vacant unless: (i) a letter of resignation has
166 been filed with the town clerk by such person; or (ii) the town clerk has issued a certificate that
167 such person has died or has removed from the town or that the position has otherwise become
168 vacant.

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

180 Section 2-8. Clerk of the Town Meeting

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

185 Section 2-9. Procedures

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

193 (b) Warrants - All matters which are received by the board of selectmen under
194 subsection (a) shall be placed on warrants issued by the board of selectmen at such convenient
195 times as it may determine and as otherwise provided by this charter or by by-law. The original
196 copy of all warrants for town meetings shall be kept in the office of the town clerk in a record
197 book maintained for that purpose. A copy of the warrants shall be posted on the town bulletin
198 boards and, unless otherwise addressed by by-law, by mailing a copy of the warrant to the place
199 of residence of the moderator, all town representatives and such other persons as may be
200 designated by by-law. The town clerk shall keep additional copies of all warrants available for
201 distribution.

202 (c) Committees

203 (1) Standing Committees

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

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

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

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

219 (v) Application of Open Meeting Law and Administrative Procedures - All meetings of
220 standing committees created under this subsection shall be subject to the open meeting law in
221 sections 18 to 25, inclusive, of chapter 30A of the General Laws, as amended from time to time,
222 and Article 6.

223 (2) Referral of Articles to Committee - When articles are generated or received by the
224 board of selectmen, copies of those articles shall be forwarded forthwith to an appropriate
225 standing committee for study and report. The study and report shall be considered at least once
226 at a public hearing at which the public is provided with the opportunity to share their views

227 concerning such matters. All warrants for town meetings shall include a notation of the standing
228 committee to which each article has been assigned by the board of selectmen.

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

240 (d) Quorum - At every session of town meeting, the town clerk shall have attendance
241 taken at the doors for the purpose of ascertaining the names and the number of town
242 representatives present. All attendance records shall be posted upon the town bulletin boards and
243 published in the annual town report.

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

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

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

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

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

279 Section 2-10. By-Laws

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

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

290 Section 2-11. Availability of Town Officials at Town Meetings

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

295 If any person described above is deterred by illness or another reasonable cause, that
296 person shall designate a deputy to attend.

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

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

303 Section 2-12. Referendum Petitions

304 No final vote of a representative town meeting approving a measure under any article in
305 the warrant shall be operative for 14 days after the dissolution of the town meeting excepting the
306 following votes, which shall take effect immediately upon dissolution of the meeting or
307 otherwise as provided by law: a vote to adjourn; an authorization to borrow money in
308 anticipation of taxes; an authorization to pay debts and obligations of the town; an appropriation
309 of funds necessary to implement a written agreement executed under collective bargaining or the
310 budget of the town as a whole; or a vote declared by preamble to be an emergency measure
311 necessary for the immediate preservation of the peace, health, safety or convenience of the town
312 and which is passed by a 2/3 vote of the town representatives present and voting at such meeting.

313 If within the said 14 days, a petition, signed by not less than 5 per cent of the voters of the
314 town eligible to vote as of the date of the town meeting at which the final vote occurred, is filed
315 in the office of the board of selectmen requesting that the question involved in that vote be
316 submitted to the voters of the town at large, then the operation of that vote shall be further
317 suspended pending a determination as hereinafter provided. Such petition shall contain the
318 names and addresses of the voters who signed the petition as they appear on the list of voters.
319 Within 14 days following the filing and including the time for certification by the board of
320 registrars of a referendum petition, the board of selectmen shall call a special election which
321 shall be held not sooner than 35 days after calling a special election; provided, however, that if a
322 regular or special election is to be held not more than 60 days following the date the petition is
323 filed, the board of selectmen may provide that the question involved be presented to the voters at
324 the same election.

325 All votes shall be taken by official ballots and the voter list shall be used in the same
326 manner as in the election of town officers. The questions submitted shall be determined by a
327 majority vote of the voters voting thereon, but no action of the representative town meeting shall
328 be reversed unless at least 20 per cent of the voters eligible to vote in the election participate by
329 voting in the election.

330 The question submitted shall be stated on the ballot in substantially the same language
331 and form in which it was stated when presented by the moderator to the representative town
332 meeting as appearing in the records of the town meeting, and shall be similar to the following:
333 "Shall the voters of the town confirm the action taken by the representative town meeting at the

334 town meeting held on [insert date] to [insert here the question as stated when presented by the
335 moderator]? A brief summary of the measure drafted by town counsel shall appear below the
336 question.

337 This election shall be held on a Saturday, unless it is to be held in conjunction with
338 another election, and the polls shall open not later than 7:00 a.m. and shall not close earlier than
339 8:00 p.m.

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

342 ARTICLE 3

343 ELECTED OFFICIALS

344 Section 3-1. General Provisions

345 (a) Elective Offices - The offices to be filled by the voters shall be the board of
346 selectmen, a moderator, the school committee, the planning board, the board of assessors, the
347 board of library trustees, a town clerk, the board of health, the parks and recreation commission,
348 the board of commissioners of trust funds, the housing authority and such members of regional
349 authorities or districts as may be established by statute, inter-local agreement or otherwise.

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

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

360 (d) Compensation - Elected town officials shall receive such compensation for their
361 services as may annually be provided for that purpose by appropriation.

362 (e) Nomination of Candidates - The signatures of 50 registered voters of the town shall
363 be required to place on the ballot for election the name of a candidate for any office other than
364 town representative.

365 (f) Ballot Position - The order in which names of candidates, including the office of town
366 representative, appear on the ballot for each office in a town election shall be determined by a

367 drawing by lot conducted by the town clerk. Each candidate shall have an opportunity to be
368 present or be represented at the drawing.

369 (g) Coordination - Notwithstanding their election by the voters, the town officers named
370 in subsection (a) shall be subject to the call of the board of selectmen or of the town
371 administrator, at all reasonable times, for consultation, conference and discussion on any matter
372 relating to such officers' respective offices.

373 (h) Vacancies

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

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

390 (i) Application of other Provisions of Charter to Powers and Duties - Notwithstanding
391 any provision of this charter or the General Laws to the contrary, the powers and duties of
392 multiple member bodies elected under this Article shall be subject to Article 4 and Article 6.

393 Section 3-2. Board of Selectmen

394 (a) Composition, Term of Office - There shall be a board of selectmen consisting of 5
395 members elected for terms of 3 years each, so arranged that the term of office of as nearly an
396 equal number of members as is possible shall expire each year.

397 (b) Powers and Duties in General - The executive powers of the town shall be vested in
398 the board of selectmen which shall be deemed to be the chief executive office of the town. The
399 board of selectmen shall have all of the executive powers it is possible for a board of selectmen
400 to have and to exercise. The board of selectmen shall serve as the chief policy making agency of
401 the town. The board of selectmen shall be responsible for the formulation and promulgation of

402 policy directives and guidelines to be followed by all town agencies serving under it and, in
403 conjunction with other elected town officers and multiple member bodies, to develop and
404 promulgate policy guidelines designed to bring the operation of all town agencies into harmony.

405 (c) Licensing Authority - The board of selectmen shall be a licensing board for the town
406 and shall have the power to issue licenses as otherwise authorized by law, to make all necessary
407 rules and regulations regarding the issuance of such licenses, to attach conditions and to impose
408 restrictions on any such license it may issue as it deems to be in the public interest and to enforce
409 all laws relating to businesses for which it issues a license.

410 (d) Appointments - The board of selectmen shall appoint: a town administrator;
411 constables; registrars of voters; election officers, but not including the town clerk; the board of
412 appeals; the conservation commission; the historic district commission; other members of
413 multiple member bodies, as set forth by law, or whose appointment authority is not otherwise
414 specified by this charter or vote of the representative town meeting; and individuals who are to
415 serve as representatives of the town to the governing or advisory bodies of area, regional or
416 district authorities; provided, however, that nothing in this subsection shall be interpreted to
417 prohibit the board of selectmen, town administrator or moderator from appointing such multiple
418 member bodies as deemed appropriate to advise them on matters within their jurisdiction.

419 (e) Investigations - The board of selectmen may investigate the affairs of the town and
420 the conduct of any town agency, including any doubtful claims against the town. Copies of the
421 full text of the report, including a summary of the results of any such investigation, shall be
422 placed on file in the offices of the board of selectmen and town clerk and in the library and shall
423 be printed in the next annual town report.

424 Section 3-3. School Committee

425 (a) Composition, Term of Office - There shall be a school committee which shall consist
426 of 7 members. The term of office of a school committee member shall be for 3 years. The terms
427 of office of school committee members shall be so arranged that as nearly an equal number of
428 terms as is possible shall expire each year.

429 (b) Powers and Duties - The School Committee shall have general charge and
430 superintendence of the public schools and, for this purpose, shall have all of the powers and
431 duties which are given to school committees under the constitution and the General Laws and
432 such additional powers and duties as may be authorized by this charter, by by-law or by vote of
433 the representative town meeting.

434 Section 3-4. Board of Assessors

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

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

443 Section 3-5. Town Clerk

444 (a) Term of Office - There shall be a town clerk. The term of office of the town clerk
445 shall be for 3 years.

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

453 Section 3-6. Board of Health

454 (a) Composition, Term of Office - There shall be a board of health that shall consist of 3
455 members. The term of office of a board of health member shall be for 3 years. The terms of
456 office of board of health members shall be so arranged that the term of 1 member shall expire
457 each year.

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

463 Section 3-7. Board of Library Trustees

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

467 (b) Powers and Duties - The board of library trustees shall have general charge of the care
468 and management of town libraries and of all property of the town relating thereto. The board of

469 library trustees shall have all of the powers and duties that are given to library trustees under the
470 constitution and the General Laws and shall have such additional powers and duties as may be
471 authorized by this charter, by by-law or by vote of the representative town meeting

472 Section 3-8. Moderator

473 (a) Term of Office - There shall be a moderator. The term of office of the moderator
474 shall be for 3 years.

475 (b) Powers and Duties - The moderator shall preside and regulate the procedure at all
476 town meetings, appoint the finance and warrant committee, established by clause (i) of paragraph
477 (1) of subsection (c) of section 2-9, such committees as may be authorized by the representative
478 town meeting and such other committees created by the moderator, from time to time, solely to
479 advise the moderator on matters within the moderator's jurisdiction. The moderator shall have
480 all of the powers and duties which are given to moderators under the constitution and laws of the
481 commonwealth and such additional powers and duties as may be authorized by this charter, by
482 by-law or by vote of the town meeting.

483 Section 3-9. Planning Board

484 (a) Composition, Term of Office - There shall be a Planning board that shall consist of 5
485 members. The term of office of a planning board member shall be for 5 years. The terms of
486 office of planning board members shall be so arranged that as nearly an equal number of terms as
487 is possible shall expire each year.

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

496 The Planning board shall review proposed zoning by-laws and amendments thereto in
497 accordance with section 5 of chapter 40A of the General Laws, as it may be amended from time
498 to time, and have all of the other powers and duties which are given to planning boards under the
499 constitution and the General Laws and shall have such additional powers and duties as may be
500 authorized by this charter, by by-law or by vote of the representative town meeting.

501 Section 3-10. Parks and Recreation Commission

502 (a) Composition, Term of Office - There shall be a parks and recreation commission that
503 shall consist of 5 members, elected at large. The terms of office of parks and recreation

504 commission members shall be for 3 years. The terms of office of parks and recreation
505 commission members shall be so arranged that as nearly an equal number as is possible shall
506 expire each year.

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

514 (c) Powers and Duties - The parks and recreation commission may appoint a director
515 of parks and recreation. Said director shall be appointed annually by the commission for a term
516 of one year and until qualification by a successor and may be removed by the commission at any
517 time when, in the judgment of the commission, the public interest so requires; and any vacancy
518 for any cause may be filled by appointment by the commission of the remainder of the unexpired
519 term.

520 Section 3-11. Commissioners of Trust Funds

521 (a) Composition, Term of Office - There shall be a board of commissioners of trust funds
522 consisting of 5 members. The terms of office of commissioners of trust funds members shall be
523 for 3 years, so arranged that as nearly an equal number of terms as is possible shall expire each
524 year.

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

535 Section 3-12. Housing Authority

536 (a) Composition, Term of Office - There shall be a housing authority which shall consist
537 of 5 members. Four of the members shall be chosen by ballot and the fifth member shall be a
538 resident of the town appointed under section 5 of chapter 121B of the General Laws or as
539 otherwise provided by law. The term of office of a housing authority member shall be for 5

540 years, so arranged that the term of as nearly an equal number of members as is possible shall
541 expire each year.

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

546 Section 3-13. Recall of Elected Officials

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

550 (b) Recall Petition

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

562 (2) Petition Form - When issued, the petition blanks shall contain a facsimile of the
563 signature of the town clerk and official seal of the town. The petition blanks shall be dated, shall
564 be addressed to the board of selectmen and shall contain the names of the first 10 voters on the
565 affidavit filed under paragraph (1) of subsection (b), the name and office of the person whose
566 recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a
567 successor to the office. No copies of petition blanks shall be made by the first 10 signers or
568 others circulating petitions for signatures. A copy of the petition blank shall be entered in a
569 record book to be kept in the office of town clerk.

570 (3) Petition Signature Requirements - The recall petitions shall be returned and filed with
571 the town clerk within 21 days following the date the petition blanks are made available in the
572 clerk's office and shall have been signed by at least 10 per cent of the voters eligible to vote as of
573 the most recent regular annual election, not more than 25 per cent of which shall be voters in any
574 1 district into which the town is divided. In signing such petitions, voters shall add to their
575 signatures the street and number, if any, of their residences.

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

579 (c) Selectmen's Action on Receiving Petition - If the petition shall be found and certified
580 by the registrars of voters to be sufficient, the registrars shall submit the certified petition to the
581 board of selectmen without delay, and the board of selectmen shall meet at a properly posted
582 meeting, in accordance with the open meeting law, to give written notice of the receipt of the
583 certificate to the officer sought to be recalled and shall, if the officer does not resign within 5
584 days after written notice has been provided, order an election to be held on a date not less than 60
585 days nor more than 75 days from the date the board of selectmen calls for such election;
586 provided, however, that if another town election is to occur within 90 days after the date of the
587 certificate, the board of selectmen shall postpone the holding of the recall election to the date of
588 such other election and the question of recall may appear on the ballot at that election. If a
589 vacancy occurs in the office after a recall election has been ordered, the election shall
590 nevertheless proceed as provided in this section.

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

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

601 (f) Recall Election - Ballots used in a recall election shall include the following
602 propositions in the order specified:

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

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

605 Below the propositions shall be a list of the names of all candidates nominated as
606 hereinbefore provided, arranged as provided in subsection (e) of section 3-1, with instructions
607 that shall aid the voter. If the number of votes in favor of the recall is in the majority, then the
608 officer shall be deemed recalled, the votes cast for each of the candidates counted and the
609 candidate receiving the highest number of votes declared elected for the remainder of the
610 unexpired term. If the number of votes against the recall is in the majority, the incumbent shall
611 not have been recalled and the votes for candidates shall not be counted. If such successor shall

612 fail to qualify within 14 days after receiving notification of election, the office shall be deemed
613 to be vacant and shall be filled in the manner provided in subsection (i) of section 3-1.
614 Notwithstanding any other provision of this paragraph, if fewer than 20 per cent of the voters
615 eligible to vote in the recall election participate at such election, no votes need be counted and
616 the election shall be deemed not to have recalled the incumbent.

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

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

626 ARTICLE 4

627 TOWN ADMINISTRATOR

628 Section 4-1. Appointment; Qualification; Term

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

643 Section 4-2. Powers and Duties

644 The town administrator shall be the chief administrative officer of the town, directly
645 responsible to the board of selectmen for the administration of all town affairs for which the

646 office of town administrator is given responsibility under this charter. The powers and duties of
647 the town administrator shall include, but not be limited to, the following:

648 (a) to supervise, direct and be responsible for the efficient administration of all functions
649 and activities for which the office of town administrator is given authority, responsibility or
650 control by this charter, by by-law, by the representative town meeting, by vote of the board of
651 selectmen or otherwise;

652 (b) (1) to appoint for periods not in excess of 5 years and, in appropriate circumstances,
653 to remove, subject to civil service laws and any applicable collective bargaining agreements, all
654 department heads and officers, who report directly to the town administrator; provided, however,
655 that such appointments shall become effective on the fifteenth day following the day on which
656 notice of the appointment is filed with the board of selectmen unless, within that period, the
657 board of selectmen by a vote of at least 3 of its members shall vote to reject such appointment or
658 has sooner voted to affirm it; and provided further, that copies of the notices of all such
659 appointments shall be posted on the town bulletin board when submitted to the board of
660 selectmen;

661 (2) to suspend or remove, any person appointed by the town administrator under
662 paragraph (1) of subsection (b)) in accordance with section 6-6; provided, however, that Tthe
663 decision of the town administrator in suspending or removing any person appointed by the town
664 administrator shall be final;

665 (c) to be entrusted with the administration of a town personnel system including, but not
666 limited to, personnel policies and practices, rules and regulations, including provisions for an
667 annual employee performance review, personnel by-laws and collective bargaining agreements
668 entered into by the town; provided however, that the town administrator shall also prepare and
669 keep current a plan establishing the personnel staffing requirements for each town agency, except
670 the school department.

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

673 (e) (1) to attend all regular and special meetings of the board of selectmen unless
674 unavailable for reasonable cause and have a voice, but no vote, in all of its proceedings;

675 (2) to keep the board of selectmen fully advised concerning the status of all matters
676 which have been referred to the office of the town administrator by the board of selectmen by
677 providing to its members for review at each regular meeting of the board of selectmen a full and
678 complete summary of all activity conducted by the office of the town administrator since the last
679 meeting of the board of selectmen;

680 (f) to assure that full and complete records of the financial and administrative activities
681 of the town are kept and to render, as often as may be required by the board of selectmen, a full
682 report of all town administrative operations during the period reported on, which report shall be
683 made available to the public;.

684 (g) to keep the board of selectmen fully advised as to the needs of the town and shall
685 recommend to the board of selectmen and to other elected town officers and agencies for
686 adoption such measures requiring action by them or the representative town meeting as the town
687 administrator may deem necessary or desirable;

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

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

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

697 (k) to negotiate all contracts involving any subject within the jurisdiction of the office of
698 town administrator, including contracts with town employees, except employees of the school
699 department, involving wages, hours and other terms and conditions of employment; provided,
700 however, that all such contracts shall be subject to ratification and execution by the board of
701 selectmen;

702 (l) to serve as the chief procurement officer for purposes of chapter 30B of the General
703 Laws and be responsible for purchasing all supplies, material and equipment for all departments
704 and activities of the town, including execution of contracts therefor; provided, however, that the
705 town administrator shall examine, or cause to be examined, the quantity, quality and condition of
706 all supplies, material and equipment delivered to or received by any town agency; and provided
707 further, that the town administrator shall be responsible for the disposal of all supplies, material
708 and equipment that have been declared surplus by any town agency;

709 (m) to see that all of the provisions of the General Laws, this charter, town by-laws and
710 other votes of the representative town meeting and votes of the board of selectmen which require
711 enforcement by the town administrator or officers subject to the direction and supervision of the
712 town administrator are faithfully executed, performed or otherwise carried out;

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

715 (o) to attend all sessions of all town meetings and answer all questions raised by persons
716 recognized by the moderator which relate to warrant articles and to matters over which the town
717 administrator exercises any supervision;

718 (p) to create, reorganize, expand, consolidate or abolish, in the manner provided in
719 Article 5, town agencies serving under the supervision of the town administrator, in whole or in
720 part, and provide for the reassignment of powers, duties, functions and responsibilities with and
721 among such agencies so created or existing, notwithstanding any specific designation of a town
722 agency or any specific assignment of powers, duties, functions and responsibilities within this
723 charter; provided, however, that for the purposes of said Article 5, functions assigned by this
724 charter to appointed town agencies under the supervision of the town administrator may be
725 assigned to any other agency under the supervision of the town administrator or to any board,
726 commission, committee, department, position or office of any such agency in the manner
727 provided in said Article 5;

728 (q) to coordinate the activities of all town agencies serving under the office of town
729 administrator and the office of board of selectmen with those under the control of other officers
730 and multiple member bodies elected directly by the voters; provided, however, that for the
731 purpose of effecting coordination and cooperation among all agencies of the town, the town
732 administrator may require the persons so elected, or their representatives, to meet with the town
733 administrator, at reasonable times, to submit such reports and summaries of actions taken as may
734 be deemed to be necessary or desirable to have available for the purpose of such coordination;
735 and

736 (r) to perform any other duties as are required to be performed by the town administrator
737 by the town by-laws, administrative organization plan, votes of the representative town meeting,
738 votes of the board of selectmen or otherwise.

739 Section 4-3. Delegation of Authority

740 The town administrator may authorize any subordinate officer or employee to exercise
741 any power or perform any function or duty which is assigned to the office of town administrator,
742 provided, however, that all acts performed under any such delegation shall be deemed to be the
743 acts of the town administrator.

744 Section 4-4. Acting Town Administrator

745 (a) Temporary Absence - By letter filed with the town clerk, the town administrator shall
746 designate a qualified town administrative officer or employee to exercise the powers and perform
747 the duties of town administrator during a temporary absence. During a temporary absence, the
748 board of selectmen shall not revoke such designation until at least 10 business days have elapsed,
749 whereupon it may appoint another qualified town administrative officer or employee to serve
750 until the town administrator returns.

751 (b) Vacancy - Any vacancy in the office of town administrator shall be filled as soon
752 as possible by the board of selectmen in the manner provided in section 4-1; provided, however,
753 that pending such regular appointment, the board of selectmen shall appoint a qualified town
754 administrative officer or employee to perform the duties of the office on an acting basis. Such
755 temporary appointment shall not exceed 6 months but 1 renewal may be voted by the board of
756 selectmen not to exceed a second 6 months. Compensation for such person shall be set by the
757 board of selectmen but shall not exceed the compensation paid to the most recent incumbent of
758 the office of town administrator.

759 (c) Powers and Duties - The powers of a temporary or acting town administrator
760 under section 4-4 shall be limited to matters not admitting of delay and shall include authority to
761 make temporary, emergency appointments or designations to a town office or employment but
762 not to make permanent appointments or designations.

763 Section 4-5. Removal and Suspension

764 The board of selectmen by the affirmative votes of at least 3 members may terminate,
765 remove or suspend the town administrator from office; provided, however, that further
766 conditions applicable to termination, removal and suspension may be addressed by the terms of
767 any contract between the board of selectmen and the town administrator.

768 ARTICLE 5

769 ADMINISTRATIVE ORGANIZATION

770 Section 5-1. Department of Finance

771 (a) Department and Director - There shall be a department of finance under the
772 direction of a director of finance, who shall be appointed and may be removed by the town
773 administrator in accordance with clause (b) of section 4-2. The director of finance shall give
774 bond to the town, at the expense of, and in a form satisfactory to, the town.

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

784 (c) Appointment of Treasurer-Collector and other Departmental Positions - The
785 director of finance may make other departmental appointments under section 6-5, including

786 appointment of a treasurer-collector. The treasurer-collector shall have all of the powers and
787 duties that treasurers and collectors may have under the constitution and General Laws and any
788 other powers and duties assigned to that office by this charter, by-law or other vote of the
789 representative town meeting. With the approval of the board of selectmen and town
790 administrator, the director of finance may separate the responsibilities of the treasurer-collector
791 and assign the same to a separate treasurer and a separate collector.

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

796 Section 5-2. Organization of Town Agencies

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

800 (a) By-Laws - Subject only to express prohibitions in the General Laws or the
801 provisions of this charter, the representative town meeting may, by by-law, reorganize,
802 consolidate, create, merge, divide or abolish any town agency, in whole or in part, establish such
803 new town agencies as it deems necessary or desirable, determine the manner of selection, the
804 term of office and prescribe the functions of all such entities; provided, however, that no function
805 assigned by this charter to a particular town agency shall be discontinued or assigned to any
806 other town agency unless this charter specifically so provides. Pursuant to subsection (p) of
807 section 4-2, functions assigned by this charter to appointed town agencies under the supervision
808 of the town administrator may, by by-law, be assigned to any other appointed town agency under
809 the supervision of the town administrator or to any board, commission, committee, department,
810 position or office of any such agency.

811 (b) Administrative Organization Plan - The town administrator, after consultation
812 with the board of selectmen, may from time to time prepare and submit to an annual
813 representative town meeting, plans of organization or reorganization which establish operating
814 divisions for the orderly, efficient or convenient conduct of the business of the town.

815 Whenever the town administrator prepares such a plan, the board of selectmen shall hold
816 at least 1 public hearing on the proposal giving notice by publication in a local newspaper, which
817 notice shall describe the scope of the proposal and the time and place at which the hearing shall
818 be held, not later than 14 days following such publication. Following such public hearing, the
819 proposal, which may have been amended subsequent to the public hearing, shall be submitted to
820 the representative town meeting by an appropriate warrant article. An organization or
821 reorganization plan shall become effective at the start of the next fiscal year following the date of
822 adjournment of the representative town meeting at which the proposal is submitted unless the

823 representative town meeting shall, by a majority vote, vote to disapprove the plan. The
824 representative town meeting shall vote only to approve or to disapprove the plan and shall not
825 vote to amend or to alter it.

826 The town administrator may, through the administrative organization plan and subject
827 only to express prohibitions in the General Laws or this charter, reorganize, consolidate or
828 abolish any town agency, in whole or in part, establish such new town agencies as is deemed
829 necessary or desirable to the same extent as is provided in subsection (a) of section 5-2 and, for
830 such purpose, transfer the duties and powers and, so far as is consistent with the use for which
831 the funds were voted by the town, transfer the appropriation of 1 town agency to another;
832 provided, however, that no function assigned by this charter to a particular town agency shall be
833 discontinued or assigned to any other town agency unless this charter specifically so provides.

834 Section 5-3. Publication of Administrative Organization Plan and Staffing Plan

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

838 Section 5-4. Merit Principle

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

842 ARTICLE 5A

843 FINANCE AND FISCAL PROCEDURES

844 Section 5A-1. Budget Cycle

845 The fiscal year of the town shall begin on July 1 and shall end on June 30, unless another
846 period is required by the General Laws. The town administrator shall establish a budget
847 calendar, consistent with any requirements in this charter and by-laws, setting forth key
848 deadlines for action. Following presentation of the same to the board of selectmen, the town
849 administrator shall provide notice thereof to all town department heads, directors, boards,
850 committees and officials.

851 Section 5A-2. School Committee Budget

852 (a) Public Hearing - At least 7 days before the meeting at which the school committee
853 is to vote on its final budget request, the school committee shall cause to be published in a local
854 newspaper information as to the times and places, which shall include, at a minimum, the school
855 website and superintendent's office, where copies of the committee's proposed budget message
856 and draft budget may be reviewed and or requested, and such information shall include the date,

857 time and place of the public hearing thereon. The budget message shall outline proposed
858 financial policies of the school department for the ensuing fiscal year, describe important
859 features of the budget, indicate any major variations from the current year in financial policies,
860 expenditures and revenues, together with the reasons for such changes, and include such other
861 material as the superintendent and school committee deem desirable or the town administrator or
862 board of selectmen may reasonably require. The school committee shall take its final vote on its
863 proposed budget not sooner than at its next regularly scheduled meeting following the public
864 hearing.

865 (b) Submission to Town Administrator - The budget, as adopted by the school
866 committee, shall be submitted to the town administrator not later than 2 weeks prior to the date
867 on which the town administrator is required to submit a proposed town budget to the finance and
868 warrant committee to enable the town administrator to consider the effect of the school
869 department's requested appropriation upon the total town operating budget, which is required to
870 be submitted under this Article 5A.

871 Section 5A-3. Submission of Budget and Budget Message

872 Before the spring annual town meeting is to convene, the town administrator shall, not
873 later than 1 week prior to the date on which the town administrator will submit the proposed
874 budget and budget message to the board of selectmen for its review, cause to be published in a
875 local newspaper information as to the times and places, which shall include, at a minimum, the
876 town website and the town administrator's office, where copies of the town administrator's
877 proposed budget and budget message may be reviewed or requested, and such information shall
878 include the date, time and place of the public hearing thereon. After consultation with the board
879 of selectmen, the town administrator shall submit to the finance and warrant committee a
880 proposed, balanced, operating budget for the ensuing fiscal year with an accompanying budget
881 message and supporting documents.

882 Section 5A-4. Budget Message

883 The budget message of the town administrator shall explain the budget for all town
884 agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial
885 policies of the town for the ensuing fiscal year, describe important features of the budget,
886 indicate any major variations from the current year in financial policies, expenditures and
887 revenues, together with the reasons for such changes, summarize the town's debt position and
888 include other material as the town administrator deems desirable or the board of selectmen may
889 reasonably require.

890 Section 5A-5. The Budget

891 The proposed operating budget shall provide a complete financial plan for all town funds
892 and activities for the ensuing fiscal year. Except as may otherwise be required by the General

893 Laws, by this charter or by by-law, it shall be in the form which the town administrator deems
894 desirable or the board of selectmen may require. In the presentation of the budget, the town
895 administrator shall utilize modern concepts of fiscal presentation so as to furnish maximum
896 information and the best financial control. The budget shall show, in detail, all estimated income
897 from the proposed property tax levy and other sources and all proposed expenditures, including
898 debt service, for the following year. The budget shall be arranged to show the actual and
899 estimated income and expenditures for the previous, current and ensuing fiscal years and shall
900 indicate in separate sections:

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

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

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

908 Section 5A-6. Action on the Budget

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

913 (b) Review - The finance and warrant committee shall consider, in open public
914 meetings, the detailed expenditures proposed for each town agency and may confer with
915 representatives of each such agency in connection with its review and consideration. The finance
916 and warrant committee may require the town administrator, or any other town agency, to furnish
917 it with such additional information as it may deem necessary or desirable to assist it in its review
918 and consideration of the proposed operating budget.

919 (c) Action by the Representative Town Meeting - The finance and warrant committee
920 shall file a report containing its recommendations for the action to be taken on each line item in
921 the proposed operating budget as submitted by the town administrator, which report shall be
922 available on the town website and in the offices of the town administrator and town clerk. The
923 finance and warrant committee's recommendation on the proposed operating budget for the
924 ensuing fiscal year shall be presented as the main motion to the representative town meeting.

925 Section 5A-7. Capital Improvement Program

926 The town administrator shall submit a capital improvement program to the board of
927 selectmen and the finance and warrant committee within the time fixed by by-law. The program

928 shall be based on material prepared by the capital improvement committee established by by-
929 law, if any, including:

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

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

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

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

937 Such information shall be annually revised by the town administrator with regard to the
938 capital improvements still pending or in the process of being acquired, improved or constructed.

939 Section 5A-8. Approval of Warrants

940 The town administrator shall be the chief fiscal officer of the town. Warrants for the
941 payment of town funds prepared and signed by the director of finance in accordance with the
942 General Laws shall be submitted to the town administrator. The approval of any such warrant by
943 the town administrator shall be sufficient authority to authorize payment by the treasurer-
944 collector or, as may be applicable, town treasurer, but the board of selectmen alone shall approve
945 all warrants prepared and signed by the director of finance in the event of the absence of the
946 town administrator or a vacancy in the office of town administrator.

947 Section 5A-9. Audits

948 The board of selectmen shall annually provide for an independent audit of all financial
949 books and records of the town or whenever it deems an audit of the books of the whole town or
950 of any particular town agency to be necessary or desirable.

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

954 ARTICLE 6

955 ADMINISTRATIVE PROVISIONS

956 Section 6-1. Rules and Regulations

957 A copy of all rules and regulations adopted by any town agency shall be filed in the
958 office of the town clerk and made available for review by any person who requests such

959 information. Such rules and regulations shall not become effective until 10 days following the
960 date they are filed.

961 Section 6-2. Procedures

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

976 (b) Meeting Notices - No action taken on a matter not included in the posted meeting
977 notice shall be effective unless the multiple member body first adopts by separate vote a
978 resolution declaring that an emergency exists and that the particular matter is required to be acted
979 upon at that meeting for the immediate preservation of the peace, health, safety or convenience
980 of the town. The town shall also, subject to funding and administrative or technological
981 constraints, post notices of all meetings on the town's website as soon as possible after the
982 official notices of such meetings are posted; provided, however, that, unless otherwise required
983 by the General Laws to be posted on the town's website, failure to so post shall not invalidate the
984 meeting to which the notice relates or otherwise affect action taken thereat or in reliance thereon.

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

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

993 (e) Quorum - A majority of the members of the multiple member body shall
994 constitute a quorum, but a smaller number may adjourn from time to time and may compel the

995 attendance of absent members in the manner and subject to the penalties prescribed by the rules
996 of the multiple member body.

997 (f) Public Participation – Each multiple member body shall include on the notice for
998 each meeting an item for a public participation period of such duration and subject to such rules
999 as the body shall adopt, during which members of the public shall have the opportunity to
1000 address the body concerning matters within its jurisdiction.

1001 Section 6-3. Appointed Multiple-Member Bodies

1002 (a) Appointing Authority, in General - Except as may otherwise be specified by this
1003 charter, whenever, whether by a vote of the representative town meeting or by by-law a multiple
1004 member body is to be established, the representative town meeting shall designate the
1005 appropriate appointing authority therefor. In the absence of such designation, it shall be
1006 presumed that the board of selectmen shall make such appointment in accordance with
1007 subsection (d) of section 3-2.

1008 (b) Vacancies - Vacancies arising on an appointed multiple member body other than
1009 by expiration of the appointed term shall be filled for the remainder of the unexpired term in the
1010 same manner as the original appointment, subject to the requirements of section 6-4.

1011 (c) Powers and Duties – The officers and multiple member bodies appointed by the
1012 board of selectmen, town administrator or moderator under subsection (d) of section 3-2, by the
1013 moderator under subsection (b) of section 3-8, as established by the representative town meeting
1014 under subsection (c) of section 2-9, or as specified by the representative town meeting consistent
1015 with subsection (a) of section 6-3 shall have all the powers and duties provided to such officers
1016 and bodies under the constitution and General Laws and such additional powers and duties as
1017 may be authorized by this charter, by by-law or by other vote of the representative town meeting;
1018 provided, however that notwithstanding any provision of this charter or of the General Laws to
1019 the contrary, the powers and duties of multiple member bodies appointed thereunder shall be
1020 subject to the applicable provisions of Article 6 and Article 4.

1021 Section 6-4. Notice of Vacancies

1022 Whenever a vacancy occurs in any town office or town employment or on any multiple
1023 member body, except for positions covered under the civil service laws, whether by reason of
1024 death, resignation, expiration of a fixed term for which a person has been appointed or otherwise,
1025 the appointing authority shall cause public notice of the vacancy to be posted on the town
1026 bulletin boards. No permanent appointment to fill such a position shall be effective until at least
1027 14 days following such posting. Any person who desires to be considered for appointment to the
1028 position may, within 10 days following the date the notice is posted or such later date as set forth
1029 in the posting, file with the board of selectmen or other appointing authority a statement which
1030 sets forth in clear and specific terms the qualifications which such person holds for the position.

1031 Section 6-5. Appointments by Department Heads

1032 All persons categorized as department heads shall, subject to the consent of the town
1033 administrator, appoint all assistants, subordinates and other employees of the department for
1034 which such person is responsible. The department head may suspend or remove any assistant,
1035 subordinate or other employee of the department for which such person is responsible in
1036 accordance with procedures established in section 6-6. The decision to suspend or remove any
1037 assistant, subordinate or other employee shall be subject to review by the town administrator. A
1038 person for whom a department head has determined that suspension or removal is appropriate
1039 may seek review of such determination by the town administrator by filing a petition for review
1040 in the office of the town administrator, in writing, within 10 days following receipt of notice of
1041 such determination. The review by the town administrator shall be consistent with section 6-6.
1042 The decision of the town administrator shall be final.

1043 Section 6-6. Removals and Suspensions

1044 Any appointed town officer, member of a multiple member body or employee of the
1045 town, not subject to the civil service laws, a collective bargaining agreement or contract to the
1046 contrary, and whether appointed for a fixed or indefinite term, shall be subject to suspension,
1047 termination or removal by the appointing authority for cause in accordance with a procedure set
1048 forth in the town's personnel by-laws, if any, or otherwise as the appointing authority, with the
1049 approval of the town administrator, determines to be in the best interests of the town.

1050 Nothing in this section shall be construed as granting a right to such a hearing when a
1051 person who has been appointed for a fixed term is not reappointed when the original term
1052 expires.

1053 Section 6-7. Role of Multiple Member Bodies

1054 Nothing in this charter shall be construed to authorize any individual member of an
1055 elected or appointed multiple-member body, nor a majority of members of such body, to become
1056 involved in the day-to-day operation and administration of any town agency, including
1057 appointment and supervision of department heads and staff, except as otherwise provided herein.
1058 Instead, day-to-day operations shall be subject to oversight by the town administrator under
1059 section 4-2 and department heads under sections 6-5 and 6-6. It is the intention of this section to
1060 affirmatively establish that such bodies shall act only through the adoption of broad policy
1061 guidelines that are to be implemented by officers and employees serving under such body.

1062 Section 6-8. Report of Multiple Member Bodies

1063 Each elected and appointed multiple member body shall report annually to the town, prior
1064 to the spring annual town meeting, giving information regarding the status of those matters under
1065 its jurisdiction, including any relevant plans or proposals known to it affecting the resources,

1066 possibilities and needs of the town and, in the case of any such multiple member body required
1067 to prepare or maintain plans or studies, an indication of the plan or study and any amendments
1068 made thereto during the past year.

1069 ARTICLE 7

1070 REVIEW AND CHANGES OF CHARTER AND BY-LAWS

1071 Section 7-1. Charter Changes

1072 This charter may be replaced, revised or amended in accordance with Article LXXXIX of
1073 the Amendments to the Constitution.

1074 Section 7-2. Periodic Review of Charter and By-Laws

1075 The board of selectmen shall appoint a special committee of not less than 5 voters in each
1076 year ending in "0" to review this charter and in each year ending in "5" to review the town by-
1077 laws. Such committees shall make recommendations concerning possible revision or
1078 recodification as the committee deems appropriate and shall present such recommendations,
1079 accompanied by a statement as to the reasons therefor, in a report to the board of selectmen.

1080 No more than 10 months following such respective appointments, each committee shall
1081 prepare a preliminary report summarizing its recommendations and shall schedule a public
1082 hearing in connection therewith to be held not earlier than 2 weeks after the date of notice of the
1083 availability of such report is published in a newspaper of general circulation in the town. The
1084 notice shall include information as to times and places, which shall include at a minimum the
1085 town's website and the town clerk's office, where copies of the report may be reviewed or
1086 requested and include the date, time and place of the public hearing.

1087 SECTION 2. All General Laws, special laws, town by-laws, votes, rules and regulations
1088 of or pertaining to the town which are in force when the Dedham Home Rule Charter
1089 authorized by section 1 takes effect and which is not specifically or by clear implication
1090 repealed, shall continue in full force and effect until amended or rescinded by due course of law
1091 or expire by their own limitation.

1092 SECTION 3. Following adoption of the Dedham Home Rule Charter authorized by
1093 section 1 , all town agencies shall continue to perform their duties until re-appointed or re-
1094 elected, or until successors to their respective positions are duly appointed or elected or their
1095 duties have been transferred.

1096 SECTION 4. Following adoption of the Dedham Home Rule Charter authorized by
1097 section 1 of this act, to the extent that it affects a particular appointed town office, position or
1098 employment, the town shall, subject to appropriation and the continued existence of such office,
1099 position or employment, retain the same and the individuals holding said office, position or

1100 employment shall continue to perform the duties thereof until provisions shall have been made
1101 for the performance of those duties by another person or agency, unless such individual is sooner
1102 removed in accordance with the Dedham Home Rule Charter authorized by section 1 , applicable
1103 collective bargaining agreement, employment contract, by-law or otherwise; provided, however,
1104 that no person in the permanent full-time service or employment of the town shall forfeit that
1105 person's pay grade or time in service. Subject to appropriation, and in accord with any contracts
1106 or applicable collective bargaining agreements, all such persons shall be retained in a capacity as
1107 similar to the capacity such persons were serving in at the time the Dedham Home Rule Charter
1108 authorized by section 1 was adopted or amended as is practical. Any reduction in the personnel
1109 needs of the town shall be accomplished through a policy of attrition unless specified otherwise.

1110 SECTION 5. To the extent that the Dedham Home Rule Charter authorized by section
1111 conflicts with any of the following acts, the Dedham Home Rule Charter shall prevail: chapter
1112 270 of the acts of 1897; chapter 343 of the acts of 1900; chapter 52 of the acts of 1921; chapter
1113 13 of the acts of 1932; chapter 51 of the acts of 1937; chapter 446 of the acts of 1956; and
1114 chapters 64 and 65 of the acts of 1957.

1115 SECTION 6. Section 3-1 of the charter of the town of Dedham, which is on file with the
1116 office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the
1117 General Laws, is hereby amended by striking out subsection (d) and inserting in place thereof the
1118 following subsection:-

1119 (d) Elected town officials, other than the town clerk, shall serve without compensation,
1120 but shall, subject to appropriation, be reimbursed for their actual and necessary expenses
1121 incurred in the performance of their duties.

1122 SECTION 7. Subsection (a) of section 3-5 of the charter of the town of Dedham, which
1123 is on file with the office of the archivist of the commonwealth, as provided in section 12 of
1124 chapter 43B of the General Laws, is hereby amended by striking out the word "three" and
1125 inserting in place thereof the following figure:- 5.

1126 SECTION 8. Section 4-2 of the charter of the town of Dedham, which is on file with the
1127 office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the
1128 General Laws, is hereby amended by striking out subsection (b) and inserting in place thereof
1129 the following subsection:-

1130 (b) (1) To appoint for periods not in excess of 5 years, subject to the civil service laws
1131 and of any collective bargaining agreements as may be applicable, all department heads,
1132 directors, principal deputies or principal agents of multiple member bodies other than those
1133 under the jurisdiction of the school committee, board of library trustees and the parks and
1134 recreation commission and officers and positions for which no other method of appointment is
1135 provided in this charter; provided, however, that the town administrator shall consult with the
1136 appropriate elected or appointed multiple member body prior to hiring a department head,

1137 director, principal deputy or principal agent for a particular department. Subject to civil service
1138 laws and any applicable collective bargaining agreements, all appointments made hereunder shall
1139 be for employment “at will”, provided, that such employment may be for periods not in excess
1140 of 5 years, and shall become effective on the fifteenth day following the day on which notice of
1141 the appointment is filed with the board of selectmen; provided, however, that if within that
1142 period, the board of selectmen, by a vote of at least 3 of its members, shall vote to reject such
1143 appointment or has sooner voted to affirm it. Notwithstanding the preceding sentence with
1144 respect to the “at will” nature of employment, the town administrator shall have authority to
1145 enter into employment contracts with the fire chief, police chief, and finance director that
1146 provide for other terms and conditions of employment, including dismissal. Copies of the
1147 notices of all such appointments shall be posted on the town bulletin boards when submitted to
1148 the board of selectmen.

1149 (2) To suspend or remove, any person appointed by the town administrator under section
1150 4-2(b)(1); provided, however, that if such person is the department head director, principal
1151 deputy or principal agent for a department for which policy is set by an elected or appointed
1152 multiple member body, the town administrator shall, except in circumstances in which the best
1153 interest of the town require immediate action, first consult with such body with respect to such
1154 suspension or removal. The decision of the town administrator in suspending or removing any
1155 person appointed by the town administrator shall be final.

1156 SECTION 9. Said section 4-2 of said charter is hereby further amended by adding the
1157 following clause:-

1158 (s) To supervise and direct all appointed department heads, directors, principal deputies
1159 and principal agents of elected and appointed multiple member bodies, but excluding the library
1160 director and parks and recreation director, with respect to day-to-day performance, in a manner
1161 consistent with the town's personnel by-laws and policies, and, if applicable, contracts or
1162 collective bargaining agreements. The town administrator shall, in connection therewith, provide
1163 for an annual review of such department heads, directors, principal deputies and principal agents
1164 with respect to day-to-day performance, with or without the respective multiple member body.

1165 SECTION 10. Provided that section 1 is approved by the voters under section 12, the first
1166 sentence of section 6-7 of the Dedham Home Rule Charter is hereby amended by striking out the
1167 words, “except as otherwise provided herein”, and inserting in place thereof the following words:
1168 - except as otherwise expressly provided in subsections (b) and (s) of section 4-2.

1169 SECTION 11. The charter of the town of Dedham, which is on file with the office of the
1170 archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is
1171 hereby amended by striking out the words, “Town Administrator” and inserting in place thereof,
1172 in each instance, the following words:- town manager.

1173 SECTION 12. Sections 1 to 11, inclusive, and sections 16 to 57, inclusive, shall be
1174 presented to the voters of the town of Dedham at an election in the form of the following
1175 questions, with all such questions to be preceded by instructions to aid the voter indicating that
1176 each question is to be considered independently, and further that each question shall be followed
1177 by a brief summary prepared by town counsel and other information provided to voters in
1178 accordance with chapter 238 of the acts of 2002:

1179 “QUESTION 1: Shall section 1 of an act passed by the general court in the year 2014,
1180 entitled ‘AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM’, which
1181 section amends the Town Charter by making ministerial, clerical and minor substantive
1182 revisions, be accepted?

1183 QUESTION 2: Shall section 6 of an act passed by the general court in the year 2014,
1184 entitled ‘AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM’, which
1185 section amends the town charter to eliminate compensation for elected officials other than the
1186 town clerk, be accepted?

1187 QUESTION 3: Shall section 7 of an act passed by the general court in the year 2014,
1188 entitled ‘AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM’, which
1189 section amends the town charter to increase the term of the elected town clerk from 3 to 5 years,
1190 be accepted?

1191 QUESTION 4: Shall sections 8, 9 and 10 of an act passed by the general court in the year
1192 2014, entitled ‘AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM’,
1193 which sections amends the town charter to make the town administrator responsible for
1194 appointing and supervising all department heads other than the library director and parks and
1195 recreation director, be accepted?

1196 QUESTION 5: Shall section 11 of an act passed by the general court in the year 2014,
1197 entitled ‘AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM’, which
1198 section amends the town charter to change the title of “Town Administrator” to “town manager”,
1199 be accepted?”

1200 If a majority of the votes cast in answer to any of the questions is in the affirmative, the
1201 sections of this act therein referenced shall take effect immediately or as otherwise specified in
1202 this act, but not otherwise.

1203 SECTION 13. Notwithstanding section 6 or any other provision of this act to the
1204 contrary, an elected official holding office as of the effective date of this act shall continue to
1205 receive compensation until the expiration of the elected official’s current term of office, as of the
1206 effective date of this act, or the elected official’s resignation, retirement or removal therefrom.

1207 SECTION 14. Notwithstanding section 7 or any other provision of this act to the
1208 contrary, the duration of office for the town clerk of the town of Dedham holding such office as
1209 of the effective date of this act, shall be for a period of 3 years; provided, however, that upon the
1210 expiration of the current term of office, or the sooner resignation, retirement or removal of the
1211 town clerk serving as of the effective date of this act, election of a town clerk shall be for a term
1212 of 5 years as provided in section 7 of this act, provided that the majority of votes cast in answer
1213 to question 3 in section 12 are in the affirmative.

1214 SECTION 15. Notwithstanding any general or special law or provision of the Dedham
1215 town charter or by-laws to the contrary, the questions set forth herein may appear on a separately
1216 posted warrant and on the April 12, 2014 annual town election ballot in the town of Dedham, and
1217 all actions taken by the town with respect thereto are hereby ratified, validated and confirmed as
1218 though this act had been approved prior to March 7, 2014, and the questions had appeared on the
1219 warrant for the annual town meeting.

1220 SECTION 16. Chapter 102 of the acts of 1838 is hereby repealed.

1221 SECTION 17. Chapter 168 of the acts of 1866 is hereby repealed.

1222 SECTION 18. Chapter 30 of the acts of 1886 is hereby repealed.

1223 SECTION 19. Chapter 156 of the acts of 1889 is hereby repealed.

1224 SECTION 20. Chapter 74 of the acts of 1895 is hereby repealed.

1225 SECTION 21. Chapter 128 of the acts of 1910 is hereby repealed.

1226 SECTION 22. Chapter 135 of the acts of 1913 is hereby repealed.

1227 SECTION 23. Chapter 9 of the acts of 1924 is hereby repealed.

1228 SECTION 24. Chapter 292 of the acts of 1925 is hereby repealed.

1229 SECTION 25. Chapter 335 of the acts of 1926 is hereby repealed.

1230 SECTION 26. Chapter 358 of the acts of 1926 is hereby repealed.

1231 SECTION 27. Chapter 46 of the acts of 1928 is hereby repealed.

1232 SECTION 28. Chapter 270 of the acts of 1929 is hereby repealed.

1233 SECTION 29. Chapter 8 of the acts of 1930 is hereby repealed.

1234 SECTION 30. Chapter 211 of the acts of 1933 is hereby repealed.

1235 SECTION 31. Chapter 215 of the acts of 1934 is hereby repealed.

1236 SECTION 32. Chapter 29 of the acts of 1935 is hereby repealed.

1237 SECTION 33. Chapter 325 of the acts of 1935 is hereby repealed.

1238 SECTION 34. Chapter 3 of the acts of 1936 is hereby repealed.

1239 SECTION 35. Chapter 96 of the acts of 1943 is hereby repealed.

1240 SECTION 36. Chapter 18 of the acts of 1945 is hereby repealed.

1241 SECTION 37. Chapter 90 of the acts of 1947 is hereby repealed.

1242 SECTION 38. Chapter 91 of the acts of 1947 is hereby repealed.

1243 SECTION 39. Chapter 419 of the acts of 1948 is hereby repealed.

1244 SECTION 40. Chapter 45 of the acts of 1949 is hereby repealed.

1245 SECTION 41. Chapter 58 of the acts of 1950 is hereby repealed.

1246 SECTION 42. Chapter 135 of the acts of 1950 is hereby repealed.

1247 SECTION 43. Chapter 91 of the acts of 1951 is hereby repealed.

1248 SECTION 44. Chapter 20 of the acts of 1952 is hereby repealed.

1249 SECTION 45. Chapter 494 of the acts of 1954 is hereby repealed.

1250 SECTION 46. Chapter 710 of the acts of 1955 is hereby repealed.

1251 SECTION 47. Chapter 119 of the acts of 1956 is hereby repealed.

1252 SECTION 48. Chapter 64 of the acts of 1958 is hereby repealed.

1253 SECTION 49. Chapter 80 of the acts of 1959 is hereby repealed.

1254 SECTION 50. Chapter 255 of the acts of 1960 is hereby repealed.

1255 SECTION 51. Chapter 239 of the acts of 1964 is hereby repealed.

1256 SECTION 52. Chapter 226 of the acts of 1965 is hereby repealed.

1257 SECTION 53. Chapter 6 of the acts of 1966 is hereby repealed.

1258 SECTION 54. Chapter 17 of the acts of 1966 is hereby repealed.

1259 SECTION 55. Chapter 350 of the acts of 1970 is hereby repealed.

1260 SECTION 56. Chapter 238 of the acts of 1971 is hereby repealed.

1261 SECTION 57. Chapter 394 of the acts of 1972 is hereby repealed.

1262 SECTION 58. Sections 1 to 5, inclusive, and 16 to 57, inclusive, shall take effect upon
1263 approval of QUESTION 1, as appearing in section 12, by the voters of the town of Dedham.

1264 SECTION 59. Sections 6 and 13 shall take effect upon the approval of QUESTION 2, as
1265 appearing in section 12, by the voters of the town of Dedham.

1266 SECTION 60. Sections 7 and 14 shall take effect upon the approval of QUESTION 3, as
1267 appearing in section 12, by the voters of the town of Dedham.

1268 SECTION 61. Sections 8 to 10, inclusive, shall take effect upon the approval of
1269 QUESTION 4, as appearing in section 12, by the voters of the town of Dedham.

1270 SECTION 62. Section 11 shall take effect upon the approval of QUESTION 5, as
1271 appearing in section 12, by the voters of the town of Dedham.

1272 SECTION 63. This act shall take effect upon its passage.