

SENATE No. 02295

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act amending the charter of the town of Plymouth.

PETITION OF:

NAME:

Therese Murray

DISTRICT/ADDRESS:

Plymouth and Barnstable

SENATE No. 02295

By Ms. Murray, a petition (accompanied by bill, Senate, No.2295) of Therese Murray (by vote of the town) for legislation to amend the charter of the town of Plymouth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act amending the charter of the town of Plymouth.

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

1 SECTION 1. Section 1 of Chapter 358 of the acts of 2004 is hereby amended by
2 inserting before section 1 of the charter of the town of Plymouth the following preamble:-
3 We, the people of the town of Plymouth, in order to reaffirm the customary and traditional
4 liberties of the people with respect to the conduct of our local government and to take the fullest
5 advantages inherent in the home rule amendment of the constitution of the commonwealth, do
6 hereby adopt the following home rule charter for this town.

7 All elected and appointed town officials, town employees and volunteers agree when taking an
8 oath of office to serve or accepting a job offer for the town of Plymouth to strictly adhere to this
9 home rule charter in the course of conducting their duties.

10 SECTION 2. Said section 1 of said chapter 358 is hereby amended by striking out
11 section 2-2-3 and inserting in place thereof the following section:-

12 2-2-3 The Town Clerk shall serve as clerk of the representative town meeting. The Town Clerk
13 shall cause notice of all meetings to be posted in the Town Hall, in the Town's libraries, and
14 posted on the Town's website. The Town Clerk shall mail copies of the notice to the place of
15 residence of all representative town meeting members, citing the place, date, and time of the
16 meeting.

17 SECTION 2. Said section 1 of said chapter 358 is hereby further amended by striking out
18 section 2-4-7 and inserting in place thereof the following section:-

19 2-4-7 In the event that the advisory and finance committee fails to comply with the provisions of
20 section 2-12-2 of this charter, the scheduled representative town meeting shall convene and then
21 adjourn to a date that would allow the advisory and finance committee to make copies of its
22 detailed written report available to representative town meeting members and voters 14 days
23 prior to that date, except that two-thirds of the representative town meeting members in
24 attendance may vote to waive the 14 day requirement of Section 2-12-2.

25 SECTION 3. Said section 1 of said chapter 358 is hereby further amended by striking
26 out section 2-5-3 and inserting in place thereof the following section:-

27 2-5-3 A representative town meeting member who removes from the town shall cease to be a
28 town meeting member and a representative town meeting member who removes from the
29 precinct from which the representative was elected to another precinct may serve only until the
30 next annual town meeting. The town clerk may also declare the seat vacant if the registrars of
31 voters, pursuant to sections 47B, 48 and 49 of chapter 51 of the General Laws or any other
32 applicable law, determine that the representative town meeting member is illegally or incorrectly
33 registered to vote in that precinct.

34 SECTION 4. Said section 1 of said chapter 358 is hereby amended by striking out
35 section 2-11-3 and inserting in place thereof the following section:-

36 2-11-3 Each precinct chairperson shall arrange for the posting of notices of caucus meetings in
37 town hall and on the town's website. Each such caucus meeting shall be conducted in
38 accordance with section 20 of chapter 30A of the General Laws, the open meeting law.

39 SECTION 5. Section 2-12-1 of said section 1 of said chapter 358 is hereby amended by
40 striking out the first paragraph and inserting in place thereof the following paragraph:-

41 2-12-1 An advisory and finance committee of 15 members shall be appointed by the moderator
42 for 3-year overlapping terms. There shall be no more than 3 members from each precinct of the
43 town; provided, however, that in the event that the number of incumbent members from a
44 particular precinct increases due to redistricting or the change in residency of that member or
45 another, no incumbent member need be removed, and may serve out their respective terms. The
46 advisory and finance committee shall choose from its members a chairperson and fill the other
47 offices as it may create. The moderator may fill any vacancy by appointment and the term of that
48 appointment shall be for the remainder of the unexpired term of the person causing the vacancy.

49 SECTION 6. Said section 1 of said chapter 358 is hereby further amended by striking out
50 section 2-12-2 and inserting in place thereof the following section:-

51 2-12-2 The advisory and finance committee shall conduct 1 or more public hearings on the
52 proposed operating and capital budget and shall issue its recommendations in a detailed written
53 report and shall mail copies to town meeting members postmarked not later than 14 days prior to
54 the scheduled date of the representative town meeting and make copies available to voters at
55 least 14 days prior to the scheduled date of the representative town meeting. In preparing its

56 report, the committee may require any town department, board or office to furnish it with
57 appropriate financial reports and budgetary information. If the advisory and finance committee
58 has failed to consider a warrant article, the representative town meeting may consider that article,
59 provided that two-thirds of the representative town meeting members in attendance vote to do so.
60 The vote shall not be taken unless the article has been presented to the advisory and finance
61 committee.

62 SECTION 7. Said section 1 of said chapter 358 is hereby further amended by striking
63 out section 3-6-2 and inserting in place thereof the following section:-

64 3-6-2 The department of public works shall be responsible for:

65 (a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm drains,
66 bridges and other public way related structures;

67 (b) the maintenance, repair and cleaning and custodial services of all buildings and grounds
68 owned or leased by the town;

69 (c) the development and maintenance of all cemeteries, parks and recreation facilities;

70 (d) snow and ice removal;

71 (e) providing for and supervising the collection and disposal of garbage and other refuse and the
72 maintenance and operation of all facilities for the disposal of the same;

73 (f) the supervision, care and replacement of trees;

74 (g) the design, construction, operation and maintenance of all water and sewer facilities;

75 (h) other functions as the town manager assigns; and

76 (i) the master planning of all infrastructure elements under their jurisdiction including, but not
77 limited to, public roadways, sidewalks, stormdrains, bridges, cemeteries, parks and recreation
78 facilities, solid waste and waste water facilities all of which shall be coordinated and consistent
79 with the comprehensive master plan provided for in section 14-4 of chapter 3.

80 SECTION 8. Said section 1 of said chapter 358 is hereby further amended by striking
81 out section 3-14-8 and inserting in place thereof the following section:-

82 3-14-8 The planning board shall appoint an open space committee comprised of 9 persons to act
83 in an advisory capacity to the planning board and the representative town meeting with respect to
84 the preservation of natural open space and to assist the community preservation committee in
85 fulfilling its duties under the Community Preservation Act. Five members shall be appointed by
86 the planning board, 2 by the selectmen and 2 by the conservation commission.

87 SECTION 9. Said section 1 of said chapter 358 is hereby further amended by striking
88 out sections 3-16-1 and 3-16-2 and inserting in place thereof the following 2 sections:-

89 3-16-1 The board of selectmen shall appoint a building committee which shall consist of 9
90 members. The committee shall have among its members 1 member of the planning board, a
91 registered professional engineer or architect, an attorney, a person employed in the construction
92 industry or a related trade or occupation, 2 members of the school committee and 3 other
93 residents. Members of the committee shall be appointed for 3-year overlapping terms.

94 3-16-2 Upon the request of the town manager or a department head, the building committee
95 shall meet with various town departments from time to time to determine the need for additions
96 or renovations to any existing buildings or facilities, for the construction of new buildings or
97 facilities or for the demolition or disposal of existing buildings. The committee shall report its

98 recommendations to the board of selectmen and the representative town meeting and the school
99 committee when applicable. Whenever this work is authorized by the representative town
100 meeting, the building committee shall be responsible for the oversight of all work relating
101 thereto, including site planning, preliminary architectural drawings, final plans and the oversight
102 of all construction.

103 SECTION 10. Said section 1 of said chapter 358 is hereby further amended by striking
104 out section 4-2-1 and inserting in place thereof the following section:-

105 4-2-1 No representative town meeting member or elected town official representing the entire
106 town shall hold simultaneously any other elected town office other than member of a charter
107 commission. Any person who holds multiple offices in violation of this section shall promptly
108 inform the town clerk as to which office that person will vacate. Election to any county, state or
109 federal office other than county charter commission shall be deemed to be an event disqualifying
110 an elected town official, including, but not limited to, representative town meeting member, from
111 continuing in an elected town office.

112 SECTION 11. Said section 1 of said chapter 358 is hereby further amended by striking
113 out section 5-6-3 and inserting in place thereof the following section:-

114 5-6-3 Within 5 days after receipt of the petition the town clerk shall determine whether the
115 petition contains a sufficient number of signatures. If there is a sufficient number of signatures,
116 the town clerk shall inform the board of selectmen, who, with the town clerk, shall provide for a
117 referendum to be held between 35 and 90 days after that determination.

118 SECTION 12. Said section 1 of said chapter 358 is hereby further amended by inserting
119 after section 6-2-1 the following 2 sections:-

120 6-2-2 All multi-member board and committee appointments made under this charter shall be for
121 a specific term. Any person whose cumulative attendance falls below 50 per cent in a 12 month
122 period, shall be deemed to have resigned from the appointed position. Thereafter, the position
123 shall be considered vacant for all purposes.

124 6-2-3 All bodies who have the ability to appoint may remove the appointee for cause, by a vote
125 of the appointing authority, as defined in the establish process developed by the appointing
126 authority.

127 SECTION 13. Said section 1 of said chapter 358 is hereby further amended by striking
128 out section 7-6-1 and inserting in place thereof the following section:-

129 7-6-1 At least once in every 5 years, a special committee shall be appointed by the town
130 moderator to review this charter and to make a report, with recommendations, to the
131 representative town meeting concerning any proposed amendments which the committee may
132 determine to be necessary or desirable.