

SENATE No. 2943

Senate, September 12, 2024 -- New draft (Sen. Fattman) to the Senate Bill relative to the town charter for the town of Southbridge (Senate, No. 2523).

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act amending the charter of the city known as the town of Southbridge.

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

1 SECTION 1. The charter of the city known as the town of Southbridge, which is on file
2 in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of
3 the General Laws, is hereby amended by striking out chapters 1 to 14, inclusive, and inserting in
4 place thereof the following 14 chapters:-

5 CHAPTER 1

6 INCORPORATION; SHORT TITLE;

7 POWERS; DEFINITIONS

8 SECTION 1 - INCORPORATION

9 1-1-1: The inhabitants of the town of Southbridge, within the corporate limits as
10 established by law, shall continue to be a body politic and corporate with perpetual succession
11 under the name "Town of Southbridge".

12 SECTION 2 - FORM OF GOVERNMENT AND TITLE

13 1-2-1: This charter provides for a town council-town manager form of town government
14 and it shall be known by the title "Southbridge Home Rule Charter". The town of Southbridge
15 shall be governed by the General Laws applicable to towns where the laws of the commonwealth
16 distinguish between towns and cities and all provisions of law applicable to the town of
17 southbridge, except as otherwise specifically provided in this charter; provided, however, that
18 section 32 of chapter 40 of the General Laws shall not apply to the town of Southbridge.

19 SECTION 3 - POWERS

20 1-3-1: Subject only to express limitations on the exercise of any power or function by a
21 municipality in the Constitution or laws of the commonwealth, it is the intent and the purpose of
22 the voters of the town of Southbridge to secure, through the adoption of this charter, all of the
23 powers it is possible to secure for a municipal government under the Constitution and laws of the
24 commonwealth.

25 SECTION 4 - CONSTRUCTION

26 1-4-1: The powers of the town of Southbridge under this charter shall be construed
27 liberally in its favor and the specific mention of particular powers shall not limit the general
28 powers of the town of Southbridge as stated in section 1-3-1.

29 SECTION 5 - DEFINITIONS

30 1-5-1: "By-Law", a general and permanent legislative enactment by the town council
31 establishing the structure of the town government or prescribing the activities of its citizens.

32 "Charter", this document and any amendments to it that may hereafter be adopted.

33 "Measure", any enactment, vote, resolution or motion by the town council other than a
34 by-law.

35 CHAPTER 2

36 THE TOWN COUNCIL

37 SECTION 1 - COMPOSITION

38 2-1-1: A town council consisting of 9 members shall be nominated and elected from the
39 town at-large to serve 3-year staggered terms.

40 SECTION 2 - ELIGIBILITY

41 2-2-1: All qualified voters of the town shall be eligible to hold the office of town
42 councilor except as otherwise limited by this charter.

43 2-2-2: No town councilor shall hold any other town office during their term of office. A
44 person elected to the town council while serving as a municipal employee or officer shall, prior
45 to assuming the office of town councilor, resign from said municipal employee or officer
46 position. No town councilor or former town councilor shall be offered or accept any
47 compensated town appointive office or employment until 1 year after their term shall have
48 ended.

49 2-2-3: Terms of town councilors shall be limited to 3 consecutive terms. For purposes of
50 this section, the word "term" shall mean 3 years or any portion thereof.

51 SECTION 3 - COMPENSATION

52 2-3-1: The town council may provide an annual salary for its members. No town
53 councilor shall receive said salary nor shall any increase thereof become effective until after the
54 commencement of the next fiscal year.

55 2-3-2: Town councilors may be reimbursed for actual expenses incurred in the
56 performance of their official duties from an annual appropriation for such purposes.

57 SECTION 4 - GENERAL POWERS AND DUTIES

58 2-4-1: Except as otherwise provided in this charter, all general, corporate, legislative,
59 policy-making and appropriation powers of the town shall be vested in the town council.

60 2-4-2: The town council may enact by-laws and other measures and rules and regulations
61 not inconsistent with this charter governing its own proceedings and other matters pertaining to
62 the exercise of its powers and the performance of its duties.

63 2-4-3: The town council shall provide for keeping accurate minutes of its proceedings
64 which shall be a public record. Annually, at the reorganizational meeting, the town council shall
65 appoint a recording secretary and a clerk of the town council. For the purpose of this section
66 only, the recording secretary shall be under the jurisdiction of the town council.

67 2-4-4: The town council may establish committees, subcommittees and advisory
68 committees as it deems reasonable and necessary and such committees may include non-town
69 council members. Town councilor appointments to such committees shall be made by the chair
70 of the town council and non-town council member appointments to such committees shall be
71 made by the town council subcommittee members subject to confirmation by the town council,
72 as provided for in section 2-4-2.

73 2-4-5: Town councilors shall not impede the daily municipal operations, nor give orders
74 or directions to town officers and employees, either publicly or privately. This prohibition shall
75 not preclude the town council or its members from asking questions, seeking information or
76 conducting conversations with said employees.

77 2-4-6: The town council or its members may freely and fully discuss with the town
78 manager anything pertaining to the appointment or removal of any town officer or employee, but
79 neither the town council nor its members shall in any way dictate the appointment or removal of
80 any town officer or employee under the jurisdiction of the town manager unless otherwise
81 specified by this charter.

82 SECTION 5 - MEETINGS AND QUORUM

83 2-5-1: The town council shall meet regularly, not less than twice every month. Special
84 meetings may be held if called by the chair or by any 3 members of the town council; provided,
85 however, that written notice of such meeting shall have been delivered to each other member not
86 less than 48 hours in advance thereof and shall have been posted in accordance with state law.

87 2-5-2: All meetings of the town council shall be public except, as provided by the
88 General Laws' provisions respecting closed sessions. The agenda for such meetings shall be as
89 determined by the chair and shall follow the order of business set forth in Roberts Rules of
90 Order. Inhabitants and employees of the town shall have a reasonable opportunity to be heard at
91 any such meeting as set forth in town council rules and regulations, except matters that could be
92 subject to executive session.

93 2-5-3: Five members of the town council shall constitute a quorum for the conduct of
94 business. A lesser number than the quorum may organize any meeting lacking a quorum in order
95 to adjourn it to a stated date, time and place.

96 2-5-4: In no instance shall it be required that all members of the town council be present
97 at a meeting to allow the conduct of business.

98 SECTION 6 - BY-LAWS

99 2-6-1: All proposed by-laws and repeals or amendments to current town by-laws shall
100 deal with one subject only and shall be submitted in writing to the office of the town clerk not
101 less than 14 days prior to the date of the first reading by town council. Any by-law which repeals
102 or amends part of the town by-laws shall set out in full in the agenda item for the meeting the
103 section or sections of the town by-laws to be repealed or amended by the use of strikeout type,
104 brackets or underscoring. All proposed or amended sections of the town by-laws shall be set out
105 in red or in some other way that easily identifies the proposed amendments or revisions.

106 2-6-2: Any by-law which repeals or amends part of the town by-laws shall set out in full
107 the section or sections of the town by-laws to be repealed or amended by the use of strikeout
108 type, brackets or underscoring. Proposed by-laws shall deal with one subject only and shall be
109 introduced in writing in the form required for formal adoption. The town council shall ensure the
110 full text of every proposed by-law is posted on the town website and in any other public media as
111 deemed appropriate by the town council.

112 2-6-3: Every town by-law adopted, amended or repealed shall be read at 3 separate
113 meetings before its passage, as follows:

114 (a) At the first meeting, every proposed town by-law change shall be read aloud in its
115 entirety by the chair of the town council or a designee. Proposed town by-law amendments shall
116 be read aloud in its entirety by section or sections.

117 (b) At the second meeting, a summary of every proposed town by-law change shall be
118 read aloud by the chair of the town council or a designee.

119 (c) At the third meeting, all amendments shall be considered and voted upon, followed by
120 a summary reading of the proposed town by-law change as amended by the chair of the town
121 council or a designee.

122 2-6-4: Final adoption of a town by-law, amendment or repeal shall occur at the next
123 regularly scheduled town council meeting. Publication of the final town by-law or measure shall
124 be posted on the town's website within 24 hours of the newly adopted town by-law or measure.
125 No new amendments shall be allowed at this meeting and published.

126 2-6-5: The affirmative vote of not less than 5 members of the town council shall be
127 necessary for the passage of any town by-law, amendment or repeal unless a greater number is
128 prescribed by the General Laws or by this charter and all votes thereon shall be taken by roll call
129 and recorded in the meeting minutes.

130 SECTION 7 - ACTION REQUIRING A BY-LAW

131 2-7-1: In addition to other acts, required by town by-law or by this charter, to be done by
132 a by-law, those acts of the town council shall be by a by-law which: (i) adopts or amends
133 administrative by-laws or establishes, alters or abolishes any town department, office or agency;

134 and (ii) provides for a fine or other penalty or establish a rule or regulation for violation of which
135 a fine or other penalty is imposed.

136 SECTION 8 - FILLING VACANCIES IN THE TOWN COUNCIL

137 2-8-1: A vacancy in the office of town councilor whether caused by death, resignation or
138 removal shall be filled by a special election to be called within 30 days of said vacancy unless a
139 regular town election shall occur within 180 days.

140 SECTION 9 - THE CHAIR AND VICE-CHAIR OF THE TOWN COUNCIL;

141 ELECTION AND REMOVAL

142 2-9-1: On the first regularly scheduled meeting on or after July 1 following the town
143 elections and after newly elected members shall have taken office, the town council shall
144 organize itself and elect 1 of its members to serve as chair of the town council and as vice-chair
145 of the town council, both for a term expiring at the first regularly scheduled town council
146 meeting on or after July 1 following the town elections the next year. The chair pro tem of the
147 organizational meeting would be the senior in point of service or if equal in service, senior in
148 age.

149 2-9-2: The chair shall preside at meetings of the town council, shall be recognized as
150 head of the town government for all ceremonial purposes and shall be the point of contact on
151 behalf of the town council in case of an emergency.

152 2-9-3: The chair may be removed from office by a 2/3 vote of the entire town council, a
153 minimum of 6 votes. Any member of the town council at any point may make a motion to

154 remove the chair and if the motion is seconded, the motion shall be debated and voted upon at
155 that time, without exception, by the town council.

156 2-9-4: The vice-chair shall automatically become chair in the event of the permanent
157 disability, death, resignation or removal of the chair. A new vice-chair shall be elected by a
158 majority vote of the town council at the first regularly scheduled meeting called by the new
159 chair.

160 2-9-5: The vice-chair may be removed from office by a 2/3 vote of the entire town
161 council, a minimum of 6 votes. Any member of the town council at any point may make a
162 motion to remove the vice-chair and if the motion is seconded, the motion shall be debated and
163 voted on by the town council at that time, without exception. A new vice-chair shall be elected
164 by a majority vote of the town council at the next regularly scheduled meeting.

165 CHAPTER 3

166 OTHER ELECTED TOWN BOARDS AND OFFICERS

167 SECTION 1 - GENERAL PROVISIONS

168 3-1-1: Members of town boards to be elected by the qualified voters of the town shall be,
169 in addition to the town council:

170 (a) 7 members of a school committee;

171 (b) 2 members of a regional vocational school committee;

172 (c) 1 town clerk;

173 (d) 4 members of a housing authority in accord with applicable law;

174 (e) 4 members of a redevelopment authority; and

175 (f) 2 part-time members to the board of assessors.

176 3-1-2: Boards and commissions, established under this charter, shall perform their
177 functions and duties in accordance with the constitution of the commonwealth, the General
178 Laws, this charter and town by-laws.

179 3-1-3: During the term for which they were elected and for 1 year following the
180 expiration of this term, no member of any board or commission, established under this charter,
181 shall be eligible to accept any appointed paid town position under jurisdiction of the board of
182 which they were a member.

183 3-1-4: Members of boards and commissions, established under this charter, may be
184 reimbursed for actual expenses incurred in the performance of their official duties from an
185 annual appropriation made for such purposes.

186 3-1-5: Any elected or appointed member of a quasi-judicial board, including the zoning
187 Board of appeals, the conservation commission, the board of health, the liquor licensing board
188 and the special permit granting authority, shall be limited to 1 such board and ineligible to serve
189 on any other such quasi-judicial board during that member's term.

190 SECTION 2 - VACANCIES

191 3-2-1: Vacancies in the elected town boards, established under this charter, shall be filled
192 by a majority vote of the town council in joint convention with a majority of the remaining
193 members of the respective board within 60 days unless a regular town election shall occur within
194 120 days, but only until the next town election.

195 SECTION 3 - REGIONAL VOCATIONAL SCHOOL COMMITTEE

196 3-3-1: Terms for the 2 members of the Bay Path Regional Vocational School Committee
197 shall be for 3 years and shall be staggered.

198 SECTION 4 - TOWN CLERK

199 3-4-1: The town clerk shall be elected to serve for a 3-year term. The town clerk shall
200 receive such compensation not to exceed the amount appropriated by the town council.

201 SECTION 5 - HOUSING AUTHORITY

202 3-5-1: The housing authority shall be composed of 5 members who shall be elected or
203 appointed as provided by the General Laws.

204 SECTION 6 - REDEVELOPMENT AUTHORITY

205 3-6-1: The redevelopment authority shall be composed of 5 members, 4 of whom shall
206 be elected and 1 of who shall be appointed as provided by the General Laws.

207 SECTION 7 - BOARD OF ASSESSORS

208 3-7-1 : The board of assessors shall be composed of 2 part-time members, elected by the
209 voters for 3-year staggered terms and a third member who shall be full time, appointed by the
210 town manager for a 3-year term and shall be the clerk of the board of assessors.

211 SECTION 8 - POWERS, DUTIES AND COMPENSATION

212 3-8-1: Officers and members of boards, established under this chapter, unless otherwise
213 provided herein, shall exercise such powers and duties as are and may be provided by the
214 General Laws, this charter or town by-laws.

215 3-8-2: Officers and members of boards, established under this chapter, may receive such
216 compensation as may be authorized and established by the town council within limits of an
217 appropriation made for that purpose.

218 CHAPTER 4

219 TOWN MANAGER

220 SECTION 1 - APPOINTMENT AND QUALIFICATIONS

221 4-1-1: The town council, by a majority vote of its full membership, a minimum of 5
222 votes, shall appoint or reappoint, as the case may be, a town manager who shall administer and
223 implement the directives and policies adopted by the town council pursuant to section 108N of
224 chapter 44 of the General Laws.

225 4-1-2: In seeking candidates, the chair of the town council shall appoint a search
226 committee of 7 members, 2 of whom shall be members of the town council and 5 of whom shall
227 be residents of the town who are not holding elective office and are not compensated employees
228 of the town. The appointment of the non-town council members of such committee shall be
229 subject to confirmation by the town council.

230 The search committee may, in its discretion, subject to appropriation of sufficient funds
231 by the town council, engage a professional search firm.

232 4-1-3: The town manager shall be appointed solely on the basis of educational, executive
233 and administrative qualifications and experience which shall include at least a bachelor's
234 degree from an accredited 4-year degree granting institution and shall include professional
235 experience of not less than 3 years full-time, compensated, supervisory service in municipal
236 administration and shall serve at the pleasure of the town council. To be considered for
237 appointment such experience shall be certified to the town council by an appropriate official of
238 the entity where such experience was obtained.

239 If a resident of the town, the successful candidate shall have held no elective municipal
240 office for a period of 1 year prior to appointment.

241 4-1-4: Upon appointment or reappointment, as the case may be, the town council shall
242 enter into a written contract with the town manager. Nothing in said contract shall affect the
243 appointment or removal powers of the town council over the town manager, as hereinafter set
244 forth.

245 SECTION 2 - POWERS, DUTIES AND ROLE

246 4-2-1: The town manager shall be the chief administrative officer of the town and shall
247 be directly responsible and accountable to the town council for the effective administration of all
248 town affairs placed in their charge by the town Council or this charter.

249 The town manager shall serve as a resource to the town council. The town council shall
250 provide policy and political leadership for the town. The town manager shall bring policy issues
251 to the town council to consider in making policy choices and shall then implement the policies
252 adopted by the town council.

253 4-2-2: The town manager shall devote full-time to the duties of the office and shall
254 engage in no other business or occupation. The town manager shall hold no elective or appointed
255 office without advance authorization of the town council.

256 4-2-3: The town manager shall:

257 (a) attend all town council meetings, except when excused, and shall have the right to
258 speak but not to vote; attend all subcommittee meetings or assign a designee to attend, except
259 when excused and shall have the right to speak but not to vote;

260 (b) keep the town council fully informed regarding town and departmental operations,
261 fiscal affairs, general problems and administrative actions; keep the town council fully advised as
262 to the financial condition of the town by filing written reports with the town council not less
263 frequently than quarterly throughout the year; provide the town councilors with such town
264 records and shall generate such reports as may be requested by a majority of the town council;

265 (c) keep the town council fully informed as to the long-range needs of the town, the
266 practices and governmental trends of other communities and the laws of the commonwealth and
267 regulations of the commonwealth and make such recommendations to the town council as
268 deemed necessary and appropriate;

269 (d) prepare, assemble and present to the town council the annual town operating and
270 capital budgets, present said budgets to the town council in a format acceptable to the town
271 council and cooperate with the town council in all financial matters;

272 (e) serve as general ombudsman for the town in all matters other than those involving
273 members of the town council;

274 (f) maintain an inventory of all town real and personal property;

275 (g) be responsible for the daily administration of the personnel system, including the
276 maintenance of personnel records and enforcement of personnel rules and regulations;

277 (h) except as otherwise set forth in the General Laws or this charter, the town manager
278 shall serve as the chief procurement officer for the town, excluding the school department;

279 (i) be responsible for the maintenance of all buildings and property owned or leased by
280 the town;

281 (j) perform such other duties as may be required by this charter, town by-law or order of
282 the town council;

283 (k) the town manager shall propose and the town council may adopt personnel rules
284 providing for the job descriptions for all town positions, based on the duties, responsibilities and
285 authority of each position, with adequate provisions for reclassification of any position whenever
286 warranted by changed circumstances and such other practices and procedures as may be deemed
287 necessary for the administration of the town's personnel system;

288 (l) execute all deeds conveying town real property, but any such conveyance shall have
289 been previously authorized by the vote of the town council pursuant to the applicable provisions
290 of the General Laws;

291 (m) to negotiate or cause to be negotiated all contracts involving any subject within the
292 jurisdiction of the office of town manager; and

293 (n) be responsible for the coordination of the activities of all agencies under their control
294 with the activities of all other town agencies, including those elected by the voters of the town of
295 Southbridge and those appointed by other elected officials

296 4-2-4: Subject to confirmation by the town council, the town manager shall have the
297 power to appoint, on the basis of merit and fitness alone: (i) a fire chief; (ii) a police chief; (iii) a
298 director of public works; (iv) a town treasurer; (v) a town collector; (vi) a veterans agent; (vii) a
299 director of inspection services and all inspectors except as otherwise provided by the General
300 Laws; (viii) upon recommendation of the chief, a police department; (ix) upon recommendation
301 of the chief, a fire department; (x) upon recommendation of the director, a department of
302 public works; (xi) a finance director; (xii) a town accountant; (xiii) 1 full time assessor who shall
303 assume the duties of the clerk of the board of assessors; (xiv) upon the recommendation of the
304 trustees of the library, a library director; and (xv) such other individual town officers as are
305 authorized by the General Laws, this charter or town by-laws and for whom appointment is not
306 otherwise provided.

307 The town may enter into contracts with such departments and individuals as may be
308 allowed by civil service, collective bargaining or state law.

309 4-2-5: The town manager shall, within 12 months of the start of their employment, be a
310 resident of the town of Southbridge and shall not cease to be a resident during their employment
311 by the town. The town council may, annually, by a 2/3 vote of the entire town council, not less
312 than 6 town councilors, waive this requirement.

313 SECTION 3 - POWER TO APPOINT TOWN BOARDS AND COMMISSIONS

314 4-3-1: The town manager shall have the power to appoint, subject to confirmation by the
315 town council, the following boards and commissions:

316 (a) a 5-member board of health;

317 (b) a 5-member planning board, with 2 alternate members;

318 (c) a 3-member board of registrars;

319 (d) a 5-member zoning board of appeals, with 2 alternate members;

320 (e) a 5-member conservation commission; with 2 alternate members;

321 (f) a 5-member liquor licensing board with 1 alternate member; and

322 (g) the members of such other boards and commissions as the town council deems
323 appropriate to establish.

324 The terms of the members of such boards and commissions shall be staggered.

325 4-3-2: The town manager shall have the power to appoint, subject to confirmation by the
326 town council, the following town boards and commissions: constables, commissioners of trust
327 funds and trustees of soldiers, sailors, marines and airmen memorials.

328 4-3-3: The town manager shall have the power to appoint, subject to confirmation by the
329 town council, such other members of boards and commissions as are authorized by the General
330 Laws, this charter or town by-laws and for whom appointment is not otherwise provided.

331 SECTION 4 - POWER TO RESCIND APPOINTMENTS

332 4-4-1: The town manager shall have the power to rescind appointments, subject to
333 confirmation by the town council, for cause including, but not limited to, excessive and un-
334 excused absenteeism, incapacity other than temporary illness, inefficiency, insubordination or
335 conduct unbecoming an officer and any appointment made by them to any board, commission,
336 committee or individual office under the authority of this charter; provided that the appointee
337 shall first have been served with written notice of the town manger's intention specifying the
338 reasons for the proposed removal and informing the appointee of their right to be heard at a
339 public hearing, if requested.

340 SECTION 5 - REORGANIZATION PLANS BY THE TOWN MANAGER

341 4-5-1: The town manager may propose a plan, subject to applicable laws and the terms
342 of this charter, to establish, reorganize, consolidate or abolish any town agency under their
343 jurisdiction. Such reorganization plan may not be amended by the town council but shall either
344 be approved or disapproved in the form as submitted.

345 SECTION 6 - REMOVAL OF THE MANAGER

346 4-6-1: Removal of the town manager prior to the expiration of their term of appointment
347 shall be effectuated by a 2/3 vote of the entire town council, a minimum of 6 votes, at a town
348 council open meeting. Such vote shall immediately rescind said appointment.

349 SECTION 7 - ACTING TOWN MANAGER

350 4-7-1: During the temporary absence of the town manager, an acting town manager shall
351 be appointed by the town council to perform the duties of the town manager. Any permanent
352 vacancy in the office of the town manager shall be filled as soon as possible by the town council.

353 The original term of service of any person as acting town manager may not exceed 12 months.
354 However, subsequent terms of service may be extended by a majority vote of the town council.
355 Compensation for such person shall be set by the town council. Except as otherwise prohibited
356 by this charter, nothing in this section shall prevent an acting town manager from being
357 appointed as town manager.

358 During a period of absence of the town manager, pending the appointment of an acting
359 town manager, the finance director shall perform the duties of the town manager; provided,
360 however, that an acting town manager, who is not a member of the town council, shall be
361 appointed by the town council as soon as possible.

362 CHAPTER 5

363 SCHOOL COMMITTEE

364 SECTION 1 - COMPOSITION

365 5-1-1: There shall be a school committee consisting of 7 members. All members of the
366 committee shall be elected for terms of 3 years each. The terms shall be staggered so no less than
367 2 members are elected each year. All school committee members shall be elected by the voters
368 at-large. The members and chair of the school committee shall receive compensation identical to
369 that received by the members and chair of the town council, if any.

370 SECTION 2 - POWERS AND DUTIES

371 5-2-1: The school committee, established under this charter, shall have general charge of
372 the public schools of the town. The school committee shall have the power to select and
373 terminate a superintendent of schools, establish educational goals and policies for the schools

374 consistent with the requirements of the laws of the commonwealth and standards established by
375 the commonwealth. The school committee shall have all the powers and duties given to school
376 committees by the laws of the commonwealth.

377 CHAPTER 6

378 DEPARTMENT OF PUBLIC WORKS

379 SECTION 1 - ESTABLISHMENT

380 6-1-1: There shall be established in the town of Southbridge a department of public
381 works administered by the town manager.

382 6-1-2: The responsibilities of the following departments shall be incorporated in the
383 department of public works: highway department, engineering department, sewer department,
384 parks department, maintenance function of the recreation committee, cemetery department, tree
385 warden, moth superintendent, fence viewer, ELD driver, custodian of town structures, water
386 department and other related functions.

387 6-1-3: There shall be a director of public works, appointed for a 3-year term by the town
388 manager subject to confirmation by the town council. The director shall report directly to the
389 town manager.

390 6-1-4: The director may be removed in the same manner as other town department heads
391 as provided by this charter.

392 SECTION 2 - POWERS AND DUTIES OF THE DIRECTOR

393 6-2-1: The powers and duties of the director of the department of public works, in
394 addition to those otherwise conferred or imposed by state law or this charter, shall include the
395 power to establish divisions within the department of public works. Each division shall assume
396 such management and control as determined by the director. The director shall have the power to
397 make rules and regulations for the governing of the department of public works and divisions
398 thereof and shall attend to the proper enforcement of the same. The director shall have
399 jurisdiction over the divisions of the department of public works and over each member of each
400 division. No person shall be hired as an employee of the department without the recommendation
401 of the director.

402 6-2-2: In the event that the director is absent from the town, they shall notify the town
403 manager, in writing, of the person designated to assume the responsibilities of the director during
404 their absence.

405 6-2-3: The director shall attend meetings of the town council, as requested by the town
406 manager; meetings of the department of public works subcommittee, unless excused; and
407 recommend to the town manager measures requiring action as deemed necessary or expedient by
408 the director.

409 6-2-4: The director shall keep full and complete records of the department and shall
410 render to the town manager, as often as may be required, a full report of all department
411 operations during the period reported.

412 6-2-5: Each petition submitted pursuant to town by-laws and referred to the department
413 of public works shall be returned to the town council with the recommendations of the director
414 within 30 days after its referral to the department of public works.

415 6-2-6: The director shall keep the town manager and town council fully advised as to the
416 needs of the town within the scope of their duties; furnish the town manager on or before March
417 1 each year a detailed list of the appropriations required during the next ensuing fiscal year for
418 proper conduct of all divisions under their control; furnish a master plan for all major public
419 works for the town, giving priority to the projects in accordance with their necessity and
420 importance; and establish long-range planning as may be determined to be in the best interests of
421 the town.

422 6-2-7: The director shall cause to be performed and inspected all the work of
423 construction, reconstruction, alteration, repair, maintenance and upkeep and all other work
424 incidental thereto of the departments specified in section 6-1-2 in accordance with the policies of
425 long-range plans, priority of major projects and capital outlay requirements as may be authorized
426 and established by the town manager.

427 6-2-8: The director shall inspect all streets and ways being constructed to ascertain
428 whether said construction complies with plans filed with the planning board and with all
429 planning board regulations, town by-laws and state statutes and to give to the planning board a
430 report of their inspection prior to the approval of said street by the planning board.

431 CHAPTER 7

432 TOWN ATTORNEY

433 SECTION 1 - APPOINTMENT AND DUTIES

434 7-1-1: The town manager shall, subject to confirmation by the town council, appoint a
435 town attorney to serve as chief legal advisor to the town council, the town manager and all town

436 departments, offices and agencies. The town attorney shall represent the town in all legal
437 proceedings and shall perform such other duties as may be prescribed by the General Laws, this
438 charter or town by-laws; provided, however, that nothing in this section shall prevent the town
439 from engaging or being represented by other counsel, where appropriate.

440 7-1-2: The town shall adopt a standard operating policy regarding access to and use of a
441 town attorney and the policy may be amended from time to time.

442 CHAPTER 8

443 TOWN AUDITOR

444 SECTION 1 - APPOINTMENT AND DUTIES

445 8-1-1: The town manager shall, subject to confirmation by the town council, appoint an
446 auditor who shall annually, in accordance with generally accepted auditing standards for
447 governmental financial audits, audit all town accounts and financial statements with regards to
448 compliance with applicable laws, regulations, contract provisions and grant agreements. The
449 audits shall be made by a certified public accountant or firm of such accountants who have no
450 personal interest, direct or indirect, in the fiscal affairs of the town. All documents and reports
451 presented to the town or any employee thereof by the auditor as result of said audit shall, upon
452 submission, be filed with the town clerk and shall be deemed a public record.

453 CHAPTER 9

454 LICENSING

455 SECTION 1 - LIQUOR LICENSING BOARD

456 9-1-1: There shall be a liquor licensing board established in accordance with the laws of
457 the commonwealth; provided, however, the town manager is authorized to appoint 5 members to
458 said board, subject to the approval of the town council; provided further, the town manager shall
459 appoint 1 alternate member, subject to the approval of the town council and said alternate
460 member shall be appointed without regard to party enrollment; provided further, the 5 member
461 board shall designate their chair and vice-chair. All members so appointed shall have been
462 residents of the town of Southbridge for no less than 2 years immediately preceding such
463 appointment and shall serve for terms of 3 years each so arranged that the term of 1 member
464 shall expire each year. The alternate member shall sit on the board at the designation of the chair
465 in the case of absence, inability to act or conflict of interest on the part of any member of the
466 board or in the event of a vacancy on the board until such time as the vacancy is filled by the
467 town manager. All vacancies shall be filled by the town manager for the remainder of the
468 unexpired term in the manner provided for an original appointment.

469 9-1-2: A person appointed to the liquor licensing board shall not be engaged, directly or
470 indirectly, in the commercial manufacture or sale of alcoholic beverages and if once appointed, a
471 member engages in such commercial manufacturing or sale, that member's office shall
472 immediately become vacant.

473 SECTION 2 - LICENSING OTHER THAN LIQUOR

474 9-2-1: With respect to licenses and permits other than those relating to alcoholic
475 beverages, the town manager shall grant all such licenses and permits and shall have all the
476 powers and duties of a licensing authority under the General Laws; provided, however, that the
477 town council retains the power to delegate to 1 or more town agencies; the powers vested in the

478 town council by the laws of the commonwealth to grant and issue licenses and permits and may
479 regulate the granting and issuing of licenses and permits by any such town agency; and may in
480 its discretion, rescind any such delegation without prejudice to any prior action which has been
481 taken.

482 CHAPTER 10

483 FINANCIAL PROVISIONS AND PROCEDURES

484 SECTION 1 - APPLICABILITY OF GENERAL LAW

485 10-1-1: In all matters concerning finances and financial procedures of the town, the
486 provisions of the General Laws shall apply together with such other requirements as are provided
487 by this charter or town by-laws.

488 SECTION 2 - CONTRACTS

489 10-2-1: All contracts for services negotiated by the town manager shall be ratified by a
490 majority vote of the town council.

491 SECTION 3 - SUBMISSION OF BUDGET AND BUDGET MESSAGE

492 10-3-1: Not less than 90 days prior to the start of each fiscal year, the town manager shall
493 submit to the town council a budget for the ensuing year and an accompanying message, unless
494 otherwise provided for by the General Laws.

495 10-3-2: The town manager's message shall explain the budget both in fiscal terms and in
496 terms of work programs. It shall outline the proposed financial policies of the town for the
497 ensuing fiscal year, describe the important features of the budget, indicate any major changes

498 from the current year in financial policies, expenditures and revenues together with reasons for
499 such changes, summarize the town's debt positions and include such other material as the town
500 manager deems desirable.

501 SECTION 4 - PROPOSED BUDGET

502 10-4-1: The budget shall provide a complete financial plan of all town funds and
503 activities for the ensuing fiscal year, including the proposed school budget and, except for the
504 school budget or as required by law or this charter, shall be in such form as the town council
505 deems desirable and shall require. It shall indicate in separate sections: (i) proposed expenditures
506 for current operations during the ensuing fiscal year, detailed by offices, departments and
507 agencies and the method of financing such expenditures; and (ii) proposed capital expenditures
508 during the ensuing fiscal year, detailed by offices, departments and agencies when practicable
509 and the proposed method of financing each such capital expenditure.

510 10-4-2: In submitting the proposed budget, the town manager shall utilize modern fiscal
511 principles so as to afford maximum information and financial control. The budget shall detail all
512 estimated revenue from the property tax levy and other sources and all proposed expenditures,
513 including debt service for the previous, current and ensuing years and shall indicate separately:

514 (a) proposed expenditures for both current operations and capital projects during the
515 ensuing year detailed by agency purpose and position together with proposed financing methods;
516 and

517 (b) estimated surplus revenue and free cash available at the close of the fiscal year,
518 including estimated balance in special accounts and enterprise funds.

519 SECTION 5 - NOTICE OF PUBLIC HEARING ON PROPOSED BUDGET

520 10-5-1: The town council shall publish on the town’s website and in any other public
521 media as determined by the town council a general summary of the budget and a notice stating:
522 (i) the times and places where copies of the budget are available for inspection; and (ii) the date,
523 time and place, not less than 2 weeks after such publication, when a public hearing on the budget
524 shall be held.

525 SECTION 6 - ADOPTION OF THE BUDGET

526 10-6-1: The town council shall adopt the budget, with or without amendments, on or
527 before the end of the eleventh month of the fiscal year currently ending. In amending the budget,
528 the town council may by majority vote of the full town council, a minimum of 5 votes, delete or
529 decrease any programs or amounts except expenditures required by law or for debt service. Upon
530 an identification and verification of an available revenue source, the town council may by 2/3
531 vote of the full town council, a minimum of 6 votes, increase any amount in or the total of the
532 proposed budget. Adoption of the budget shall constitute an appropriation of the amounts
533 specified therein as expenditures from the funds indicated.

534 SECTION 7 - CAPITAL IMPROVEMENTS PROGRAM

535 10-7-1: Within the period provided by the General Laws, the town manager shall submit
536 to the town council a 5-year capital improvements program which shall include:

537 (a) a clear summary of its contents;

538 (b) a list of all capital improvements proposed to be undertaken during the next 5 fiscal
539 years with supporting data;

540 (c) cost estimates, method of financing and recommended time schedules; and
541 (d) the estimated annual cost of operating and maintaining any facility to be constructed
542 or acquired.

543 10-7-2: The above information may be revised and extended each year with regards to
544 capital improvements pending or in process of construction or acquisition.

545 SECTION 8 - NOTICE OF PUBLIC HEARING ON CAPITAL PROGRAMS

546 10-8-1: The town council shall publish on the town's website and in any other public
547 media as determined by the town council the general summary of the capital program and a
548 notice stating: (i) the times and places where copies of the capital improvements program are
549 available for inspection by the public; and (ii) the date, time and place, not less than 2 weeks
550 after such publication, when a public hearing on said program shall be held.

551 10-8-2: After the public hearing and on or before the end of the eleventh month of the
552 current fiscal year, the town council shall adopt the capital improvements program by resolution,
553 with or without amendments, provided that each amendment must be voted separately and that
554 any increase in the capital improvements program as submitted must clearly identify the method
555 of financing proposed to accomplish this increase.

556 SECTION 9 - SUPPLEMENTAL APPROPRIATIONS

557 10-9-1: If during the fiscal year the town manager certifies, through the finance director,
558 that revenues in excess of those estimated in the budget are available for appropriation, the town
559 council may make supplemental appropriations for the year up to the amount of such excess.

560 SECTION 10 - EMERGENCY APPROPRIATIONS

561 10-10-1: To meet a public emergency affecting life, health, property or the public peace,
562 the town council may make emergency appropriations. Any such emergency order shall be so
563 declared in an emergency preamble thereto, separately voted on and receiving the affirmative
564 vote of at least 2/3 of the full town council, a minimum of 6 votes.

565 SECTION 11 - REDUCTION OR RESTRICTIONS OF USE OF APPROPRIATIONS

566 10-11-1: If at any time during the fiscal year it appears probable to the town manager that
567 the revenues available shall be insufficient to meet the amount appropriated, they shall report to
568 the town council, without delay, indicating the estimated amount of the deficit and any remedial
569 actions taken by them and their recommendations as to any other steps to be taken. The town
570 council shall then take such further action as it deems necessary and for that purpose may reduce,
571 restrict or limit the use of the unexpended balance of appropriations.

572 SECTION 12 - TRANSFER OF APPROPRIATIONS

573 10-12-1: At any time during the fiscal year the town council may, upon recommendation
574 of the town manager through the finance director, transfer part of or all of any unencumbered
575 appropriation balance among programs within a department, office or agency and may transfer
576 part or all of any unencumbered appropriation balance from one department, office or agency to
577 another.

578 SECTION 13 - LIMITATION EFFECTIVE DATE

579 10-13-1: No appropriation for debt service may be reduced, restricted, limited or
580 transferred and no appropriation may be reduced below any amount required by law to be
581 appropriated or by more than the amount of the unencumbered balance thereof. The

582 supplemental and emergency appropriations and reduction or transfer of appropriations
583 authorized by this section may be made effective immediately upon adoption.

584 SECTION 14 - LAPSE OF APPROPRIATIONS

585 10-14-1: Every appropriation, except an appropriation for a capital expenditure, shall
586 lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An
587 appropriation for a capital expenditure shall continue in force until the purpose for which it was
588 made has been accomplished or abandoned.

589 SECTION 15 - PAYMENTS AND OBLIGATIONS PROHIBITED

590 10-15-1: No payment shall be made or obligation incurred against any appropriation
591 except in accordance with appropriations duly made and unless the town accountant first certifies
592 that there is a sufficient unencumbered balance in such appropriation to cover the claim or meet
593 the obligation when it becomes due and payable.

594 10-15-2: Any authorization or payment or incurring of obligations in violation of this
595 charter shall be void and any payment so made illegal. Such action shall be cause for removal of
596 any officer who knowingly authorized or made such payment or incurred such obligation and
597 they shall also be liable to the town for the payment for any amount so paid. However, except
598 where prohibited by the General Laws, nothing in this charter shall be construed to prevent the
599 making or authorizing of payment or making of contracts for capital improvements to be
600 financed wholly or partly by the issuance of bonds or to prevent the making of any contract or
601 lease providing for payment beyond the end of the fiscal year; provided, however, that such
602 obligation is funded by appropriation or authorized by the General Laws.

603 CHAPTER 11

604 NOMINATIONS AND ELECTIONS

605 SECTION 1 - TOWN ELECTIONS

606 11-1-1: The regular election for all town offices shall be by official ballot held on the
607 second Tuesday in June.

608 11-1-2: Any person duly elected to any office or board shall take up the duties of their
609 office on the first weekday of July; provided, however, that they first shall have been sworn into
610 the faithful performance of their duties.

611 11-1-3: All provisions of the General Laws with regards to town elections shall apply,
612 except as may herein be provided by this charter.

613 SECTION 2 - ELIGIBILITY OF TOWN VOTERS

614 11-2-1: Any registered voter of the town shall be eligible for election to any elective
615 office or board of the town, except as otherwise limited by this charter.

616 SECTION 3 - FILLING OF VACANCIES IN ELECTED TOWN OFFICES

617 11-3-1: A vacancy in the office of town councilor whether caused by death, resignation,
618 removal or recall shall be filled by a special election to be called within 30 days of said vacancy
619 unless a regular town election shall occur within 180 days. Filling of vacancies of elected
620 positions on town boards, other than the town council, shall be by joint convention with the town
621 council and the remaining members of said board.

622 SECTION 4 - RECALL OF ELECTIVE OFFICERS

623 11-4-1: An elective officer of the town may be recalled and removed from public office
624 by the voters of the town as herein provided. Any voter of the town may file with the town clerk
625 a petition containing the name and title together with a statement of the grounds for their
626 removal. Said petition shall be signed in ink or indelible pencil by qualified voters of the town
627 equal to not less than 10 per cent of the voters registered at the last municipal election; provided,
628 however, that no recall petition may be led against any officer until they shall have held office
629 for not less than 6 months. Said petition shall be accompanied by affidavits as to the authenticity
630 of signatures, signed and sworn to by each circulator. Said petition shall then be filed with the
631 board of registrars of voters for certification. Within 10 days from such filing, the board of
632 registrars of voters shall check each name to be certified and shall certify thereon the number of
633 signatures so checked and shall report the results to the persons filing the petition, the town clerk
634 and the town council.

635 11-4-2: Upon presentation of the certified petition to the town council, it shall become the
636 duty of the town council within 30 days after the receipt thereof to order a special election which
637 shall take place within 90 days but not sooner than 65 days after presentation of the certified
638 petition to the town council. No such election shall be ordered if the term of office of such
639 elective official shall expire within 120 days from the date of the original filing or if such
640 elective officer shall resign from such office before the election. Said recall election shall be
641 called and conducted in the same manner as is provided in the General Laws for the call and
642 conduct of a special election.

643 11-4-3: The form of the question to be voted upon shall be substantially as follows: Shall
644 (here insert the name and title of the elective officer whose recall is sought) be recalled?. A
645 majority vote of the voters to recall such elective officer shall not be effective unless a total of

646 not less than 15 per cent of the electorate entitled to vote on the question shall have voted. Recall
647 of such elective officer shall become effective upon certification of the results of the voting
648 thereon, regardless of any technical deficiency in the recall petition.

649 11-4-4: No person having been recalled or having resigned from office while recall
650 proceedings were pending against them shall be appointed to any town office within 2 years
651 following said recall or resignation.

652 SECTION 5 - ELECTION TO BE BY PLURALITY VOTE

653 11-5-1: Election to all town offices, established by this charter, shall be by a plurality of
654 those voting on each office.

655 CHAPTER 12

656 GENERAL PROVISIONS

657 SECTION 1 - INITIATIVE PETITION AND REFERENDUM

658 12-1-1: The voters of the town shall have the power to propose by-laws and other
659 measures within the authority of the town council by initiative petition and to review by-laws
660 and other measures as set forth in section 12-4-1 of this charter by referendum in accordance
661 with the procedures established by this charter.

662 12-1-2: At any election at which an initiative petition or a referendum is submitted to the
663 voters, the polls shall be opened at 7 o'clock in the morning and shall be closed not earlier than 8
664 o'clock in the evening and all votes upon any questions so submitted shall be taken by ballot.

665 SECTION 2 - INELIGIBLE MEASURES

666 12-2-1: None of the following shall be subject to the initiative or the referendum
667 procedures: (i) proceedings relating to the internal organization or operation of the town council
668 or of the school committee; (ii) an emergency measure adopted in conformity with the town
669 charter; (iii) the town budget or the school committee budget as a whole; (iv) revenue loan
670 orders; (v) any appropriation for the payment of the town's debt or debt service; (vi) an
671 appropriation of funds to implement a collective bargaining agreement; (vii) proceedings relating
672 to the election, appointment, removal, discharge, employment, promotion, transfer, demotion or
673 other personnel action; (viii) any proceedings repealing or rescinding a measure or part thereof
674 which is protested by referendum procedures; and (ix) any proceeding providing for the
675 submission or referral to the voters at an election.

676 SECTION 3 - INITIATIVE PETITION

677 12-3-1: The voters of the town may initiate legislation by submitting a petition to the
678 town council which requests the submission of the proposed by-law or measure to a vote of the
679 town council. Said petition must be signed by qualified voters of the town equal in number to not
680 less than 5 per cent of the total number of voters registered at the last regular town election. Each
681 copy of the petition shall have attached to it a copy of the proposed legislation. Said petition shall
682 then be filed with the board of registrars of voters for certification.

683 12-3-2: Within 10 days from such filing, the board of registrars of voters shall check each
684 name to be certified and shall certify thereon the number of signatures so checked and shall
685 report the results to the persons filing the petition, the town clerk and the town council.

686 12-3-3: Upon presentation of the certified petition to the town council, it shall become the
687 duty of the town council, within 30 days of receipt thereof, to pass and adopt or reject such by-

688 law or measure without alteration as to meaning or effect. Should the town council reject the
689 proposed legislation, it shall be the duty of the town council to forthwith submit the question to a
690 vote at the next regular town election at which the qualified voters of the town of Southbridge
691 shall vote on the question of adopting or rejecting the proposed legislation.

692 SECTION 4 - REFERENDUM

693 12-4-1: A vote passed by the town council authorizing the expenditure of \$250,000 or
694 more as a special appropriation or establishing a new town board or agency or abolishing an
695 existing town board or agency or merging 2 or more town boards or agencies or fixing the term
696 of town officers, where such term is optional or increasing, reducing the number of members of a
697 board, adopting a new town by-law or amending an existing town by-law shall not be operative
698 until after the expiration of 14 days.

699 12-4-2: If within said 14 days, a petition signed by not less than 5 per cent of the
700 registered voters of the town containing their names and addresses as they appear on the list of
701 registered voters is filed with the town clerk asking that the question or questions involved in
702 such a vote be submitted to the registered voters of the town at-large, then the town council, after
703 the expiration of 14 days, shall forthwith call a special election for the sole purpose of presenting
704 to the registered voters at-large the question or questions so involved.

705 12-4-3: Each copy of the referendum petition shall have attached to it a copy of a brief
706 description of the substance of the town council vote sought to be reviewed. The town clerk shall
707 forthwith, upon the receipt of a referendum petition, cause the signatures appearing thereon to be
708 certified by the board of registrars of voters who shall certify thereon within 10 days the number
709 of signatures so checked and shall report the results to the persons filing the petition, the town

710 clerk and the town council. Upon presentation of the certified referendum petition to the town
711 council, it shall become the duty of the town council within 30 days after the receipt thereof to
712 order a special election as aforesaid.

713 12-4-4: The questions so submitted shall be determined by a majority vote of the
714 registered voters of the town voting thereon, but no action of the town council shall be reversed
715 unless not less than 25 per cent of the registered voters shall vote. Each question so submitted
716 shall be in the form of the following question which shall be placed upon the official ballot:
717 “Shall the town vote to approve the action of the town council whereby it was voted (brief
718 description of the substance of the vote)?” If such petition is not filed within said period of 14
719 days, the vote of the town council shall become operative and effective upon the expiration of
720 said period.

721 SECTION 5 - CHARTER AMENDMENT AND BY-LAW REVIEW

722 12-5-1: This charter may be revised or amended with the provisions of the home rule
723 amendment of Article LXXXIX of the Amendments to the Constitution of the commonwealth
724 and the Home Rule Procedures Act of chapter 43B of the General Laws.

725 12-5-2: The chair of the town council shall appoint a charter review committee consisting
726 of 5 members, every 5 years. The committee shall report its recommendations to the town
727 council within 1 year from the date of its appointment, unless extended by a majority vote of the
728 town council.

729 12-5-3: In every year following the issuance of a report by a charter review committee,
730 the chair of the town council shall appoint a by-law review committee consisting of 5 members.

731 The committee shall report its recommendations to the town council within 1 year from the date
732 of its appointment, unless extended by majority vote of the town council.

733 SECTION 6 - SEVERABILITY

734 12-6-1: If any provision of this charter is held invalid by a court of competent
735 jurisdiction, such holding shall not affect the validity of the remainder of this charter.

736 SECTION 7 - SPECIFIC PROVISIONS TO PREVAIL

737 12-7-1: To the extent that any specific provision of this charter shall conflict with any
738 general provision thereof, the specific provision shall prevail.

739 SECTION 8 - COUNTING OF DAYS

740 12-8-1: In counting days under this charter, every calendar day shall be counted,
741 including Sundays and all holidays unless otherwise specified.

742 CHAPTER 13

743 TRANSITIONAL PROVISIONS

744 SECTION 1 - CONTINUATION OF EXISTING LAWS

745 13-1-1: All general laws, special laws, town by-laws, town council votes and rules and
746 regulations of or pertaining to the town that are in force when this charter takes effect, and not
747 specifically or by implication repealed hereby, shall continue in full force and effect until
748 amended, repealed or rescinded by due course of law, or until they expire by their own
749 limitation.

750 13-1-2: Where provisions of this charter conflict with provisions of town by-laws, rules,
751 regulations, orders and special acts and acceptances of the General Laws, this charter provisions
752 shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not
753 superseded by this charter shall remain in force.

754 SECTION 2 - DISPOSITION OF CERTAIN SPECIAL ACTS

755 13-2-1: Chapter 790 of the acts of 1975, an act clarifying the charter of the town of
756 Southbridge, is repealed and shall no longer apply to the town of Southbridge.

757 SECTION 3 - CONTINUATION OF GOVERNMENT AND ADMINISTRATION

758 13-3-1: Except as otherwise provided in this charter, all town offices shall continue to
759 perform their duties until re-elected or until successors to their respective positions are duly
760 appointed or elected and qualified, or until their duties have been transferred and assumed by
761 another office.

762 SECTION 4 - TRANSFER OF RECORDS AND PROPERTY

763 13-4-1: All records, property and equipment whatsoever of any town agency, or part
764 thereof, the powers and duties of which are assigned in whole or in part to another town agency,
765 shall be transferred forthwith to such agency.

766 SECTION 5 - EXISTING OFFICIALS AND EMPLOYEES

767 13-5-1: Any person holding a town office or employment with the town shall retain such
768 office or employment and shall continue to perform the duties of the office until provisions shall
769 have been made in accordance with this charter for the performance of those duties by another

770 person or agency. No person in the permanent full-time service or employment of the town shall
771 forfeit their pay grade or time in service.

772 SECTION 6 - EFFECT ON OBLIGATIONS, TAXES, ETC.

773 13-6-1: All official bonds, recognizances, obligations, contracts, and other instruments
774 entered into or executed by or to the town before the adoption of this charter, and all taxes,
775 assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be
776 enforced and collected; and all writs, prosecutions, actions and causes of action, except as herein
777 otherwise provided, shall continue without abatement and remain unaffected by this charter; and
778 no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of
779 this charter.

780 SECTION 7 - TIME OF TAKING EFFECT

781 13-7-1: This charter shall become effective on the first business day of July in the year
782 following the year in which this charter or any amendment thereto is approved by the general
783 court or adopted by the voters, as may be applicable.

784 13-7-2: Upon implementation of this charter, The town council shall immediately review
785 the rules and regulations of the town council to ensure they are in compliance with this charter.

786 13-7-3: Within 3 months after the adoption of this charter, the town council shall appoint
787 a by-law review committee to review the town by-laws to ensure they are in compliance with this
788 charter. Said committee shall report its recommendations to the town council within 6 months
789 following their appointment. The committee may in its discretion and subject to appropriation,
790 engage a legal consultant.

791 CHAPTER 14

792 CHARTER COMMISSIONS NOTES

793 SECTION 1 - INTENT OF NOTES

794 The following notes are intended by the nine-member charter commission elected on
795 June 7, 2002, to clarify selected provisions of the charter.

796 Note 1: The intent of section 2-2-3 is to limit the term of office of town councilors to 3
797 consecutive terms. A councilor reaching the end of such 3 terms would be eligible to hold the
798 office of town councilor following a 1-year hiatus.

799 Note 2: The commission clarifies that if it is ever unclear as to the proper way in which
800 any power of the town is to be exercised, or by whom any power of the town is to be exercised,
801 the town council shall, consistent with section 2-4-1, provide for the exercise of such power and
802 for the performance of all duties and obligations imposed upon the town by-law.

803 Note 3: The commission includes non-councilor members of committees in section 2-4-4
804 to reduce the workload on councilors and to utilize expertise in the community. The commission
805 emphasizes that all committees established by the town council are advisory and all committee
806 members, including non-councilor members, shall have a vote for the purpose of committee
807 business.

808 Note 4: Section 2-5-4 is intended to emphasize that the presence of all 9 members of the
809 town council shall under no circumstances be required in order for the town council to conduct
810 business.

811 Note 5: It is the intent of the commission that three non-council members of the five-
812 member search committee provided for in section 4-1-2 be chosen on the basis of their proven
813 expertise in hiring upper-level management. Further, while the hiring of a professional search
814 firm is discretionary, the commission strongly recommends that the committee engage such a
815 firm.

816 Note 6: The finance director's performance of the duties of the manager in section 4-7-1
817 is intended to last only as long as it takes the town council to appoint an acting town manager.

818 Note 7: The purpose of section 12-2-1, ineligible measures, is to promote stability in the
819 management of the town's affairs.

820 SECTION 2. (a) Section 4-2-5 of said charter, as appearing in section 1 , shall be
821 submitted to the voters of the city known as the town of Southbridge for acceptance at the next
822 annual or special election occurring not less than 35 days after the effective date of the act.

823 (b) If a majority of votes are cast in the affirmative, said section 4-2-5 of said charter
824 shall take effect, but not otherwise.

825 SECTION 3. This act shall take effect upon its passage.