

SENATE No. 782

[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 to amend the town charter of Sandwich.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	Plymouth and Barnstable
Jeffrey Davis Perry	5th Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02680 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO AMEND THE TOWN CHARTER OF SANDWICH.

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

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ARTICLE I INCORPORATION, FORM OF GOVERNMENT

4 Section 1.1 INCORPORATION

5 The inhabitants of the Town of Sandwich, residing within its corporate boundaries as heretofore
6 established, are hereby constituted and shall continue to be a body politic and corporate in perpetuity
7 under the name of "The Town of Sandwich."

8 Section 1.2 FORM OF GOVERNMENT

9 The municipal form of government provided by this Charter shall consist of a Town Meeting open to all
10 voters; a Board of Selectmen, elected by the people and accountable to the people; and a Town Manager,
11 appointed by and accountable to the Board of Selectmen for proper administration of the affairs of the
12 town.

13 **ARTICLE II**

14 **POWERS OF THE TOWN**

15 a) The town shall have all the powers granted to towns by the Constitution and General Laws
16 together
17 with all of the implied powers necessary to execute such granted powers.

18 b) The powers of the town under the Charter shall be construed and interpreted liberally in favor of
19 the town, and the specific mention of any particular power is not intended to limit in any way the
20 general powers.

21 c) The town may enter into agreements with any other agency of municipal government, agency of
22 the Commonwealth, other states, or the United States government to perform jointly, by contract,
23 or otherwise, any of its powers or functions and may participate in the financing thereof.

24 **ARTICLE III**

25 **LEGISLATIVE BRANCH**

26 Section 3.1 OPEN TOWN MEETING

27 The legislative powers of the town shall be exercised by a Town Meeting open to all voters.

28 Section 3.2 PRESIDING OFFICER

29 All sessions of the Town Meeting shall be presided over by a Moderator, elected as provided in Section
30 4.4 of the Charter. The Moderator shall regulate the proceedings, decide questions of order, and make
31 public declarations of all votes. The Moderator shall have all of the powers and duties given to
32 Moderators under the Constitution and the General Laws, and such additional powers and duties as may
33 be authorized by the Charter, by By-law or by other Town Meeting vote.

34 Section 3.3 ANNUAL TOWN MEEETING

35 The Annual Town Meeting shall be held on such date or dates as may be fixed by the Board of Selectmen
36 as provided in paragraph (e) of Section 4.2.5 of the Charter.

37 Section 3.4 SPECIAL TOWN MEETINGS

38 Special Town Meetings shall be held at the call of the Board of Selectmen at such times as it may deem
39 appropriate and whenever a special meeting is requested by the voters in accordance with procedures
40 made available by the General Laws.

41 Section 3.5 QUORUM

42 The quorum for both the Annual Town Meeting and any Special Town Meeting shall be set by By-law.

43 Section 3.6 CLERK OF THE MEETING

44 The Town Clerk shall serve as the clerk to the Town Meeting. In the event that the Town Clerk is absent,
45 the Assistant Town Clerk will serve.

46 Section 3.7 WARRANT ARTICLES

47 a) Except for procedural matters all subjects to be acted on by Town Meeting shall be placed on
48 warrants issued by the Board of Selectmen.

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50 b) The Board of Selectmen shall receive all petitions addressed to it which require the
51 submission
52 of particular subject matter to the Town Meeting in accordance with the General Laws. Ten
53 (10) signatures shall be required on a petition to have an article inserted in the warrant for an
54 Annual Town Meeting, and one hundred (100) signatures shall be required on a petition to
55 have an article inserted in a warrant for a Special Town Meeting.

56

57 c) Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall show
58 comparative figures including actual figures for the preceding year, appropriations for the
59 current year, requests for the next fiscal year and amounts recommended by the Finance
60 Committee.

61 Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

62 In addition to any notice required by the General Laws, the Board of Selectmen shall cause the Annual
63 Town Meeting warrant to be posted on the town bulletin board and otherwise distributed as provided by
64 paragraph (e) of Section 4.2.5 of the Charter. Additional copies shall be kept available for distribution by
65 the Town Clerk. In addition, the Board of Selectmen shall cause the Town Meeting warrant to be posted
66 on the Town's website for the convenience of the residents of the Town; provided, however, that failure
67 to post the warrant on the website or to post it one or more weeks prior to the date of the Town Meeting
68 shall not invalidate or otherwise affect the legality or validity of the actions taken at the Town Meeting.

69 **ARTICLE IV**

70 **ELECTED TOWN OFFICES**

71 Section 4.1 ELECTED TOWN OFFICES, IN GENERAL

72 The offices to be filled by the voters shall be: a Board of Selectmen, five (5) members; a School
73 Committee, seven (7) members; a Moderator; a Town Clerk;; a Board of Assessors, three (3) members; a
74 Board of Health, three (3) members; a Planning Board, seven (7) members; Trustees of the Sandwich
75 Library, nine (9) members; Trustees of the Weston Memorial Fund, three (3) members; Sandwich
76 Historic District, five (5) members; Housing Authority, 5 members, 4 elected 1 appointed by the
77 Governor; and such other regional authorities, districts, or committees as may be required by the General
78 Laws or inter-local agreement. All elected or appointed multiple member boards shall be arranged so that
79 as nearly an equal number of terms as possible shall expire each year. Notwithstanding any other
80 provision of the Charter, all elected officials and officers shall have the powers and duties as prescribed
81 by the General Laws.

82 Section 4.2 BOARD OF SELECTMEN

83 The Board of Selectmen shall be composed of five (5) members. Each member shall be elected from the
84 town at-large to a three (3) year term.

85 Section 4.2.1 QUALIFICATIONS

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

88 Section 4.2.2 COMPENSATION

89 Selectmen shall receive such compensation as may be specified in the annual budget, provided, however,
90 that they shall be entitled to all necessary expenses incurred in the performance of their official duties
91 upon approval by the Board of Selectmen.

92 Section 4.2.3 CHAIRMAN AND VICE CHAIRMAN

93 a) A chairman shall be elected by the Board of Selectmen at the first meeting following each regular
94 town election. The chairman shall preside at all meetings of the Board. The chairman shall
95 perform such other duties consistent with this Charter, or as may be imposed on him by the
96 Board.

97 b) A vice chairman shall be elected by the Board of Selectmen at the first meeting following each
98 regular town election. The vice chairman shall act as chairman during the disability or absence of
99 the chairman, and in this capacity shall have the rights and duties conferred upon the chairman.

100 Section 4.2.4 VACANCIES

101 Vacancies in the office of Selectman shall be filled by special election if the vacancy occurs eight (8)
102 months or more prior to the next annual election. In this case, the Board of Selectmen shall, within ten
103 (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-
104 five (65) days nor more than ninety (90) days after issuing the call. Any vacancy which occurs less than
105 eight (8) months prior to the next annual election shall be filled at the next annual election.

106 Section 4.2.5 GENERAL POWERS AND DUTIES

107 a) Except as otherwise provided by the General Laws or this Charter, all executive powers of the
108 Town shall be vested in the Board of Selectmen. The Board of Selectmen shall provide for the
109 exercise thereof and for the performance of all duties and obligations imposed on the Town by
110 law.

- 111 b) At least a majority of the Board of Selectmen shall sign all official documents, and approve the
112 financial warrants.
- 113 c) The Board of Selectmen shall serve as the Board of Directors and policy making body of the
114 Town.
115 They shall appoint a Town Manager to carry out the day-to-day operations of the Town within the
116 policies set by the Board of Selectmen. The Board of Selectmen shall appoint members of
117 committees.
- 118 d) No member of the Board of Selectmen may serve in any other elected and/or appointed Town
119 office
120 or committee during his or her term as Selectman, excluding ex-officio positions, except that
121 Selectmen may serve on committees when authorized by State law or Town bylaw. Service as a
122 representative from the Town to another body other than the Town shall not be prohibited by this
123 provision.
- 124 e) The Board of Selectmen shall set guidelines for the preparation of the annual budget and present
125 the budget to the Town Meeting. The Board of Selectmen shall set the date and Warrant Articles
126 for the Town Meeting and any Special Town Meeting. The Board of Selectmen shall make
127 available sufficient copies of the warrant for the Town Meeting for all registered voters. The
128 Board of Selectmen shall either provide direct mailings to households, or publish notice of the
129 availability of said warrants at town facilities and other common locations throughout the town at
130 least two (2) weeks prior to the Town Meeting; provided, however, that failure to post the warrant
131 on the website or to post it one or more weeks prior to the date of the Town Meeting shall not
132 invalidate or otherwise affect the legality or validity of the actions taken at the Town Meeting
- 133 f) The Board of Selectmen shall be a licensing board for the Town and shall have the power to issue

134 licenses as authorized by law, to make all necessary rules and regulations regarding the issuance
135 of such licenses, and to impose restrictions on any such license as it deems to be in the public
136 interest, and to enforce all laws, rules, regulations, and restrictions relating to all such businesses
137 for which it issues licenses.

138 g) The Board shall require bonds for all municipal officers and employees who receive or pay out
139 any
140 moneys of the town. The amount of such bonds shall be determined by the Board and the cost
141 thereof shall be borne by the town.

142 h) The Board of Selectmen shall be authorized to institute, prosecute, compromise or defend any
143 claim,
144 action, suit or other proceeding in the name of the Town and to settle any claim, action, suit or
145 other proceeding brought by or on behalf or against the Town. In the event that a settlement
146 requires the issuance of a permit or license or the transfer of property, and such matter is not
147 within the Board of Selectmen's jurisdiction, the Town board or officer with legal jurisdiction
148 over the matter shall retain sole authority to act on behalf of the Town.

149 i) The Board of Selectmen shall annually review a Long Range Plan to project the future needs of
150 the
151 Town and report on this at Town Meeting.

152 j) The Board of Selectmen shall serve as custodians of all Town property except as otherwise
153 provided
154 by the General Laws or by vote of the Town.

155 k) The Board of Selectmen shall exercise any other responsibilities as set forth in the General Laws.

157 a) The Board of Selectmen shall hold at least two regular meetings each month. The board shall fix,
158 by
159 resolution, the days, times and location of its regular meetings.

160 b) The Board of Selectmen may hold such special meetings as it deems necessary and appropriate,
161 which may be called for by three members of the Board. In no event shall a regular or special
162 meeting be held in any facility or at any locations which are not readily accessible to the public or
163 handicap accessible.

164 Section 4.2.7 RULES OF PROCEDURE

165 a) The Board of Selectmen shall by resolution, determine its own rules and order of business;
166 however, the rules shall provide that citizens of the town shall have a reasonable opportunity to
167 be heard at any meeting in regard to any matter under consideration.

168 b) Voting except on procedural motions, shall be by roll call if requested by a Selectman, and the
169 ayes
170 and nays shall be recorded in the minutes.

171 c) Three Selectmen shall constitute a quorum for the purposes of transaction of business.

172 d) No action of the Board of Selectmen shall be valid or binding unless adopted by the affirmative
173 vote

174 of three or more members of the Board.

175 Section 4.2.8 PROHIBITIONS

176 a) Except where authorized by law, no Selectman shall hold any other town office or town
177 employment
178 during his term as Selectman, nor any former Selectman shall hold any compensated appointed
179 town office or town employment until one year after the expiration of his term as Selectman.

- 180 b) The Selectmen shall not in any manner dictate the appointment or removal of any town
181 administrative officers or employees whom the Town Manager or any of his subordinates are
182 empowered to appoint. The Board of Selectmen may express its views and fully and freely
183 discuss with the Town Manager anything pertaining to appointments and
184 removal of such officers and employees.
- 185 c) Except for the purpose of inquiries and investigations, the Board of Selectmen and its members
186 shall
187 deal with town officers and employees who are subject to the direction and supervision of the
188 Town Manager, solely through the Town Manager, and neither the Board of Selectmen nor any of
189 its members shall give orders to any such officer or employee, either publicly or privately.

190 Section 4.3 SCHOOL COMMITTEE

191 The School Committee shall be composed of seven (7) members. Each member shall be elected from the
192 town at-large to a three (3) year term. The three (3) year terms of office for school committee shall be
193 staggered.

194 Section 4.3.1 GENERAL POWERS AND DUTIES

195 The School Committee shall have all the powers and duties given to school committees by the General
196 Laws. The School Committee shall have the power to select, oversee, and to terminate the
197 Superintendent of Schools, establish educational goals and policies for the schools consistent with
198 requirements of the General Laws and standards established by the Commonwealth.

199 Section 4.3.2 BUDGET HEARING

200 The School Committee shall hold a public hearing on its proposed annual budget pursuant to General
201 Laws, Chapter 71, Section 38N, on or before the first day of March.

202 Section 4.3.3 VACANCIES

203 Vacancies in the School Committee shall be filled by special election if the vacancy occurs eight (8)
204 months or more prior to the next annual election. In this case, the Board of Selectmen shall, within ten
205 (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-

206 five (65) days nor more than ninety (90) days after issuing the call. Any vacancy which occurs less than
207 eight (8) months prior to the next annual election shall be filled at the next annual election.

208 Section 4.4 MODERATOR

209 A Moderator shall be elected by the voters for a term of three years. In the event of absence of the
210 Moderator, the Town Meeting may elect a temporary Moderator, for the purpose of presiding over the
211 Town Meeting.

212 Section 4.4.1 POWERS AND DUTIES

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214 a) The Moderator shall have the powers and duties provided by the General Laws, by this
215 Charter,
216 by By-law or by any other Town Meeting vote.

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218 b) The Moderator shall appoint members of the Finance Committee which shall consist of nine
219 (9) members. Should the Moderator fail to fill a vacancy on the Finance Committee within
220 forty-five (45) days of having been notified in writing by the Town Clerk of said vacancy, a
221 majority of the remaining members of the Finance Committee may nominate a person for each
222 such vacancy. Should the Moderator fail to take action on said nomination within 21 days, the
223 nominee shall become a member of the Finance Committee.

224 c) The Moderator shall appoint members to other committees as directed by Town Meeting.

225 Section 4.5 TOWN CLERK

226 A Town Clerk shall be elected by the voters at the annual town election, for a term of three years.

227 Section 4.7 BOARDS, COMMITTEES AND OFFICERS

228 a) Each Board or Committee will be organized and charged with the powers and duties
229 specified in
230 the General Laws and Special Acts of the Commonwealth, Town By-law or elsewhere in this
231 Charter. The Board of Selectmen may also, from time to time, establish boards or

232 committees to address specific needs or issues. Each board or committee shall, at its annual
233 organization meeting, elect a presiding officer and shall cause the Board of Selectmen and
234 the Town Clerk to be notified of its selection. Such boards and committees shall make a
235 written annual report of its activities to the Board of Selectmen.

236 b) Members of permanent committees shall be elected for a staggered term of three years unless
237 otherwise provided for by the General Laws or this Charter. Appointees to temporary and
238 special committees shall be appointed by the Board of Selectmen for the duration of the
239 charge of the board or committee. Boards, committees or officers specifically provided for
240 by the General Laws or this Charter may be continued or terminated only by the Board of
241 Selectmen.

242 **ARTICLE V**

243 **ADMINISTRATIVE SERVICES**

244 Section 5.1 TOWN MANAGER

245 Section 5.1.1 APPOINTMENT AND QUALIFICATIONS

246 The Board of Selectmen by majority vote of the entire Board shall appoint a Town Manager. The method
247 of selection shall be left to the discretion of the Board of Selectmen so long as the method of selection
248 insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position.

249 The Town Manager shall be chosen solely upon the basis of his/her executive and administrative training,
250 education, experience and ability and need not, when appointed, be a resident of the Town of Sandwich;
251 however, the Town Manager shall establish such residence within six (6) months following the effective
252 date of appointment, provided that the Board of Selectmen may, by a unanimous vote of all members of
253 the Board of Selectmen then in office, extend to a time certain the time for establishing residence or
254 waive this requirement in its entirety. The Town Manager shall be bonded at town expense.

255 Section 5.1.2 COMPENSATION

256 The Town Manager shall receive compensation as may be fixed by the Board of Selectmen according to
257 his/her expertise, education and training. Any contract between the Board of Selectmen and the Town
258 Manager shall be made pursuant to Section 108N of Chapter 41 of the General Laws.

259 Section 5.1.3 TERM AND REMOVAL

260 The Town Manager may be appointed for a definite term but may be removed at the discretion of the
261 Board of Selectmen, by vote of the majority of the entire Board. The action of the Board of Selectmen in
262 suspending or removing the Town Manager shall be final. It is the intention of this Charter to invest all
263 authority and fix all responsibilities of such suspension or removal in the Board of Selectmen.

264 Section 5.1.4 POWERS AND DUTIES

265 The Town Manager shall be responsible to the Board of Selectmen for the proper administration of all the
266 affairs of the town consistent with the General Laws and this Charter, and shall:

- 267 a) appoint, discipline, suspend, or remove Town employees, including Civil Service positions, except
268 that the approval of the Board of Selectmen shall be required for appointment of Department
269 Heads and the Assistant Town Manager;
- 270 b) supervise and direct all appointed Department Heads;
- 271 c) administer and enforce all provisions of General Laws or Special Acts of the Commonwealth, or
272 Town By-laws, and all regulations established by the Board of Selectmen;
- 273 d) coordinate activities of all town departments;
- 274 e) attend all sessions of the Town Meeting and answer all questions addressed to the Town
275 Manager which are related to the warrant articles and to matters under the general supervision of
276 the Town Manager;
- 277 f) keep the Board of Selectmen fully informed as to the needs of the town, and recommend to the

278 Selectmen for adoption such measures requiring action by them or by the town as the Town
279 Manager deems necessary or expedient;

280 g) ensure that complete and full records of the financial and administrative activity of the town are
281 maintained and render reports to the Board Selectmen as may be required;

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

284 i) serve as the chief procurement officer and be responsible for the purchase of all supplies,
285 materials,
286 and equipment, and approve the award of all contracts. Any contract over \$500,000 will require
287 approval by the Board of Selectmen;

288 j) develop and maintain a formal and complete inventory of all town owned real and personal
289 property
290 and equipment;

291 k) administer personnel policies, practices, rules and regulations, any compensation plan and any
292 related matters for all municipal employees and to administer all collective bargaining
293 agreements
294 entered into by the town;

295 l) fix the compensation of all town employees and officers appointed by the Town Manager; within
296 the limits established by appropriation and any applicable compensation plan and collective
297 bargaining agreements;

298 m) be responsible for the negotiation of all contracts with town employees regarding wages, and
299 other

300 terms and conditions of employment, except employees of the School Department. The Town
301 Manager may, subject to the approval of the Board of Selectmen, employ special counsel to assist
302 in the performance of these duties. Collective bargaining agreements shall be subject to the
303 approval of the Board of Selectmen, and to Chapter 150E of the General Laws;

304 n) prepare and submit an annual operating budget and capital improvement program as provided in
305 paragraph (b) of Section 7.1 of this Charter and be responsible for its administration after its
306 adoption. The Town Manager may transfer funds between individual line items within a
307 department account at any time during the fiscal year, and further, may transfer during the last
308 two (2) months of any fiscal year or during the fifteen (15) days of the new fiscal year to apply to
309 the previous fiscal year, any amount appropriated for the use of any department other than a
310 municipal light department or the school department to the appropriation for any other
311 department, but the amount transferred from one department to another may not exceed three per
312 cent (3%) of the annual budget of the department from which the transfer is made, with the
313 approval of the Selectmen and Finance Committee;

314 o) keep the Board of Selectmen and the Finance Committee fully informed as to the financial
315 condition
316 of the town and make recommendations to the Board of Selectmen;

317 p) prepare and submit to the Board of Selectmen at the end of the fiscal year a comprehensive
318 report on the finances and the activities and operations of all departments, boards and
319 committees of the town;

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

321 r) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty,
322 or

323 responsibility which the office of Town Manager is authorized to exercise, provided, that all acts
324 performed under such delegation shall be deemed the acts of the Town Manager; and

325 s) perform such other duties as necessary or as may be assigned by this Charter, Town By-law,
326 Town
327 Meeting vote, or vote of the Board of Selectmen.

328 Section 5.1.5 ACTING TOWN MANAGER

329 The Assistant Town Manager shall perform the duties of the Town Manager in his/her absence. In the
330 event of long-term disability, resignation, termination, or vacancy of both the Town Manager and the
331 Assistant Town Manager at the same time, the Board of Selectmen shall appoint an Acting Town
332 Manager for the duration of any such disability, or until appointment of a permanent Town Manager or
333 Assistant Town Manager. No member of the Board of Selectmen shall serve as Acting Town Manager.

334 Section 5.2 TOWN COUNSEL

335 The Board of Selectmen shall appoint a competent and duly qualified and licensed attorney practicing in
336 the Commonwealth, who shall be the counsel for the town. He/she shall receive for his/her services such
337 compensation as may be fixed by the Board of Selectmen and shall hold his/her office at the pleasure of
338 the Board. The Town Counsel shall be the legal adviser of all of the offices and departments of the town,
339 and he/she shall represent the town in all litigation and legal proceedings; provided, that the Board of
340 Selectmen may retain special counsel at any time they deem appropriate and necessary. He/she shall
341 review and concur or dissent upon all documents, contracts, and legal instruments in which the town may
342 have an interest. The Town Counsel shall perform other duties prescribed by this Charter, Town By-law,
343 or as directed by the Board of Selectmen. No employee, committee or board, elected or appointed, other
344 than the Board of Selectmen, shall contact or otherwise interact with the Town or Labor Counsel in a
345 manner inconsistent with the policy relative to access to counsel established by the Town Manager.

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ARTICLE VI

COMPLIANCE WITH LAW - PUBLIC RECORDS, OPEN MEETINGS, AND CONFLICT OF INTEREST

All boards, committees, and commissions shall comply with Sections 23A, 23B, and 23C of Chapter 39 of the General Laws, popularly known as the “Open Meeting Law”, in the conduct of any town business.

All officers or employees of any agency, office, department, board, commission, bureau, division or authority of the Town shall comply with the provisions of Chapter 66, Section 10 and Chapter 4, Section 7, clause twenty six (26) of the General Laws, popularly known as the “Public Records Law.”

All employees of the Town, as that term is defined in Chapter 269A, Section 1, shall comply with the requirements of Chapter 268A, Section 1, et. seq., commonly known as the “Conflict of Interest Law.”

ARTICLE VII

FINANCIAL PROVISIONS AND ADMINISTRATION

Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE

- a) Annually, prior to the first day of November, the Town Manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year.
- b) On or before the first day of February, the Town Manager and School Committee shall each submit to the Board of Selectmen and Finance Committee a proposed line item budget and accompanying message.
- c) The Budget shall provide a complete financial plan of all town funds and activities, including details on debt and debt service, anticipated income, and proposed expenditures. The Budget shall include proposals for capital improvements for the next five (5) years. The budget message shall begin with a clear general summary of its content, and explain in both fiscal terms and work

370 program objectives, proposed expenditures for each department, capital expenditures, and the
371 projected tax rate.

372 d) The Board of Selectmen shall review the proposed Town Budget and refer it, including the
373 School Department Budget and recommendations, to the Finance Committee, on or before the
374 first day of March.

375 Section 7.2 FINANCE COMMITTEE

376 a) There shall be a permanent committee known as the Finance Committee, composed of nine (9)
377 registered voters of the town appointed by the Moderator. They shall serve for three (3) year
378 terms. Terms shall be staggered. Members shall serve without compensation and no member
379 shall be an employee of the Town nor hold an elected or appointed town position during their
380 term of office, excluding ex-officio positions.

381 b) The Finance Committee shall conduct a detailed line item review of the Town and School
382 budgets
383 and submit a written budget report to the Annual Town Meeting and a written report to the
384 Annual Town Meeting and any Special Town Meeting with its advisory recommendations on all
385 financial warrant articles, and the projected tax impact consistent with its recommendations.

386 c) The Finance Committee can require that the Town Manager, School Committee,
387 any town department, office, board, commission or committee furnish appropriate additional
388 financial information, as needed.

389 d) The Finance Committee shall elect a Chairman and such other officers from among its members
390 and form subcommittees as the Finance Committee deems necessary to accomplish its duties.

391 Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

392 a) The Finance Committee shall within sixty (60) days following the submission of the draft budget
393 by the Town Manager, review the proposed budget, and shall return it to the Board of Selectmen
394 with their recommendations.

395 b) The Board of Selectmen shall conduct at least one public hearing on the proposed budget,
396 including the school budget, prior to the Town Meeting, and include the recommendations of the
397 Finance Committee.

398 c) The Board of Selectmen shall post in the Town Hall and publish in a daily newspaper of general
399 circulation and on the Town website, a summary of the proposed budget and notice stating:

400 1) the times and places where copies of the message and budget are available for
401 inspection by the public, and

402 2) the date, time and place where the Board of Selectmen shall conduct the public hearing
403 on the budget.

404 Section 7.4 BUDGET ADOPTION

405 Town Meeting shall adopt the annual operating budget, with or without amendments prior to the
406 beginning of the fiscal year.

407 Section 7.5 ANNUAL AUDIT

408 At the close of each fiscal year, and at such times as it may be deemed necessary, the Board of Selectmen
409 shall cause an independent audit to be made of all accounts of the Town by a certified public accountant.

410 The certified public accountant so selected shall have no personal interest, directly or indirectly in the
411 financial affairs of the Town or any of its offices. Upon completion of the audit, the results in a summary
412 form shall be placed on file in the Town Clerk's office and on the Town website as a public record and in
413 the Sandwich Public Library for public information.

414 Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, and TRANSFERS

415 Any and all emergency appropriations, reductions, and transfers will be made in accordance with the
416 General Laws and the Town By-laws.

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ARTICLE VIII

RECALL

Section 8.1 RECALL

Any holder of an elected office in the Town of Sandwich may be recalled there from by the qualified voters of the Town as provided in Chapter 408 of the Acts of 1987 for reasons which include but are not limited to the following: embezzlement; influence peddling; refusal to abide by or not comply with the Conflict of Interest Law, Open Meeting Law, Public Records Law, rules and regulations thereto, and the By-laws of the Town of Sandwich which pertains to same; destruction or alteration of public records; nepotism; conviction for a felony; failure to perform the duties of the elected office; or other willful acts of omission or commission which betray the public trust.

Section 8.2 RECALL PETITION

A recall petition shall be initiated by request of ten (10) qualified voters. The recall petition shall be signed by twenty-five percent (25%) of the qualified voters and returned within twenty (20) days in accordance with Chapter 408 of the Acts of 1987.

ARTICLE IX

CHARTER

Section 9.1 SEVERABILITY

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

Section 9.2 CHARTER REVIEW COMMITTEE

At least every five (5) years the Selectmen shall appoint a Charter Review Committee to be composed of seven (7) members for a period not longer than six (6) months, who shall submit their recommendations to the Board of Selectmen and shall file proceedings of their deliberations.

Section 9.3 AMENDMENT TO CHARTER

441 This Charter may be amended or revised by special act of the General Court, upon the recommendation of
442 Town Meeting and/or pursuant to Chapter 43B of the General Laws.