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BRIDGEWATER TOWN CHARTER
PROPOSED AMENDMENTS IN "TRACK CHANGES" VIEW
RULES AND PROCEDURES COMMITTEE

MAY 9, 2017

1 ARTICLE 1-INCORPORATION AND AUTHORITY

2 DEFINITIONS

As used in the charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

<u>Term</u>	<u>Definition</u>
<u>Administrative code</u>	<u>A written description of the administrative organization of town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, either appointed or elected, term of office and general powers and duties of each town office, department and multiple member body consistent with this charter and applicable state law. The Administrative Code is composed of four parts, the purpose of which is to detail the various responsibilities, authorities, and methods of administering municipal agency services. The parts describe the elective organization, the multiple-member appointive organization, the administrative organization, and the administrative procedures of the Town.</u>
<u>Charter</u>	<u>This charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth of Massachusetts.</u>
<u>City</u>	<u>The body politic and corporate called the Town of Bridgewater in this charter.</u>
<u>Department Head</u>	<u>Department Heads shall be defined by ordinance and shall appear in the Administrative Code.</u>
<u>Emergency</u>	<u>A sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.</u>
<u>Emergency Measure</u>	<u>An emergency is an unexpected and difficult or dangerous situation, especially an accident, which happens suddenly. An emergency measure is the actions required to deal with it.</u>
<u>Ex-Officio</u>	<u>An ex officio member is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin, meaning literally "from the office", and the sense intended is "by right of office.</u>
<u>Experts</u>	<u>A person or persons who has special skill or knowledge in some particular field.</u>
<u>Group Petition</u>	<u>A request signed by at least 150 voters, as certified by the Town</u>

	<u>Board of Registrars of Voters, or its successor</u>
<u>Individual petition</u>	<u>A petition signed by a voter, as certified by the town board of registrars of voters, or its successor</u>
<u>Initiative Petition</u>	<u>An initiative petition is a way for citizens to propose binding laws and constitutional amendments for approval by the voters on the statewide ballot. The first step in the process is for 10 voters to sign the petition containing the proposed law or constitutional amendment and to file it with the Attorney General's Office.</u>
<u>Majority vote</u>	<u>A majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter, or by the town council's own rules.</u>
<u>Measure</u>	<u>An ordinance, order, resolution or other vote or proceeding adopted, or which may be adopted by the town council.</u>
<u>Multiple member body or organization</u>	<u>Any board, commission or committee in the town.</u>
<u>Order</u>	<u>In a general sense, a mandate or precept; a command or direction authoritatively given.</u>
<u>Ordinance</u>	<u>A law, statute, or regulation enacted by the municipal government.</u>
<u>Quorum</u>	<u>In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act.</u>
<u>Referendum Petition</u>	<u>A referendum petition is a way for citizens to seek to repeal a law recently enacted by the Town Council.</u>
<u>Resolution</u>	<u>The official expression of the opinion or will of the body.</u>
<u>Special election</u>	<u>An election for a particular emergency; out of the regular course; as one held to fill a vacancy arising by death of the incumbent of the office.</u>
<u>Supplemental Appropriation</u>	<u>Additional budget authority providing for activities and needs that are too urgent to be delayed until the next regular or periodic appropriation.</u>
<u>Town agency or agency</u>	<u>A board, commission, committee, department or office of town government, whether elected, appointed or otherwise</u>

	<u>constituted.</u>
<u>Town officer</u>	<u>An individual who has been elected or appointed to exercise the functions of a town office for the benefit of the public. Town officers are distinguishable from other employees in that they are required to take an oath of office.</u>
<u>Voters</u>	<u>Registered voters of the town</u>

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1 Section 1-1. Incorporation

2
3 The inhabitants of the Town of Bridgewater, within its territorial limits as now or may hereafter
4 be established by law, shall continue to be a body politic and corporate, known as the “Town of
5 Bridgewater.” The Town of Bridgewater shall constitutionally have a city form of government.
6

7 Section 1-2. Short Title

8
9 This instrument may be cited and shall be known as the Bridgewater home rule charter.
10

11 Section 1-3. Division of Powers

12
13 All legislative powers of the town shall be exercised by a town council. The administration of
14 all town fiscal, business and municipal affairs shall be vested in the executive branch headed by
15 the town manager.
16

17 Section 1-4. Powers of the Town

18
19 The intent and purpose of this charter is to secure for the voters of the town of Bridgewater,
20 through the adoption of this charter, all the powers possible to secure for their government under
21 Article LXXXIX of the Amendments to the Constitution and laws of the [C](#)ommonwealth.
22

23 Section 1-5. Interpretation of Powers

24
25 The powers of the town under the charter shall be construed and interpreted liberally in favor of
26 the town, and the specific mention of a particular power is not intended to limit in any way the
27 general powers of the town as enumerated in section 1-4.
28

29 Section 1-6. Intergovernmental Relations

30
31 The town may enter into agreements with any other unit of government to perform jointly or in
32 cooperation, by contract or otherwise, any of its powers or functions.
33

34 Section 1-7. Town Seal and Town Flag

35
36 The town seal and town flag in existence at the time this charter is adopted, unless the town
37 council shall adopt another seal or flag, shall continue to be the town seal and town flag and
38 shall be kept in the custody of the [elected](#) town clerk. Papers or documents issued from any
39 office or board of the town may be attested by use of the town seal. The town flag shall be
40 displayed within the town council chambers.
41

42 Section 1-8. Ethical Standards

43
44 Elected and appointed officers and employees of the town are expected to demonstrate the
45 highest ethical standards, which shall be in compliance with all state and federal laws. Elected
46 and appointed officers and employees are expected to recognize that they act as agents of the

1 public, that they hold offices or positions for the benefit of the public, that the public interest is
2 their primary concern and that they are expected to faithfully discharge the duties of their
3 offices or positions regardless of personal considerations. Elected officers and employees shall
4 not use their official positions to secure or to grant special consideration, treatment, advantage,
5 privilege or exemption to themselves or to any other person beyond that which is available to
6 every other person.

7
8 ~~Section 1-9. Definitions~~

9 ~~As used in the charter, the following words shall, unless the context clearly requires otherwise,~~
10 ~~have the following meanings:-~~

11
12 ~~"Administrative code", a written description of the administrative organization of town offices,~~
13 ~~departments and multiple member bodies. The administrative code shall state the mode of~~
14 ~~selection, either appointed or elected, term of office and general powers and duties of each town~~
15 ~~office, department and multiple member body consistent with this charter and applicable state~~
16 ~~law.~~

17
18 ~~"Charter", this charter and any amendments to it made through any methods provided under~~
19 ~~Article LXXXIX of the Amendments to the Constitution.~~

20
21 ~~"Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which~~
22 ~~necessitates immediate action.~~

23
24 ~~"Majority vote", a majority of those present and voting, provided a quorum is present when a~~
25 ~~vote is taken, unless a higher number is required by law, this charter, or by the town council's~~
26 ~~own rules.~~

27
28 ~~"Measure", an ordinance, order, resolution or other vote or proceeding adopted, or which may~~
29 ~~be adopted by the town council.~~

30
31 ~~"Multiple member body", any board, commission or committee in the town.~~

32
33 ~~"Town", the body politic and corporate called the town of Bridgewater.~~

34
35 ~~"Town agency or agency", a board, commission, committee, department or office of town~~
36 ~~government, whether elected, appointed or otherwise constituted.~~

37
38 ~~"Voters", registered voters of the town.~~

39
40 ~~"Town officer", an individual who has been elected or appointed to exercise the functions of a~~
41 ~~town office for the benefit of the public. Town officers are distinguishable from employees in~~
42 ~~that they are required to take an oath of office and are appointed or elected to specified terms of~~
43 ~~office.~~

1 ARTICLE II- LEGISLATIVE BRANCH

2
3 Section 2-1. Composition; Eligibility; Term of Office

4
5 (a) Composition - There shall be a town council consisting of nine members which shall
6 exercise the legislative powers of the town. Seven of these members, to be known as district
7 councilors, shall be nominated and elected by and from the voters of the seven districts into
8 which the town is divided, and two of the members, to be known as councilors-at-large,
9 shall be nominated and elected by and from the voters at large.

10
11 (b) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A district
12 councilor must be a voter and resident of the district in which election is sought. If a district
13 councilor or a councilor-at-large moves out of the town during the term for which elected,
14 such office shall immediately be deemed vacant and filled in the manner provided in section
15 2-5. If a district councilor moves from the district from which the councilor is elected, or is
16 removed by a change in district lines, and more than 14 months remains of the term for
17 which elected, the office shall be deemed vacant and shall be filled in the manner provided
18 in section 2-5. If less than six months of the term remains, the district councilor who remains
19 a resident of the town may continue to serve during the term for which elected.

20
21 (c) Term of Office - The term of office of district councilors and councilors-at-large shall be
22 staggered terms of three years each, beginning on ~~the day~~~~the second Monday~~ following ~~the~~
23 election and continuing until their successors are qualified.

24
25 (d) Prohibitions - (1) No councilor shall, while a member of the town council, hold any other
26 town office or position. (2) An elected charter commission membership shall not be
27 considered to be a town office or position. (3) No former councilor shall hold any
28 compensated appointive town office or town employment until one year after the expiration
29 of service on the town council. This provision shall not prevent a town officer or employee
30 who has taken a leave of absence from such duties to serve as a member of the town council
31 from returning to such office or employment following service as a member of the town
32 council. (4) Any councilor who has been finally convicted of a criminal offense involving
33 misconduct in any elective or appointive public office, trust or employment at any time held
34 by him/her shall be deemed to have vacated office and shall not be eligible to serve in any
35 other elective or appointive office or position in the town.

36
37 Section 2-2. General Powers and Duties

38
39 Except as otherwise provided by law or by the charter, all powers of the town shall be vested in
40 the town council which shall provide for their exercise and for the performance of all duties and
41 obligations imposed on the town by law.

42
43 Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties

44
45 (a) Election - After the councilors-elect have been sworn, the town council shall be called
46 together by the ~~elected~~ town clerk for the purpose of conducting an election among town

1 council members for the office of town council president and vice-president to serve at
2 the pleasure of the town council. The president shall preside at all meetings of the town
3 council and perform such other functions as may be assigned by the charter, by
4 ordinance or by vote of the town council.
5

6 (b) Term of Office - The term of the council president shall be for one year beginning on the
7 second Monday following election and continuing until a successor is qualified.
8

9 (c) Powers and Duties - The powers, duties and responsibilities of the council president shall
10 include, but not be limited to, the following:
11

12 1) The council president shall preside at all meetings of the town council, regulate
13 its proceedings and shall decide all questions of order.
14

15 2) The council president shall have the same powers to vote upon all measures
16 coming before the town council as any other member of the town council, but
17 shall have no veto power.
18

19 3) The council president shall be recognized as the official head of the town for all
20 ceremonial purposes and the council president, or his designee, shall represent
21 the town in its relations with other units of government.
22

23 4) In time of public danger or emergency the council president may, subject to the
24 review of the action by the town council, temporarily exercise the town council's
25 supervisory powers over the town manager, but such delegation shall not exceed
26 seven days unless the town council votes to extend the temporary powers not to
27 exceed another seven days. The town council may extend the period of
28 delegation by successive extensions of not more than seven days each.
29

30 5) The council president in conjunction with the town manager shall prepare and
31 deliver a yearly state of the town message to the town council and citizens of the
32 town on or before March 15th of each year~~describing the state of the town~~. The
33 message will address the financial state of the town, strengths of the town and
34 areas that need attention, as well as potential opportunities for the betterment of
35 the town. The state of the town message should also set the agenda and goals for
36 the town council and town manager for the ensuing year.
37

38 6) The council president shall call no fewer than two meetings, one of which
39 will be the annual state of the town meeting, of the general public each fiscal
40 year for the purpose of obtaining public input to the policies of the town. The
41 meeting agenda and format shall be determined by the town council but shall be
42 designed to obtain public input to the policies of the town. Members of the public
43 may submit potential items for the agenda of the meetings in accordance with
44 rules adopted by the town council. The public shall be given at least 14 days
45 notice of the date and time of such meetings. The notices shall be published in a
46 newspaper of general circulation within the town, if required by state law, ~~and~~

1 posted on the town bulletin board, [and posted on the town's official website](#). The
2 town council may provide for additional venues for such postings.

3
4 Section 2-4. Council Vice President

5
6 The town council shall elect from among its members a council vice president who shall act as
7 council president during the absence or disability of the council president and, if a vacancy
8 occurs, shall become ~~acting~~ council president until a successor is qualified [at the next regular](#)
9 [meeting in accordance with the provisions of Section 2-3](#).

10
11 The powers of an acting council president shall be limited to only those powers of the office
12 indispensably essential to the performance of the duties of the office during the period of the
13 temporary absence or disability and no others.

14
15 Section 2-5. Filling of Vacancies

16
17 (a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-large during the
18 first 18 months of the term for which a councilor was elected, the vacancy shall be filled
19 in descending order of votes received by the candidate for the office of councilor-at-
20 large at the preceding town election who received the largest number of votes without
21 being elected, provided such person remains eligible and willing to serve and provided
22 such person received votes at least equal to 30 per cent of the vote total received by the
23 person receiving the largest number of votes for the office of councilor-at-large at the
24 election. The ~~elected~~ town clerk shall certify such candidate to the office of councilor-at-
25 large to serve for the balance of the then unexpired term.

26
27 If a vacancy occurs in the office of councilor-at-large during the last six months of the
28 term for the councilor-at-large was elected, the vacancy shall be filled by the person at
29 the most recent annual town election who received the highest number of votes for the
30 office of councilor-at-large and who is not then serving as a member of the town council.

31
32 The person shall be certified by the town clerk and shall serve for the remaining months
33 of the term which the person was elected.

34
35 (b) District Councilor - If a vacancy occurs in the office of district councilor it shall be filled
36 in the same manner as provided in subsection (a) of section 2-5 for the office of
37 councilor-at-large except that the list shall be of the candidates for the office of district
38 councilor in the district in which the vacancy occurs; provided, however, that if there is
39 no candidate on the list who remains eligible and willing to serve, the next highest
40 ranking candidate from among the candidates for election to the council-at-large who is
41 a resident of the district in which the vacancy exists shall be certified and shall serve
42 until the next regular election provided the candidate remains a resident of the district, is
43 willing to serve as a district councilor and received votes in the district at least equal to
44 30 per cent of the vote total received by the person receiving the largest number of votes
45 for the office of district councilor at the election. The ~~elected~~ town clerk shall certify

1 such candidate to the office of district councilor to serve for the balance of the then
2 unexpired term.

3
4 (c) Filling of Vacancies by Town Council - If a vacancy occurs in the office of councilor-at-
5 large or district councilor and there is no available candidate to fill the vacancy in the
6 manner provided in subsection (a) or (b) of section 2-5, the vacancy shall be filled by the
7 remaining members of the town council. To be eligible for election by the town council,
8 a person shall be a registered voter of the town and, in the case of a district councilor, a
9 resident of such district. Persons elected to fill a vacancy by the town council shall serve
10 only until the next regular election, or if so decided, a special election, at which time the
11 vacancy shall be filled by the voters and the person chosen to fill the vacancy shall be
12 sworn and shall serve for the remainder of the unexpired term. Persons serving as town
13 councilors under this section shall not be entitled to have the words "candidate for re-
14 election" printed against their names on the election ballot.

15
16 Section 2-6. Exercise of Powers; Quorum; Rules of Procedure

17
18 (a) Exercise of Powers - Except as otherwise provided by any general or special law or the
19 charter, the legislative powers of the town council may be exercised in a manner determined
20 by it.

21
22 (b) Quorum - The presence of five members shall constitute a quorum for the transaction of
23 business. Except as otherwise provided by law or this charter, the affirmative vote of five
24 members shall be required to adopt any ordinance or appropriation order.

25
26 (c) Rules of Procedure - The town council shall from time to time establish written rules for its
27 proceedings. The rules shall be available for public inspection at the office of the ~~electe~~
28 town clerk ~~and copies of the rules shall be available in the office of the town council during~~
29 ~~regular and special meetings of the town council.~~

30
31 1) Regular meetings of the town council shall be held at a time and place fixed by
32 ordinance but shall be at least monthly.

33 2) Special meetings may be held on the call of the president of the town council, or on
34 the call of three or more members, by written notice delivered to each member of the
35 town council by the ~~electe~~ town clerk at least 48 hours before the time set.

36 3) Except as otherwise authorized by a general or special law all sessions of the town
37 council shall be open to the public.

38 4) Every matter coming before the town council for action shall be put to a vote, the
39 result of which shall be duly recorded.

40 5) All town council votes on ordinances, appropriation orders or loan authorizations
41 shall be taken by roll call vote, and shall be duly recorded by the clerk of the council.

42 ~~4)6)~~ 6) A full, accurate, and up-to-date record of the proceedings of the town council
43 shall be kept and shall be open to inspection by the public.

44 ~~2)7)~~ 7) All meetings of the town council shall provide for a period of public comment.
45 Regular meetings of the town council shall provide for a period of public comment,

1 provided however, that the town council may promulgate rules that regulate such
2 period of public comment as deemed appropriate.

3 8) Any council member may, from time to time, submit to the town council proposed
4 town policies, goals and other objectives for its consideration.

5 9) The town council may amend, modify or reject any proposal submitted by the
6 council president before adopting the same in its final form.

7 3)10) Nothing in this subsection shall preclude any member of the town council from
8 recommending town policies, goals and other objectives to the town council.

9 4)11) The town council shall be responsible for ensuring that the charter, the laws, the
10 ordinances and other plans, policies and orders for the government of the town are
11 properly implemented and enforced.

12 5)12) The town council shall not direct or request the appointment or employment of
13 any person, or the removal of any person, or in any manner attempt to participate in
14 the appointment or removal of a person in the administrative service of the town for
15 which the town manager is responsible.

16 6)13) The town council shall deal with the officers and employees serving under the
17 town manager solely through the town manager and the council president shall not
18 give any orders or directions to any such officer or employee, either publicly or
19 privately.

20 7)14) The town council shall perform such other duties consistent with the office as
21 may be provided by charter or by ordinance.

22
23 Section 2-7. Measures; Emergency Measures; Charter Objection

24 (a) Measures - No measure shall be passed finally on the date on which it is introduced, except
25 in the case of an emergency. Except as required by Massachusetts General Law, measures
26 passed by the Town Council shall become effective 72 hours after final passage. otherwise
27 provided by the charter, every adopted measure shall become effective at the expiration of
28 30 days after adoption or at any later date specified therein. Measures not subject to
29 referendum, as defined in section 8-4, shall become effective upon adoption. No ordinance
30 shall be amended or repealed except by another ordinance adopted in accordance with the
31 charter or as provided in the initiative and referendum procedures.

32
33 (b) Emergency Measures - An emergency measure shall be introduced in the form and manner
34 prescribed for measures generally except that it shall be plainly designated as an emergency
35 measure and shall contain statements after the enacting clause declaring that an emergency
36 exists and describing its scope and nature in clear and specific terms.

37
38 A preamble which declares and defines the emergency shall be separately voted on and shall
39 require the affirmative vote of two-thirds of the town council.

40
41 An emergency measure may be passed with or without amendment or rejected at the
42 meeting at which it is introduced.

43
44 No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise
45 or special privilege shall be passed as an emergency measure, and except as provided by any

1 general or special law, no such grant, renewal or extension shall be made otherwise than by
2 ordinance.

3
4 After its adoption, an emergency measure shall be published as prescribed for other adopted
5 measures. An emergency measure shall become effective upon adoption or at such later time
6 as it may specify.

7
8 (c) Charter Objection –
9

10 (1) On the first occasion that the question on adoption of a measure is put to the town
11 council, if a single member objects to the taking of the vote, the vote shall be postponed
12 until the next meeting of the town council whether regular or special. If ~~2~~two members
13 shall object, such postponement shall be until the next regular meeting; provided,
14 however, that for a postponement of an emergency measure at least ~~4~~four members, in
15 all, must object, and the postponement shall be until the next regular meeting.

16 (2) This procedure shall not be used more than once for any matter bearing a single docket
17 number notwithstanding any amendment to the original matter.

18 (3) ~~A charter objection shall have privilege over all motions but must be raised prior to or at~~
19 ~~the call for a vote by the presiding officer and all debate shall cease.~~

20 (4) Before taking a vote on any measure the council president or councilor acting as the
21 presiding officer shall ask if there is a charter objection to the measure.

22 (1) ~~A charter objection shall have privilege over all motions but must be raised prior to or at~~
23 ~~the call for a vote by the presiding officer and all debate shall cease.~~
24

25 Section 2-8. Council Staff

26
27 The town council may employ such staff and experts as are necessary to conduct the business of
28 the town council. The town council shall set the salaries of such staff.

29
30 ~~Clerk of the Council~~—The town council shall appoint an officer of the town who shall have the
31 title of council clerk. The council clerk shall give notice of town council meetings to its
32 members and the public, keep the journal of its proceedings and perform such other duties as are
33 assigned by this charter, by the town council or by general or special law.

34
35 Section 2-9. Publication Requirements

36
37 Every proposed ordinance or loan order, except emergency measures as hereinbefore defined
38 and revenue loan orders, shall be published in accordance with the requirements of
39 Massachusetts General Laws, posted on the town's official website, once in full in at least 1
40 newspaper of general circulation within the town, and posted in any additional manner that may
41 be provided by ordinance, ~~at least 10 days before its final passage; provided, however, that if~~
42 ~~any ordinance or proposed ordinance or codification of ordinances or proposed ordinances, shall~~
43 ~~exceed 8 octavo pages of ordinary book print, then, in lieu of the advertising required by this~~
44 ~~section, the same may be published by the town council in a municipal bulletin or printed~~
45 ~~pamphlet, and if so published in full at least 10 days before its final passage, the publication~~
46 ~~shall be deemed sufficient without the newspaper publication as herein required.~~

1
2 Section 2-10. Delegation of Powers
3

4 The town council may delegate to one or more town agencies, the powers vested in the town
5 council by general or special law to grant and issue licenses and permits and may regulate the
6 granting and issuing of licenses and permits by any such town agency, and may in its discretion,
7 rescind any such delegation without prejudice to any prior action which has been taken.
8

9 Section 2-11. Inquiries and Investigations

10 The town council may require any town officer or member of a board or commission to appear
11 before it and give such information as it may require in relation to an office held by such person,
12 its function and performance. The town council shall give at least 48 hours written notice of the
13 general scope of the inquiry to any person it requires to appear before it under this section. The
14 town council may make investigation into the affairs of the town and into the conduct of any
15 town agency, and for this purpose may subpoena witnesses, administer oaths and require the
16 production of evidence. The town council shall adopt rules of procedure to conduct the
17 investigations.
18

19 ~~Section 2-12. Prohibitions; Term Limits~~
20

21 ~~(a) Prohibitions—No councilor shall, while a member of the town council, hold any other town~~
22 ~~office or position. Elected charter commission membership shall not be considered to be a town~~
23 ~~office or position. No former councilor shall hold any compensated appointive town office or~~
24 ~~town employment until 1 year after the expiration of his service on the town council. This~~
25 ~~provision shall not prevent a town officer or employee who has taken a leave of absence from~~
26 ~~such duties in order to serve as a member of the town council from returning to such office or~~
27 ~~employment following service as a member of the town council. Any councilor who has been~~
28 ~~finally convicted of a criminal offense involving misconduct in any elective or appointive public~~
29 ~~office, trust or employment at any time held by him shall be deemed to have vacated office and~~
30 ~~shall not be eligible to serve in any other elective or appointive office or position in the town.~~
31

32 ~~(b) Term Limits—No person shall be eligible to be elected as a member of the town council if,~~
33 ~~at any point during the term of office for which the person may be elected, the service of the~~
34 ~~eligible person would exceed 12 consecutive years on the town council.~~
35

36 Section 2-12~~3~~. Compensation; Expenses
37

38 (a) Salary - Each town councilor shall receive a stipend of \$3,000, but shall not be eligible for
39 any other town provided benefits or pension. This provision shall not take effect until three
40 years has elapsed from the date of adoption. (see, MGL c.268A, section 19)

41 ~~(a)(b)~~ Expenses - Subject to appropriation, the town council members shall be entitled to
42 reimbursement of their actual and necessary expenses incurred in the performance of their
43 duties.
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ARTICLE III- ELECTED OFFICIALS

Section 3-1. General Provisions

The offices to be filled by ballot of the voters of the entire town shall be town council, regional school committee, ~~an elected town clerk~~, a board of library trustees and members of regional authorities or districts as may be established by general or special law, intergovernmental agreement or otherwise. All other offices, boards, committees and agencies shall be appointed by the town manager as defined in section 4-3 and as detailed in the administrative code.

Any voter shall be eligible to hold any elective town office, except as noted in Section 2-1(d); provided, however, that to be eligible a person shall not simultaneously hold any other elected or appointed town office or be employed by the town or the Bridgewater Raynham regional school district in any capacity.

The regular town election of town officers shall be held annually on the Saturday preceding the last Monday in April.

Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the town council or the town manager, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

Section 3-2. Library Trustees

- (a) Composition, Election - There shall be a board of library trustees composed of nine members, all elected by and from the voters at large.
- (b) Term of Office - The terms of library trustee members shall be staggered terms of three years each, beginning on the day following the election~~for 3 years beginning on the second Monday following election~~ and continuing until a successor is qualified.
- (c) Powers and Duties - The library trustees shall ~~insure~~ ensure that members of the Bridgewater community have the right and means to free and open access to information and ideas. The library protects intellectual freedom, promotes literacy and encourages life-long learning.
- (d) Filling of Vacancies - If a vacancy occurs in the membership of the library trustees whether by failure to elect or otherwise, the library trustees have 30 days from the date the vacancy is declared to exist by the town clerk under section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the vacancy. The appointments will be approved by the town

1 council. If the vacancy is not filled within 30 days after the vacancy is declared to exist the
2 appointment will defer to the town council. The appointee will serve for the balance of the
3 unexpired term. A person so chosen shall be sworn and commence to serve forthwith.
4 Library trustees or town council shall give consideration to whichever of the defeated
5 candidates for the seat in which the vacancy is declared to exist received the highest number
6 of votes at the last regular town election immediately preceding the date the vacancy is
7 declared to exist.
8

9 SECTION 3.3. ELECTED OFFICIAL RECALL PROVISION

10
11 (a) Any holder of an elective office in the town of Bridgewater may be recalled and removed
12 therefrom by the qualified voters of said town as herein provided.

13
14 (b) One hundred or more of a district's registered voters, or in the case of an at large official one
15 hundred or more registered voters, may file with the town clerk an affidavit containing the
16 name of the officer and the office held whose recall is sought and a statement of the grounds
17 upon which the petition is based. Said town clerk and the board of registrars shall, within
18 five days, certify thereon the number of signatures which are names of registered voters of
19 the town. The town clerk shall upon certification deliver to said voters making the affidavit
20 copies of petition blanks demanding such recall, copies of which shall be kept available.
21 The blanks shall be issued by the town clerk with said clerk's signature and official seal
22 attached thereto. They shall be dated, shall be addressed to the Town Council, and shall
23 contain the names of all persons to whom they are issued, the name of the person whose
24 recall is sought, the office held by the person named, the grounds of recall as stated in the
25 affidavit, and shall demand the election of a successor to said office. A copy of the petition
26 shall be entered in a record book to be kept in the office of the town clerk. The recall
27 petition shall be returned and filed with the town clerk within twenty-one days after the
28 certification of the affidavit, and shall have been signed by no less than at least ten percent
29 (10%) of the registered voters of the district or the town, as the case may be, based on the
30 last town election, who shall add to their signatures the street and number if any, of their
31 residences. The town clerk shall within twenty-four hours of receipt of the petition, submit
32 the petition to the board of registrars of voters in the town, and the registrars shall within
33 fourteen days certify thereon the number of signatures which are names of registered voters
34 of the town.

35
36 (c) If the petition shall be found and certified by the town clerk and the board of registrars to be
37 sufficient, the Town Clerk shall submit the same with the Town Clerk's certification to the
38 Town Council without delay, and said Council shall within seven days give written notice of
39 the receipt of the certificate to the officer sought to be recalled and shall, if the officer does
40 not resign within five days thereafter, order an election to be held on a date fixed by them
41 not less than sixty nor more than ninety days after the date of the town clerk's certification
42 that a sufficient petition has been filed; provided, however, if any other town election is to
43 occur within one hundred days after certification, the Town Council shall postpone the
44 holding of the recall election to the date of such other election. If a vacancy occurs in said
45 office after a recall election has been ordered, the election shall nevertheless proceed as
46 specified in the section provided.

- 1
2 (d) An officer sought to be removed may be a candidate to succeed him or herself and, unless
3 the officer requests otherwise in writing, the town clerk shall place his name on the ballot
4 without nomination. The nomination of other candidates, the publication of the warrant for
5 the recall election, and the conduct of the same, shall all be in accordance with the
6 provisions of law relating to elections, unless otherwise provided in this act.
7
8 (e) The incumbent shall continue to perform the duties of office until the recall election. If then
9 re-elected, he shall continue in office for the remainder of the unexpired term, subject to
10 recall as before, except as provided in this act. If the majority of the votes cast upon the
11 question of recall is in the affirmative, the candidate receiving the highest number of votes
12 shall be declared elected. If not re-elected in the recall election, the officer shall be deemed
13 removed upon the qualification of his successor, who shall hold office during the unexpired
14 term. If the successor fails to qualify within five days after receiving notification of his
15 election, the incumbent shall be deemed removed and the office vacant.
16
17 (f) Ballots used in a recall election shall submit the following proposition in the order indicated:
18 FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer)
19 (office held). Immediately at the right of each proposition there shall be an oval in which the
20 voter, by filling in the oval, may vote for either of said propositions. Under the proposition
21 shall appear the word "Candidates", the direction "Vote for One", and beneath this the
22 names of candidates nominated as hereinbefore provided. In the case of machine voting or
23 punch card balloting, or other forms of balloting provision shall be made to allow the same
24 intent of the voter. If a majority of the votes cast upon the question of recall is in the
25 affirmative, the candidate receiving the highest number of votes shall be declared elected. If
26 a majority of votes on the question is in the negative, the ballots for candidates need not be
27 counted.
28
29 (g) No recall petition shall be filed against an officer within six months after taking office, or in
30 the case of an officer subjected to a recall election and not removed thereby, until at least six
31 months after that election.
32
33 (h) No person who has been recalled from an office or who has resigned from office while
34 recall proceedings were pending against him, shall be appointed to any town office within
35 two years after such removal by recall or resignation.

36 Section 3-4. Town Clerk

- 37
38 ~~(a) Composition, Election—A town clerk shall be elected by and from the voters at large.~~
39
40 ~~(b) Term of Office—The term of office for a town clerk shall be for 3 years beginning on the~~
41 ~~second Monday following election and continuing until a successor is qualified.~~
42
43 ~~(c) Powers and Duties—The town clerk shall: (1) be the keeper of vital statistics of the town; (2)~~
44 ~~be the custodian of the town seal and of all records of the town; (3) administer the oath of~~
45 ~~office to all town officers; (4) issue licenses and permits as may be provided by law and (5)~~
46 ~~be responsible for the conduct of elections and all matters relating thereto. The town clerk~~

1 ~~shall have the powers and duties provided under any general or special law, the charter,~~
2 ~~ordinance or other town council vote.~~

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8 ARTICLE IV- TOWN MANAGER

9
10 Section 4-1. Appointment, Qualifications, Term of Office

11
12 The town council shall appoint by a majority vote of the full town council, a town manager. The
13 town manager shall be a person of proven administrative ability, especially qualified by
14 education and training with prior experience as a city or town manager or an assistant city or
15 town manager or the equivalent public or private sector level experience. The town council may
16 from time to time establish additional qualifications as deemed necessary and appropriate. The
17 town manager shall devote full-time to the duties of the office and shall not hold any other
18 elective or appointive office in the town, nor shall the town manager engage in other business
19 unless such business is approved in advance by a majority vote in public session of the town
20 council. The town manager need not be a resident of the town, but must be a United States
21 citizen.

22
23 Section 4-2. Administrative Powers and Duties

24
25 (A) The town manager shall be the chief administrative officer of the town and shall be
26 responsible to the town council for the proper operation of town affairs for which the town
27 manager is given responsibility under this charter. The powers, duties and responsibilities of
28 the town manager shall apply to all municipal departments excluding ~~the Bridgewater~~
29 ~~Raynham the r~~Regional Sschools dDistricts, and shall include, but shall not be limited to, the
30 following:

31
32 1) to supervise, direct and be responsible for the efficient administration of all officers
33 appointed by the town manager and their respective departments and of all functions for
34 which the town manager is given responsibility under this charter, by ordinance or by vote
35 of the town council;

36
37 ~~a. With the consent of town council, the town manager may serve as the head of 1~~
38 ~~or more departments, offices or agencies or may appoint 1 person as the head of~~
39 ~~2 or more of them;~~

40
41 2) to administer either directly or through a person supervised by the town manager, in
42 accordance with this charter, all provisions of any general or special law applicable to the
43 town, all ordinances and all regulations established by the town council;

44
45 3) to coordinate all activities of town departments or appointed boards, committees or
46 agencies;

- 1
- 2 4) to provide consultative services to elected boards, committees or agencies;
- 3
- 4 5) to attend all regular and special meetings of the town council, unless excused, and answer all
- 5 questions addressed to the town manager which are related to matters under the general
- 6 supervision of the town manager;
- 7
- 8 6) to have the right to take part in discussions of the town council, but not vote;
- 9
- 10 7) to keep the town council fully informed as to the needs of the town, and to recommend to
- 11 the town council for adoption, such measures requiring action by them as the town manager
- 12 deems necessary or expedient;
- 13
- 14 8) to make recommendations to the town council concerning the affairs of the town and
- 15 facilitate the work of the town council in developing policy;
- 16
- 17 9) to ensure that complete and full records of the financial and administrative activity of the
- 18 town are maintained and to render reports to the town council and finance committee as may
- 19 be required;
- 20
- 21 10) to be responsible for the rental, use, maintenance and repair of all town facilities;
- 22
- 23 11) to be responsible for the purchase of all supplies, materials and equipment and approve the
- 24 award of all contracts;
- 25
- 26 12) to develop and maintain a full and complete inventory of all town-owned real and personal
- 27 property;
- 28
- 29 13) to administer personnel policies, practices or rules and regulations, any compensation plan
- 30 and related matters for all town employees and to administer all collective bargaining
- 31 agreements entered into by the town;
- 32
- 33 14) to fix the compensation of all town employees and officers appointed by the town manager
- 34 within the limits established by appropriation and applicable compensation plan;
- 35
- 36 15) to be responsible for the negotiation of all contracts with town employees over wages, and
- 37 other terms and conditions of employment. The town manager may employ special counsel
- 38 to assist in the performance of these duties. Insofar as they require appropriations, contracts
- 39 shall be subject to the approval of the town council.
- 40
- 41 16) to prepare and submit an annual operating budget, capital improvement program and a long
- 42 term financial forecast as provided in Article VI;
- 43
- 44 17) to ensure that the council president is kept fully informed of and fully involved in the town's
- 45 emergency preparedness planning and preparation;
- 46

- 1 18) to keep the town council fully informed as to the financial condition of the town and to
2 make recommendations to the town council as the town manager determines necessary or
3 expedient;
4
5 19) to assist the town council to develop long-term goals for the town and strategies to
6 implement these goals;
7
8 20) to investigate or inquire into the affairs of any town department, agency or office;
9
10 21) to delegate, authorize or direct a subordinate or employee of the town to exercise any power,
11 duty or responsibility which the office of town manager may exercise; provided, however,
12 that all acts that are performed under the delegation shall be considered to be the acts of the
13 town manager;
14
15 22) to perform such other duties as necessary or as may be assigned by this charter, by
16 ordinance or by vote of the town council;
17
18 23) to provide staff support services for the council president and town council members;
19
20 24) to serve as the town's liaison to any regional entity of which the town is a member and to
21 explore opportunities for intergovernmental cooperation;
22
23 25) to promote partnerships among town council, staff, citizens and businesses in developing
24 public policy and building a sense of community; and
25
26 26) to hold regular informational sessions with departments and community-based
27 organizations.

28
29 (B) With the consent of town council, the town manager may serve as the head of one or more
30 departments, offices or agencies or may appoint one person as the head of two or more of
31 them.

32
33 Section 4-3. Powers of Appointment

- 34
35 (a) Department Heads - Except as otherwise provided by this charter, the town manager shall
36 appoint, based upon merit and fitness alone, all department heads. All appointments of
37 department heads, as defined within the administrative code, shall be subject to the
38 ratification of the town council. The town manager shall also appoint officers, subordinates
39 and employees for whom no other method of selection is provided in this charter; provided,
40 however, that the town manager shall not appoint employees of the regional school district
41 and persons serving under officers elected directly by the voters of Bridgewater. In
42 accordance with the procedures set forth in section 5-2, the town manager may be required
43 to consult with or engage in a joint recruitment and selection process with multiple member
44 bodies, before the appointment of department heads or employees who perform tasks under
45 the jurisdiction of the multiple member bodies.
46

1 (b) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the town
2 manager shall appoint all boards, committees and agencies. Members of all appointed
3 boards and committees shall be residents of the town. All appointments of boards,
4 committees and agencies, as defined within the administrative code, shall be subject to the
5 ratification of the town council. The town manager shall form a citizen's advisory
6 committee to help in evaluating and selecting those individuals for appointment. The
7 number and terms of office of the committee shall be established by ordinance.
8

9 Section 4-4. Powers of Suspension, Removal
10

11 The town manager shall have the authority to suspend or remove department heads and
12 appointive administrative officers provided for by or under this charter, except as otherwise
13 provided by-law, collective bargaining agreements, this charter or personnel rules adopted
14 pursuant to this charter. The town manager may authorize an administrative officer subject to
15 the manager's direction and supervision to exercise these powers with respect to subordinates in
16 that officer's department, office or agency.
17

18 Section 4-5. Compensation
19

20 The town manager shall receive such compensation for services as the town council shall
21 determine, but such compensation shall be within the limits of available appropriations.
22

23 Section 4-6. Vacancy in Office
24

25 A vacancy in the office of town manager shall be filled as soon as possible by the town council.
26 Pending appointment of the town manager or the filling of any vacancy, the town council shall
27 forthwith appoint some other qualified person to perform the duties of the town manager. The
28 appointment of the acting town manager shall be for a term not to exceed 3 months; provided,
29 however, that a renewal, not to exceed an additional 3 months may be provided.
30

31 Section 4-7. Temporary Absence
32

33 The town manager shall designate by letter filed with the town council and ~~elected~~ town clerk, a
34 qualified officer of the town to perform the duties of the town manager during a temporary
35 absence or disability. The town council may not revoke such designation until at least 14 days
36 have elapsed whereupon it may appoint such other person to perform the duties of the town
37 manager. In the event of failure of the town manager to make such designation or if the person
38 so designated is for any reason unable to serve, or is deemed not qualified by the town council,
39 the town council may designate some other qualified person to perform the duties of the town
40 manager until the town manager returns.
41

42 Section 4-8. Removal of Town Manager
43

44 The town council, by affirmative vote of a majority of the full town council, may vote to
45 terminate, remove or suspend the town manager from office in accordance with the following
46 procedure:

- 1 (1) Before removal or termination the town council shall adopt a preliminary resolution of
2 removal by the affirmative vote of a majority of the full town council. The preliminary
3 resolution may suspend the town manager for a period not to exceed 30 days. A copy of
4 the resolution shall be delivered to the town manager forthwith. If so requested by the
5 town manager, the town council shall provide a written statement setting forth the
6 reasons for the removal or termination.
- 7 (2) Within 5 days after the receipt of the preliminary resolution, the town manager may
8 request a public hearing by filing a written request for such hearing with the town
9 council. If such a hearing is requested, the hearing shall be held at a meeting of the town
10 council not later than 20 days from the date of request. At such hearing the town
11 manager shall be entitled to address the town council and make comments related to the
12 preliminary resolution.
- 13 (3) If a public hearing has not been requested by the town manager, the town council may
14 adopt a final resolution of removal, which may be effective immediately, by the
15 affirmative vote of a majority of the full town council at any time after 10 days
16 following the date of delivery of a copy of the preliminary resolution to the town
17 manager.
- 18 (4) If the town manager requests a public hearing, the town council may, at the conclusion
19 of the hearing or within 5 days of the conclusion of the hearing, adopt a final resolution
20 of removal by an affirmative vote of majority of the full town council.
- 21 (5) The town council may suspend by an affirmative vote of the majority of the full town
22 council, the town manager pending and during any public hearing as requested by the
23 town manager.
- 24 (6) The town manager shall continue to receive a salary until the final date of removal
25 becomes effective unless provided otherwise.
- 26 ~~(4)~~(7) The action of the town council in terminating, removing or suspending the town
27 manager shall be final.

28
29 Section 4-9. Annual Review of the Town Manager

30
31 Annually, the council president shall cause the town council to prepare and deliver to the town
32 manager a written evaluation of the town manager's performance. The evaluation shall be
33 conducted in accordance with any applicable general or special law.
34
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1 ARTICLE V- ADMINISTRATIVE ORGANIZATION

2
3 Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

4
5 The organization of the town into operating agencies for the provision of services and the
6 administration of government may, under charter powers granted in section 20 of chapter 43B
7 of the General Laws, be accomplished through either of 2 methods provided in this section. For
8 the convenience of the public, the administrative code and any amendments thereto shall be
9 printed as an appendix to, but not an integral part, of the ordinances of the town.

10
11 (a) Ordinance - Subject only to the express prohibitions in any general or special law or the
12 provisions of this charter, the town council may by ordinance, reorganize, consolidate,
13 create, merge, divide or abolish any town agency, in whole or in part, establish such new
14 town agencies as it deems necessary or advisable, determine the manner of selection, the
15 term of office and prescribe the functions of all such agencies.

16
17 (b) Executive Reorganizations - The town manager may from time to time prepare and submit
18 to the town council a plan of organization or reorganization which establishes operating
19 divisions for the orderly, efficient or convenient conduct of business of the town.

20
21 (1) Whenever the town manager prepares such plan, the town manager shall hold 1 or
22 more public hearings on the proposal giving notice by publication in a local
23 newspaper, if required by state law, or on the town's official website, which notice
24 shall describe the scope of the proposal and the time and place at which the public
25 hearing will be held, not less than 7 nor more than 14 days following the date of the
26 publication.

27 (2) Following the public hearing, the proposal, which may be amended by the town
28 manager subsequent to the public hearing, shall be submitted to the town council.

29 (3) An organization or reorganization plan shall become effective at the expiration of the
30 60 days following the date of submission of the proposal to the town council unless
31 the town council shall, by a majority vote, vote to disapprove the plan.

32 (4) The town council may vote only to approve or disapprove the plan and no vote to
33 amend or alter it shall be deemed in order.

34 (5) The town manager may propose reorganization plans and subject only to express
35 prohibitions of any general or special or this charter, reorganize, consolidate or
36 abolish in whole or in part town agencies or establish such new town agencies as is
37 deemed necessary to the same extent as is provided in subsection (1) of section 5-1,
38 for ordinances; and for such purpose may transfer the duties and powers and so far as
39 is consistent with the use for which the funds were voted by the town council,
40 transfer the appropriation of 1 town agency to another.

41 ~~(4)~~(6) Whenever a reorganization proposal becomes effective, whether under the
42 provisions of subsection (a) or (b), no proposal to again reorganize which deals with
43 substantially the same subject matter shall be acted upon within 18 months following
44 the first reorganization, except on the petition of the town manager.

45
46 Section 5-2. Personnel Administration

1
2 The town manager shall adopt rules and regulations establishing a personnel system. The
3 personnel system shall make use of modern concepts of personnel management and may
4 include, but not be limited to, the following elements:

- 5
6 1) a method of administration;
7
8 2) personnel policies indicating the rights, obligations and benefits of employees;
9
10 3) a classification plan;
11
12 4) a compensation plan;
13
14 5) a method of recruiting and selecting employees based upon merit principles;
15
16 6) a centralized record keeping system;
17
18 7) a merit based performance evaluation system;
19
20 8) disciplinary procedures; and
21
22 9) other elements that are determined necessary.

23
24 All town agencies and positions shall be subject to the rules and regulations adopted under this
25 section; provided, however, that this shall not include employees of the regional school
26 department.

27
28 Department heads shall have the authority to appoint, suspend and remove based upon merit and
29 fitness alone all department subordinates and employees, except as otherwise provided by-law,
30 collective bargaining agreements, this charter or personnel rules adopted under this charter.
31 Employees of the regional school department and persons serving under officers elected directly
32 by the voters of the town are excluded.

33
34 Section 5-3. Town Attorney

35
36 (a) Appointment - There shall be a legal officer of the town appointed by the town manager
37 subject to confirmation by the town council.

38
39 (b) Role - The legal officer shall serve as chief legal advisor to the town council, the town
40 manager and all town departments, offices and agencies, shall represent the town in all legal
41 proceedings and shall perform other duties prescribed by any general or special law, by this
42 charter or by ordinance.
43
44
45
46

1 ARTICLE VI- FINANCIAL MANAGEMENT

2
3 Section 6-1. Annual Budget Policy

4
5 The council president shall call a joint meeting of the town council, the regional school
6 committee chairman, or his designee, the finance committee, the town manager and any other
7 committee established for the budget process, before the commencement of the budget process
8 to review the financial condition of the town, revenue and expenditure forecasts and other
9 relevant information in order to develop a coordinated budget.

10
11 The fiscal year of the town shall begin annually on the first day of July and end on the last day
12 of June.

13
14 Section 6-2. Submission of Budget; Budget Message

15 Not later than February 1st of each year, the town manager shall submit to the town council a
16 preliminary budget for the ensuing fiscal year and an accompanying message

17
18 Within the period prescribed by any general or special law, but no later than April 1, -and the
19 regional school district agreement, the town manager shall file with the town council clerk
20 submit to the town council a proposed operating budget and budget message for all town
21 agencies and regional school districts. The budget message submitted by the town manager shall
22 explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall
23 outline the proposed fiscal policies of the town for the ensuing fiscal year and shall describe
24 important features of the proposed budget and indicate any major variations from the current
25 budget, fiscal policies, expenditures and revenues together with reasons for such change. The
26 proposed budget shall provide a complete fiscal plan of all town funds and activities and shall
27 be in the form the town manager deems desirable.

28
29 ~~The regional school district proposed budget, as adopted by the school committee for the~~
30 ~~ensuing fiscal year, with an accompanying budget message and supporting documents will be~~
31 ~~presented to the town council by the town manager.~~

32
33 ~~On a date as determined from time to time by ordinance, but not later than February 1st of each~~
34 ~~year, the town manager shall submit to the town council a preliminary budget for the ensuing~~
35 ~~fiscal year and an accompanying message. The final budget should be submitted by the first~~
36 ~~town council meeting in April, unless the~~ The town manager may shall request an time extension
37 of time. The extension may be granted at the discretion of the town council, but must provide
38 for a reasonable and timely review of the proposed budget.

39
40 (a) Budget - The budget shall provide a complete financial plan of all town funds and activities
41 for the ensuing fiscal year and, except as required by-law or this charter, shall be in the form
42 as the town manager deems desirable or the town council may require for effective
43 management and an understanding of the relationship between the budget and the town's
44 strategic goals. The budget shall be realistic and based on a forecast of those scenarios most
45 likely to occur in the coming year. The budget shall begin with a clear general summary of
46 its contents, shall show in detail all estimated income, indicating the proposed property tax

1 levy and all proposed expenditures, including debt service, for the ensuing fiscal year and
2 shall show comparative figures for actual and estimated income and expenditures of the
3 current fiscal year and actual income and expenditures of the preceding fiscal year. It shall
4 indicate in separate sections:
5

6 1) The proposed goals and expenditures for current operations during the ensuing fiscal
7 year, detailed for each fund by department or by other organization unit, and program,
8 purpose or activity, method of financing such expenditures and methods to measure
9 outcomes and performance related to the goals;
10

11 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,
12 detailed for each fund by department or by other organization unit when practical, the
13 proposed method of financing each such capital expenditure and methods to measure
14 outcomes and performance related to the goals; and
15

16 3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year
17 for each utility or other enterprise fund or internal service fund operated by the town and
18 methods to measure outcomes and performance related to the goals; provided, however,
19 that for any fund, the total of proposed expenditures shall not exceed the total of
20 estimated income plus carried forward fund balance exclusive of reserves.
21

22 (b) Budget Message - The town manager's message shall explain the budget both in fiscal terms
23 and in terms of the work programs, linking those programs to organizational goals and
24 community priorities. It shall outline the proposed financial policies of the town for the
25 ensuing fiscal year and the impact of those policies on future years. It shall describe the
26 important features of the budget, indicate any major changes from the current year in
27 financial policies, expenditures and revenues together with the reasons for such changes,
28 summarize the town's debt position, including factors affecting the ability to raise resources
29 through debt issues and include such other material as the town manager deems desirable.
30

31 Section 6-3. Action of the Budget 32

33 (a) Public Hearing - The town council shall publish in a newspaper of general circulation in the
34 town, if required by law, or the town's official website, a summary of the proposed
35 operating budget as submitted by the town manager, by a notice stating: (1) the times and
36 places where copies of the entire proposed budget are available for inspection by the public;
37 and (2) The town council shall identify a the date, time and place not less than 14 days after
38 the publication, when a public hearing on the proposed budget will be held by the town
39 council. For the purpose of this section, the summary of the proposed operating budget that
40 is required to be published shall contain proposed appropriations, funding sources and any
41 narrative summary deemed necessary by the town council. The proposed budget will be
42 published on the town's website not less than 14 days before the date of the public hearing.
43

44 (b) Adoption of the Budget – The town council shall adopt the budget, with or without
45 amendments, within 45 days following the date the budget is filed with the town council
46 clerk of the town council. In amending the budget, the town council may delete or decrease

1 any programs or amounts except expenditures required by-law or for debt service. The town
2 council shall not increase any line item without a corresponding decrease in an identified
3 line item and the total proposed budget may not be increased from what was proposed
4 unless otherwise authorized by any general or special law. If the town council fails to take
5 action with respect to any item in the budget within 45 days after receipt of the budget, the
6 amount shall, without any action by the town council become a part of the appropriations for
7 the year and be available for the purposes specified. The adopted budget will be published
8 on the town's official website not less than 14 days after adoption.

9
10 (c) ~~Budget to Actual Assessments—The town manager shall conduct a mid year budget to~~
11 ~~actual comparison, showing significant variances, for review and presentation to the public.~~
12 ~~The mid year assessment will be published on the town's website not less than 14 days after~~
13 ~~review with the public.~~

14 15 Section 6-4. Supplementary Budgets and Appropriations

16
17 Whenever the town manager submits to the town council a request for an appropriation of any
18 sum of money, whether as a supplement to the annual operating budget or for an item not
19 included therein, the town council shall not act upon the request until it has given notice by
20 publication in a ~~local~~-newspaper of general circulation in the town, if required by state law, or
21 the town's official website of the request and held a public hearing concerning the request. The
22 publication and the public hearing shall be in conformity with the provisions of subsection (a) of
23 section 6-3 concerning the proposed annual operating budget.

24
25 (a) Supplemental Appropriations - If during or before the fiscal year begins, the town manager
26 certifies that there are available for appropriation, revenues in excess of those estimated in
27 the budget, town council by ordinance may make supplemental appropriations for the year
28 up to the amount of the excess.

29
30 (b) Emergency Appropriations - To address a public emergency affecting life, health, property
31 or the public peace, the town council may make emergency appropriations as provided
32 under M.G.L. c. 44, section 31. The appropriations may be made by emergency ordinance in
33 accordance with Article II. To the extent that there are no available unappropriated revenues
34 or a sufficient fund balance to meet the appropriations, the town council may by an
35 emergency ordinance authorize the issuance of emergency notes, which may be renewed
36 from time to time, but the emergency notes and renewals of any fiscal year shall be paid or
37 refinanced as long-term debt not later than the last day of the fiscal year next succeeding that
38 in which the emergency appropriation was made.

39
40 (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the
41 town manager that the revenues or fund balances available will be insufficient to finance the
42 expenditures for which appropriations have been authorized, the manager shall report to the
43 town council without delay, indicating the estimated amount of the deficit, any remedial
44 action taken by the town manager and recommendations as to any other steps to be taken.
45 The town council shall then take the further action as it deems necessary to prevent or

1 reduce any deficit and for that purpose it may by ordinance reduce or eliminate 1 or more
2 appropriations.

3
4 (d) Transfer of Appropriations - At any time during or before the fiscal year, 1) the finance
5 directortown manager, with concurrence of the town manager~~from the finance committee~~
6 ~~and the town council~~, may transfer up to a maximum of an amount cited in M.G.L. c. 30B,
7 section 5\$25,000 of the unencumbered appropriation balance from one+ department, fund,
8 service, strategy or organizational unit to the appropriation for other departments or
9 organizational units or a new appropriation. The town manager~~and~~ shall report the transfers
10 to the town council in writing within a 14-day period. 2) The finance director~~town manager~~
11 ~~may also, with concurrence of the town manager from the finance committee and town~~
12 ~~council~~, transfer up to a maximum of an amount cited in M.G.L. c. 30B, section 5~~funds~~
13 among line items within a department, fund, service, strategy or organizational unit. The
14 town manager~~and~~ shall report the transfers to the town council in writing within a 14-day
15 period.

16
17 (e) Limitation; Effective Date ~~--~~ M.G.L. c. 44, section 7 and 8 regulate the purposes for which
18 municipalities may incur debt, and the maximum maturity for bonds issued for each
19 purpose. M.G.L. c. 44, section 10 specifies that the debt limit for towns is 5% of equalized
20 valuation. No appropriation for debt service may be reduced or transferred, except to the
21 extent that the debt is refinanced and less debt service is required and no appropriation may
22 be reduced below an amount required by-law to be appropriated or by more than the amount
23 of the unencumbered balance thereof. The supplemental and emergency appropriations and
24 reduction or transfer of appropriations authorized by this section may be made effective
25 immediately upon adoption.

26
27 Section 6-5. Administration and Fiduciary Oversight of the Budget

28
29 The town council mayshall provide by ordinance the procedures for administration and
30 fiduciary oversight of the budget.

31
32 Section 6-6. Capital Improvements Program

33
34 (a) Preparation - The town manager mayshall, in conjunction with any committee established
35 for such purpose, annually submit a 5-year capital improvement program by a date
36 established by to the town council at least 30 days before the date for submission of the
37 operating budget, unless some other time is provided by ordinance.

38
39 (b) Contents - The capital improvement program shall include:

- 40
41 1) A clear general summary of its contents;
42
43 2) Identification of the long-term goals of the community;
44

- 1 3) A list of all capital improvements and other capital expenditures proposed to be
2 undertaken during the fiscal years next ensuing, with appropriate supporting information
3 as to the necessity for each;
- 4
- 5 4) Cost estimates and ~~implementation~~recommended time schedules for each improvement
6 or other capital expenditure;
- 7
- 8 5) Method of financing upon which each capital expenditure is to be reliant;
- 9
- 10 6) The estimated annual cost of operating and maintaining the facilities to be constructed or
11 acquired;
- 12
- 13 7) A commentary on how the plan addresses the sustainability of the community and the
14 region of which it is a part; and
- 15
- 16 8) Methods to measure outcomes and performance of the capital plan related to the long-
17 term goals of the community.
- 18

19 The above shall be ~~reviewed annually revised and extended each year with regard to capital~~
20 ~~improvements still pending or in process of construction or acquisition.~~

21

22 (c) Public Hearing - The town council shall publish on the town's official website and, if
23 required by state law, in a newspaper of general circulation in the town a summary of the
24 proposed capital improvement plan as submitted by the town manager. The town council
25 shall identify a by a notice stating: (1) the times and places where copies of the entire
26 proposed capital improvement plan are available for inspection by the public; and (2) the
27 date, time and place not less than 14 days after the publication, when a public hearing on the
28 proposed capital improvement plan will be held ~~by the town council. The proposed capital~~
29 ~~improvement plan will be published on the town's website not less than 14 days before the~~
30 ~~date of the public hearing.~~

31

32 (d) Adoption of the Capital Improvement Program - Town council shall adopt the capital
33 improvement plan, with or without amendments, ; provided that each amendment must be
34 voted separately and that any increase in the capital improvement plan as submitted must
35 clearly identify and approve the method of financing proposed to accomplish the increase.
36 The proposed capital improvement plan will be published on the town's website upon
37 adoption.

38

39 Section 6-7. Long Term Financial Forecast

40

41 (a) The town manager shall annually prepare a 5-year financial forecast of town revenue,
42 expenditures and the general financial condition of the town. The forecast shall include, but not
43 be limited to: (1) an identification of factors which will impact on the financial condition of the
44 town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded
45 revenues and any long or short-term actions which may be taken that may enhance the financial
46 condition of the town. The forecast shall be submitted to the town council and finance

1 committee and shall be available to the public for inspection. The long-term financial forecast
2 shall be published on the town's official website and when updates occur, they shall be posted
3 in a timely manner.

4
5 Section 6-8. Annual Independent Audit
6

7 The town ~~managereouncil~~ shall provide for an independent annual audit of all town accounts
8 and may provide for more frequent audits as it deems necessary. An independent certified
9 public accountant or firm of such accountants shall make the audits. The audits should be
10 performed in accordance with generally-accepted auditing standards and generally-accepted
11 governmental auditing standards.

12
13 The town council shall designate no fewer than three~~3~~ of its members to serve as an audit
14 committee. The committee shall:

- 15
16 ~~1) Lead the process of selecting an independent auditor;~~
17
18 ~~2) Direct the work of the independent auditor as to the scope of the annual audit and any~~
19 ~~matters of concern with respect to internal controls; and~~
20

21 Receive the report of the internal auditor and present that report to the town council with any
22 recommendations from the committee.
23

24 The town ~~managereouncil~~ shall, ~~using competitive bidding,~~ designate such accountant or firm
25 which shall be ratified by the town council~~annually or for a period not exceeding 5 years, but~~
26 ~~the designation for a particular fiscal year shall be made not later than 30 days after the~~
27 ~~beginning of the fiscal year. The standard for independence is that t~~The auditor must be capable
28 of exercising objective and impartial judgment on all issues encompassed within the audit
29 engagement. ~~No accountant or firm may provide other services to the town during the time it is~~
30 ~~retained to provide independent audits to the town. The town council may waive this~~
31 ~~requirement by a majority vote at a public hearing. If the commonwealth makes such an audit,~~
32 ~~the council may accept it as satisfying the requirements of this section.~~
33

34 Section 6-9. Finance~~ial~~ Committee
35

36 (a) There shall be a finance committee, the number of members and terms of office of which
37 shall be established by ordinance. ~~consisting of 95 members, appointed each for a 3-year~~
38 ~~staggered term, the members of which shall be appointed as follows: 32 members by the~~
39 ~~town manager and, 3 members by the town council and 3 members by the elected town~~
40 ~~clerk.~~The finance committee shall report in writing its recommendations on finance related
41 matters tobefore the town council, ~~in writing, at least 10 days before a scheduled town~~
42 ~~council meeting.~~ Before preparing its recommendations, the finance committee shall hold
43 one~~4~~ or more public meetings to permit discussion of ~~all~~ finance matters before the town
44 council, except those matters subject to public hearings by other multiple-member town
45 bodies and not containing appropriations. The finance committee shall have such additional

1 powers and duties as may be provided by the General Laws, by this charter or by
2 ordinance by law.

3 (a)(b)

4
5 ~~The finance committee, town accountant and town treasurer collector shall support the overall~~
6 ~~budget process.~~ The town ~~manager accountant or his designee and town treasurer collector~~ shall
7 have ex-officio membership, without voting rights on the committee. The finance committee
8 shall carry out its duties in accordance with the provisions of general law, this charter and
9 ordinance by law and it shall have regular and free access and inspection rights to all books and
10 accounts of any town department or office. ~~The committee shall carefully examine all budget~~
11 ~~and appropriations proposals and shall issue its review thereon before consideration, debate and~~
12 ~~vote by the town council.~~

13
14 Section 6-10. Financial Management Standards

15
16 The town council may by ordinance establish reasonable standards relating to the management
17 of financial systems and practices. Any standards adopted shall conform to modern concepts of
18 financial management.

19
20 Section 6-11. Public Records

21
22 Copies of the budget, capital program, independent audits and appropriation and revenue
23 ordinances shall be public records and shall be published on the town's website.
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1 ARTICLE VII- ELECTIONS AND; RELATED MATTERS

2
3 Section 7-1. Town Elections

4
5 The regular town election of town officers shall be held annually on the Saturday preceding the
6 last Monday in April.

7
8 Section 7-2. Non-Partisan Elections

9
10 All elections for town offices shall be non-partisan and election ballots shall be printed without
11 any party mark, emblem or other designation whatsoever

12
13 Section 7-3. Signature Requirements; Information to Voters; Ballot Position

14
15 (a) Signature Requirements - The number of signatures of voters required to place the name of a
16 candidate on the official ballot to be used at an election shall be as follows: For an office
17 which is to be filled by the voters of the whole town, not less than 150. For an office which
18 is to be filled by the voters of a district, not less than 100 from such district.

19
20 (b) Information to Voters - If the candidate in a regular town election is an incumbent elected by
21 the voters to the office to which the candidate seeks election, against the candidate's name
22 shall appear the phrase "candidate for re-election".

23
24 (c) Ballot Position - The order in which names of candidates appear on the ballot for each office
25 in a regular town election shall be determined by a drawing by lot conducted by the **elected**
26 town clerk. At least 35 days before the date of the election, the town clerk shall post in a
27 conspicuous place in the town hall the names and residences of the candidates for election
28 who have duly qualified as candidates for election. The order of the names as to appear on
29 the ballot shall be drawn by the town clerk. In drawing by lot for position on the ballot the
30 candidates shall have an opportunity to be present in person or by one representative each.

31
32 Section 7-4. Districts

33
34 The territory of the town shall be divided into 7 districts so established as to consist of as nearly
35 an equal number of inhabitants as it is possible to achieve based on compact and contiguous
36 territory, bounded insofar as possible by the center line of known streets or ways or by other
37 well defined limits. Each such district shall be composed of **one+** or more voting precincts
38 established in accordance with general laws. The town council shall from time to time, but at
39 least once in each 10 years, review such districts to **insure** their uniformity in number of
40 inhabitants.

41
42 Section 7-5. Application of State Laws

43
44 Except as expressly provided in the charter and authorized by any general or special law, all
45 town elections shall be governed by federal, state and local laws relating to the right to vote, the

1 registration of voters, the nomination of candidates, the conduct of elections, the submission of
2 charter amendments and other propositions, the counting of votes and the declaration of results.

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1 ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS

2
3 Section 8-1. Citizen Initiative Measures

- 4
5 (a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative
6 petition with the ~~elected~~ town clerk. The petition shall be addressed to the town council,
7 shall contain a request for the passage of a particular measure which shall be set forth in full
8 in the petition and shall be signed by at least 50 voters. The petition shall be accompanied by
9 an affidavit signed by 10 voters and containing their residential addresses stating they will
10 constitute the petitioners' committee and be responsible for circulating the petition and filing
11 it in proper form. The person whose signature appears first on the affidavit accompanying
12 such petition petitioner shall be designated as clerk.
13
- 14 (b) Referral to Town Attorney - The ~~elected~~ town clerk shall, forthwith following receipt of
15 each such proposed petition, deliver a copy of the petition to the town attorney. The town
16 attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise
17 the ~~elected~~ town clerk whether the measure as proposed may lawfully be proposed by the
18 initiative process and whether, in its present form, it may be lawfully adopted by the town
19 council. If the opinion of the town attorney is that the measure is not in proper form, the
20 reply shall state the reasons for such opinion, in full. A copy of the opinion of the town
21 attorney shall also be mailed by the ~~elected~~ town clerk to the clerk of the petitioners'
22 committee.
23
- 24 (c) Submission to ~~elected~~ Town Clerk - If the opinion of the town attorney is that the petition is
25 in proper form, the ~~elected~~ town clerk shall provide blank forms for the use of subsequent
26 signers and shall print at the top of each blank a fair, concise summary of the proposed
27 measure, as determined by the town attorney, together with the names and addresses of the
28 first 10 voters who signed the originating petition. Within 10 days following the date the
29 blank forms are issued by the ~~elected~~ town clerk the petitions shall be returned and filed
30 with the ~~elected~~ town clerk signed by at least 10 per cent of the total number of voters as of
31 the date of the most recent town election. Signatures to an initiative petition need not all be
32 on ~~one+~~ paper, but all such papers pertaining to any ~~one+~~ measure shall be fastened together
33 and shall be filed as a single instrument, with the endorsement thereon of the name and
34 residence address of the person designated as filing the same. With each signature on the
35 petition there shall also appear the street and number of the residence of each signer. Within
36 10 days following the filing of the petition the board of registrars of voters shall ascertain by
37 what number of voters the petition has been signed and what percentage that number is of
38 the total number of voters as of the date of the most recent town election and shall return the
39 petition along with a certificate showing the results of the examination of the registrars of
40 voters to the ~~elected~~ town clerk. A copy of the certificate of the board of registrars of voters
41 shall also be mailed to the person designated as clerk of the petitioners' committee.
42
- 43 (d) Action on Petitions - Within 30 days following the date a petition has been returned to the
44 ~~elected~~ town clerk and after publication in accordance with this section, the town council
45 may pass the measure without alteration, subject to the referendum vote provided by this
46 charter or, the town council shall call a special election to be held on a date fixed by it not

1 less than 35 nor more than 60 days after the date of the certificate hereinbefore mentioned
2 and shall submit the proposed measure without alteration to a vote of the voters at that
3 election; provided, however, that if a town election is otherwise to occur within 120 days
4 after the date of the certificate, the town council may, at its discretion, omit the calling of a
5 special election and submit the proposed measure to the voters at the approaching election.
6 The ballots used when voting upon a proposed measure under this section shall state the
7 nature of the measure in terms sufficient to show the substance thereof as set forth in
8 subsection (f).

9
10 (e) Publication - The full text of any initiative measure which is submitted to the voters shall be
11 published in a local newspaper, if required by state law, and on the town's official website
12 not less than 7 nor more than 14 days preceding the date of the election at which the
13 question is to be voted upon. Additional copies of the full text shall be available for
14 distribution to the public in the office of the ~~elected~~ town clerk and on the town's official
15 website.

16
17 (f) Form of Question - The ballots used when voting on a measure proposed by the voters under
18 this section shall contain a question in substantially the following form:

19
20 Shall the following measure which was proposed by an initiative petition take effect? (Here
21 insert a fair, concise summary prepared by the town attorney.)

22
23 YES NO

24
25 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative,
26 the measure shall be deemed to be effective forthwith, unless a later date is specified in the
27 measure.

28
29 Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage

30
31 If within 10 days after the final passage of a measure, a petition signed by voters equal in
32 number to at least ~~five~~5 per cent of the total number of voters and addressed to the town council,
33 protesting against the measure or any part thereof taking effect, is filed with the ~~elected~~ town
34 clerk, the same shall thereupon and thereby be suspended from taking effect and the town
35 council, as the case may be, shall immediately reconsider the measure or part thereof and if such
36 measure or part thereof is not entirely rescinded, the town council shall submit the same, to a
37 vote of the voters either at the next regular town election or at a special election which may, in
38 its discretion, be called for the purpose and the measure or part thereof shall forthwith become
39 null and void unless a majority of the voters voting on the same at the election vote in favor
40 thereof.

41
42 Section 8-3. Required Voter Participation

43
44 For a measure to be effective under the initiative procedure and for any measure to be declared
45 null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an
46 election upon which an initiative or referendum question is submitted to the voters.

1
2 Section 8-4. Measures Not Subject to Initiative and Referendum

3
4 Measures which include the following subject matter shall not be subject to initiative and
5 referendum procedures:

- 6
7 1) Revenue loan orders;
8
9 2) Appropriations for the payment of debt or debt service;
10
11 3) Internal operational procedures of the town council;
12
13 4) Emergency measures;
14
15 5) The town budget as a whole or the school committee budget as a whole;
16
17 6) Appropriation of funds to implement a collective bargaining agreement;
18
19 7) Procedures relating to election, appointment, removal, discharge or other personnel action;
20 and
21
22 8) Proceedings providing for the submission or referral of a matter to the voters at an election.
23

24 Section 8-5. Submission of Proposed Measure to Voters

25
26 The town council may, of its own motion, submit any proposed measure or a proposition for the
27 repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a
28 general or special town election. The town council shall also allow for the submissions upon
29 request of the regional school committee if a measure originates with the committee and
30 pertains to the affairs under its administration. Such action of the town council shall have the
31 same force and effect as are provided herein for submission of the measures on petition by the
32 voters.
33

34 Section 8-6. Measures with Conflicting Provisions

35
36 If two or more proposed measures passed at the same election contain conflicting provisions,
37 only the one receiving the greater number of affirmative votes shall take effect.
38

39 Section 8-7. Free Petition

40
41 (a) Individual Petitions, Action Discretionary - The town council shall receive all petitions
42 which are addressed to them and signed by a voter, as certified by the town board of
43 registrars of voters, or its successor, and may, at their discretion, take such action with
44 regard to the petitions as they deem necessary and appropriate.
45

1 (b) Group Petitions; Action Required - The town council shall hold a public hearing and act by
2 taking a vote on the merits of every petition which is addressed to it and is signed by at least
3 150 voters, as certified by the Town Board of Registrars of Voters, or its successor. The
4 hearing shall be held by the town council or by a committee or subcommittee thereof and the
5 action by the town council shall be taken not later than two2 months after the petition is
6 filed with the ~~elected~~ town clerk. Hearings on two2 or more petitions filed under this section
7 may be held at the same time and place. The ~~elected~~ town clerk shall mail notice of the
8 hearing to the ten+0 petitioners whose names first appear on each petition at least seven7
9 days before the hearing. Notice by publication at least seven7 days before such hearings
10 shall also be made and shall be at the public expense. No hearing shall be heard upon any
11 one subject more than once in any given 12 month period. All papers with signatures shall
12 be filed in the office of ~~elected~~ town clerk as one instrument on one date and time.

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1 ARTICLE IX- GENERAL PROVISIONS

2
3 Section 9-1. Conflicts of Interest

4
5 (a) Conflicts of Interest - The use of public office for private gain is prohibited. The town
6 council shall implement this prohibition by ordinance, the terms of which shall include, but not
7 be limited to: (1) acting in an official capacity on matters in which the official has a private
8 financial interest clearly separate from that of the general public; (2) the acceptance of gifts and
9 other things of value; (3) acting in a private capacity on matters dealt with as a public official;
10 (4) the use of confidential information; and (5) appearances by town officials before other town
11 agencies on behalf of private interests. This ordinance shall include a statement of purpose and
12 shall provide for reasonable public disclosure of finances by officials with major decision-
13 making authority over monetary expenditures and contractual and regulatory matters and,
14 insofar as permissible under state law, shall provide for fines and imprisonment for violations.
15

16 Section 9-2- Prohibitions

17
18 (a) Activities Prohibited – The following activities are prohibited:

- 19
20 1) No person shall be appointed to or removed from, or in any way favored or
21 discriminated against with respect to a town position or appointive town administrative
22 office because of race, gender, age, sexual orientation, disability, religion, country of
23 origin or political affiliation;
24
25 2) No person shall willfully make a false statement, certificate, mark, rating or report in
26 regard to a test, certification or appointment under the provisions of this charter or the
27 rules and regulations made there under or in any manner commit or attempt to commit
28 any fraud preventing the impartial execution of the provisions, rules and regulations;
29
30 3) No person who seeks appointment or promotion with respect to a town position or
31 appointive town administrative office shall directly or indirectly give, render or pay any
32 money, service or other valuable thing to a person for or in connection with the applicant
33 or employee's, appointment, proposed appointment, promotion or proposed promotion.
34
35 4) During working hours, no town employee shall knowingly or willfully participate in any
36 aspect of a political campaign on behalf of, or opposition to, a candidate for town office.
37 This section shall not be construed to limit a person's right to exercise rights as a citizen
38 to express opinions or to cast a vote, nor shall it be construed to prohibit a person from
39 active participation in political campaigns at any other level of government.
40

41 (b) Penalties - A person found to be in of a violation of this section shall be ineligible for a
42 period 5 years following such conviction to hold a town office or position and, if an officer or
43 employee of the town, shall immediately forfeit the employee's office or position. The town
44 council shall establish by ordinance such further penalties as it may deem appropriate.
45

46 Section 9-3. Campaign Finance

1
2 (a) Disclosure - The town council shall enact ordinances to protect the ability of town residents
3 to be informed of the financing used in support of, or against, campaigns for locally-elected
4 office. The terms of the ordinances shall include, but not be limited to, requirements upon
5 candidates and candidate committees to report in a timely manner to the appropriate town
6 office: contributions received, including the name, address, employer, and occupation of each
7 contributor who has contributed \$200 or more; expenditures made; and obligations entered into
8 by the candidate or candidate committee. In so far as is permissible under general or special law,
9 the regulations shall also provide for fines and imprisonment for violations. The ordinance shall
10 provide for convenient public disclosure pursuant to section 26 of chapter 55.

11
12 (b) Contribution and Spending Limitations - In order to combat the potential for, and
13 appearance of, corruption and to preserve the ability of all qualified citizens to run for public
14 office, the town shall, in so far as is permitted by general or special law and federal law, have
15 the authority to enact ordinances designed to limit contributions and expenditures by, or on
16 behalf of, candidates for locally-elected office. Ordinances under this section may include, but
17 are not limited to: limitations on candidate and candidate committees that affect the amount,
18 time, place, and source of financial and in-kind contributions; and, voluntary limitations on
19 candidate and candidate committee expenditures tied to financial or non-financial incentives.

20
21 Section 9-4. Charter Revision or Amendment

22
23 (a) In General - The charter may be replaced, revised or amended in accordance with any
24 procedure made available by Article LXXXIX of the Amendments to the Constitution [of the](#)
25 [Commonwealth of Massachusetts](#) and any general or special law enacted to implement the
26 constitutional amendment.

27
28 (b) Periodic Review - Not later than the first day of July, at 6-year intervals, the town council
29 shall provide for a review and propose revisions to the town charter. The review shall be
30 conducted by a special committee to consist of 7 residents of the town appointed by the
31 council president with the approval of the town council. The committee shall file a report
32 within the year recommending any changes in the charter which it may deem to be
33 necessary or desirable, unless an extension is granted by vote of the town council.

34
35 [\(c\) Continuation of Existing Laws - All ordinances, resolutions, rules, regulations and votes of](#)
36 [the town council which are in force at the time this charter is adopted, not inconsistent with](#)
37 [the provisions of this charter, shall continue in full force until amended or repealed. Where](#)
38 [provisions of this charter conflict with provisions of town ordinances, rules, regulations,](#)
39 [orders or special acts or acceptances of laws, the charter provisions shall govern. All](#)
40 [provisions of town ordinances, rules, regulations, orders and special acts not superseded by](#)
41 [this charter shall remain in force.](#)

42
43
44 Section 9-5. Severability

1 The provisions of this charter are severable. If any of the provisions of this charter are held to be
2 unconstitutional, or invalid, the remaining provisions of this charter shall not be affected
3 thereby. If the application of this charter, or any of its provisions, to any person or
4 circumstances is held to be invalid, the application of the charter and its provisions to other
5 persons or circumstances shall not be affected thereby.

6
7 Section 9-6. Rules of Interpretation

8
9 The following rules shall apply when interpreting the charter:

- 10
11 (a) Specific Provisions to Prevail - To the extent that a specific provision of the charter shall
12 conflict with any provision expressed in general terms, the specific provision shall prevail;
13
14 (b) Number and Gender - Words imparting the singular number may extend and be applied to
15 several persons or things, words imparting the plural number may include the singular and
16 words imparting the masculine gender shall include the feminine gender;
17
18 (c) References to General Laws - All references to the general or special laws contained in the
19 charter refer to the general laws of the commonwealth and are intended to include any
20 amendments or revisions to the chapters and sections or to the corresponding chapters and
21 sections of any rearrangement of the general laws enacted subsequent to the adoption of the
22 charter; and
23
24 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing time
25 under the charter, if 7 days or less, only business days, not including Saturdays, Sundays or
26 legal holidays shall be counted; if more than 7 days, every day shall be counted.

27
28 Section 9-7. Removal of Member of Multiple Member Appointed Bodies

29
30 An official appointed by the town manager to a multiple-member body, may be removed from
31 office by the ~~T~~town ~~M~~anager if the official fails to attend regularly scheduled meetings for a
32 period of ~~three~~ consecutive ~~meetings~~months without express leave from the chairman of the
33 multiple member body, unless the town manager shall determine otherwise. The appointed
34 official shall be automatically removed from office if the official is convicted of a felony or if
35 the official is absent from the duties for the period of ~~six~~6 months notwithstanding the
36 permission from the council president to be absent.

37
38 A removal shall be accomplished in accordance with the following procedure:

- 39
40 1) A written notice of the intent to remove and a statement of the reasons therefore shall be
41 delivered by registered mail to the last known address of the appointed official sought to be
42 removed.
43
44 2) Within 14 days of delivery of the notice the appointed official may request a public hearing
45 before the appointing authority;
46

- 1 3) If the appointed official fails to request a public hearing, then the appointed official shall be
2 discharged forthwith;
- 3
- 4 4) The appointed official may be represented by private counsel at the hearing and shall be
5 entitled to present evidence, to call witnesses and to examine any witness appearing at the
6 hearing;
- 7
- 8 5) Within 10 days after the public hearing is adjourned, the appointing authority may, by a
9 majority vote, remove the appointed official for good cause;
- 10
- 11 6) A notice of a decision to remove the appointed official and the reasons therefore shall be
12 delivered by registered mail to the last known address of the appointed official;
- 13
- 14 7) Within 14 days of delivery of the notice, the appointed official may request a public hearing
15 before the town council;
- 16
- 17 8) If the appointed official fails to request a public hearing, then the appointed official shall be
18 discharged forthwith;
- 19
- 20 9) The appointed official may be represented by private counsel at the hearing and shall be
21 entitled to present evidence, to call witnesses and to examine any witness appearing at the
22 hearing; and
- 23
- 24 10) Within 10 days after the public hearing is adjourned, the town council may, by a two-thirds
25 vote, reinstate the appointed official, but the appointed official shall otherwise be removed.

26
27 Nothing in this section shall be construed as granting a right to a hearing when an appointed
28 official who has been appointed to a fixed term is not reappointed when the appointed official's
29 original term expires.

30 31 Section 9-8. Posting of Public Documents

32
33 The ~~town council~~~~board of selectmen~~ and town manager shall ensure that all pertinent, public
34 town documents be posted to the town's official website. Examples of these documents include,
35 but are not limited to, the following: administrative code, audit results, budget, financial
36 management policies, ordinances and personnel policies and procedures.

1 ARTICLE X- TRANSITIONAL PROVISIONS

2
3 ~~Section 10-1. Continuation of Existing Laws~~

4
5 ~~All by laws, resolutions, rules, regulations and votes of the town meeting which are in force at~~
6 ~~the time this charter is adopted, not inconsistent with the provisions of this charter, shall~~
7 ~~continue in full force until amended or repealed.~~

8
9 ~~Where provisions of this charter conflict with provisions of town by laws, rules, regulations,~~
10 ~~orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions~~
11 ~~of town by laws, rules, regulations, orders and special acts not superseded by this charter shall~~
12 ~~remain in force.~~

13
14 ~~Section 10-2. Existing Officials and Employees~~

15
16 ~~A person holding a town office or employment under the town, shall retain the office or~~
17 ~~employment and shall continue to perform the duties of the office until provisions shall have~~
18 ~~been made in accordance with this charter for the performance of the duties by another person~~
19 ~~or agency.~~

20
21 ~~Section 10-3. Continuation of Government~~

22
23 ~~All town offices, boards, commissions or agencies shall continue to perform their duties until re-~~
24 ~~appointed or re-elected, or until successors to their respective positions are fully appointed or~~
25 ~~elected or until their duties have been transferred and assumed by another town office, board,~~
26 ~~commission or agency.~~

27
28 ~~Section 10-4. Transfer of Records and Property~~

29
30 ~~All records, property and equipment whatsoever of an office, board, commission, committee or~~
31 ~~agency or part thereof, the powers and duties of which are assigned in whole or in part to~~
32 ~~another town office, board, commission or agency, shall be transferred forthwith to the office,~~
33 ~~board, commission or agency.~~

34
35 ~~Section 10-5. Continuation of Personnel~~

36
37 ~~A person holding a town office or a position in the administrative service of the town, or a~~
38 ~~person holding full-time employment under the town, shall retain the office, position or~~
39 ~~employment or be retained in a capacity as similar to their former capacity as it is practical to do~~
40 ~~so.~~

41
42 ~~The person shall continue to perform the duties of the office, position or employment until~~
43 ~~provisions have been made for the performance of those duties by another person or agency;~~
44 ~~provided, however, that no person in the permanent full-time service of the town shall forfeit the~~
45 ~~person's pay grade or time in service of the town.~~

1 Section 10-6. Effect on Obligations, Taxes, Etc.

2
3 ~~All official bonds, recognizances, obligations, contracts and other instruments entered into or~~
4 ~~executed by or to the town before the adoption of this charter and all taxes, assessments, fines,~~
5 ~~penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and~~
6 ~~collected and all writs, prosecutions, actions and cause of action, except as herein otherwise~~
7 ~~provided, shall continue without abatement and remain unaffected by the charter and no legal~~
8 ~~act done by or in favor of the town shall be rendered invalid by reason of the adoption of this~~
9 ~~charter.~~

10
11 Section 10-~~17~~. Time of Taking Effect

12
13 This charter shall become fully effective upon ratification by the voters as provided for by the
14 General Laws, except as provided in this section:

15
16 The appointed position of town clerk will be created at the expiration of the elected town
17 clerk's term or upon a vacancy in the office.

18
19
20 ~~(a) The election to elect the first town council under this charter shall be scheduled as promptly~~
21 ~~as possible by the board of selectmen then in office, as a special transition election, not later~~
22 ~~than 180 days after adoption of the charter.~~

23
24 ~~(b) The officials so elected shall take office on the first day in January that does not fall on a~~
25 ~~weekend or holiday, of the year after adoption by the voters of the town. The expiration of~~
26 ~~the initial transitional terms shall be determined by random draw conducted by the town~~
27 ~~clerk at least 35 days before the date of the election subject to the following:~~

28
29 ~~If the charter is approved by the voters at an annual town election:~~

30
31 ~~Three council members shall expire at the 2nd anniversary of the approval of the charter by the~~
32 ~~voters;~~

33
34 ~~Three council members shall expire at the 3rd anniversary of approval of the charter by the~~
35 ~~voters;~~

36
37 ~~Three council members shall expire at the 4th anniversary of approval of the charter by the~~
38 ~~voters.~~

39
40 ~~If the charter is approved by the voters at an election other than an annual election:~~

41
42 ~~Three council members shall expire at the annual town election next prior to the 2nd~~
43 ~~anniversary of approval of the charter by the voters;~~

44 ~~Three council members shall expire at the annual town election next prior to 3rd anniversary of~~
45 ~~approval of the charter by the voters;~~

1 ~~Three council members shall expire at the annual town election next prior to the 4th anniversary~~
2 ~~of approval of the charter by the voters.~~

3
4 ~~Section 10-8. Transition from Municipal Administrator to Town Manager~~

5
6 ~~Upon the effective date of this charter, the person serving in the position of municipal~~
7 ~~administrator shall be deemed the appointed town manager as described in this charter in Article~~
8 ~~4 to serve for the remaining term of the person's contract with the town.~~

9
10 ~~Section 10-9. Town Council / Town Manager Transition Duties~~

11
12 ~~(a) As one of its first priorities during the transition period, the town manager working with the~~
13 ~~town council shall begin development of the administrative code structure, which shall describe~~
14 ~~the details of the departmental organization and associated operating rules and regulations.~~

15
16 ~~A key input source to the creation of the administrative code shall be the final report of the town~~
17 ~~government study committee, published in May 2009. This report shall guide the functional re-~~
18 ~~alignment of all town offices, agencies, boards, and committees, as well as any changes to~~
19 ~~elected or appointed positions, boards or committees.~~

20
21 ~~(b) The town council shall also begin a review of all town by-laws, to analyze and~~
22 ~~amend as necessary, as a result of charter implementation.~~