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

SEPTEMBER 1, 2017

1 ARTICLE 1-INCORPORATION AND AUTHORITY

2 DEFINITIONS

As used in the ~~charter~~ 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 townTown 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 townTown office, department and multiple member body consistent with this charterCharter 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 townTown board of registrarsBoard of Registrars of Votersvoters, 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 ten10 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 charterCharter, or by the town councilTown 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 councilTown Council.</u>
<u>Multiple member body or organization</u>	<u>Any board, commission or committee in the townTown.</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 CouncilTown 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 townTown government, whether elected, appointed or otherwise constituted.</u>
<u>Town officer</u>	<u>An individual who has been elected or appointed to exercise the functions of a townTown office for the benefit of the public. TownTown 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 townTown</u>

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2
3 Section 1-1. Incorporation
4

5 The inhabitants of the Town of Bridgewater, within its territorial limits as now or may hereafter
6 be established by law, shall continue to be a body politic and corporate, known as the “Town of
7 Bridgewater.” The Town of Bridgewater shall constitutionally have a city form of government.
8

9 Section 1-2. Short Title
10

11 This instrument may be cited and shall be known as the Bridgewater ~~H~~ome ~~R~~ule ~~C~~harter.
12

13 Section 1-3. Division of Powers
14

15 All legislative powers of the ~~T~~own shall be exercised by a ~~town-council~~Town Council. The
16 administration of all ~~town~~Town fiscal, business and municipal affairs shall be vested in the
17 executive branch headed by the ~~T~~own ~~M~~anager.
18

19 Section 1-4. Powers of the Town
20

21 The intent and purpose of this ~~charter~~Charter is to secure for the voters of the ~~T~~own of
22 Bridgewater, through the adoption of this ~~charter~~Charter, all the powers possible to secure for
23 their government under Article LXXXIX of the Amendments to the Constitution and ~~laws~~Laws
24 of the ~~C~~ommonwealth.
25

26 Section 1-5. Interpretation of Powers
27

28 The powers of the ~~town~~Town under the ~~charter~~Charter shall be construed and interpreted
29 liberally in favor of the ~~T~~own, and the specific mention of a particular power is not intended to
30 limit in any way the general powers of the ~~T~~own as enumerated in ~~S~~ection 1-4.
31

32 Section 1-6. Intergovernmental Relations
33

34 The ~~T~~own may enter into agreements with any other unit of government to perform jointly or in
35 cooperation, by contract or otherwise, any of its powers or functions.
36

37 Section 1-7. Town Seal and Town Flag
38

39 The ~~town~~Town seal and ~~town~~Town flag in existence at the time this ~~charter~~Charter is adopted,
40 unless the ~~town-council~~Town Council shall adopt another seal or flag, shall continue to be the
41 ~~town~~Town seal and ~~town~~Town flag and shall be kept in the custody of the ~~elected~~ ~~T~~own
42 ~~C~~lerk. Papers or documents issued from any office or board of the ~~T~~own may be attested by
43 use of the ~~town~~Town seal. The ~~town~~Town flag shall be displayed within the ~~town-council~~Town
44 ~~C~~ouncil chambers.
45

46 Section 1-8. Ethical Standards

1
2 Elected and appointed officers and employees of the ~~town~~Town are expected to demonstrate the
3 highest ethical standards, which shall be in compliance with all state and federal laws. Elected
4 and appointed officers and employees are expected to recognize that they act as agents of the
5 public, that they hold offices or positions for the benefit of the public, that the public interest is
6 their primary concern and that they are expected to faithfully discharge the duties of their
7 offices or positions regardless of personal considerations. Elected officers and employees shall
8 not use their official positions to secure or to grant special consideration, treatment, advantage,
9 privilege or exemption to themselves or to any other person beyond that which is available to
10 every other person.

11
12 ~~Section 1-9. Definitions~~

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

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

21
22 ~~”Charter”, this charter and any amendments to it made through any methods provided under~~
23 ~~Article LXXXIX of the Amendments to the Constitution.~~

24
25 ~~“Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition which~~
26 ~~necessitates immediate action.~~

27
28 ~~“Majority vote”, a majority of those present and voting, provided a quorum is present when a~~
29 ~~vote is taken, unless a higher number is required by law, this charter, or by the town council's~~
30 ~~own rules.~~

31
32 ~~“Measure”, an ordinance, order, resolution or other vote or proceeding adopted, or which may~~
33 ~~be adopted by the town council.~~

34
35 ~~“Multiple member body”, any board, commission or committee in the town.~~

36
37 ~~“Town”, the body politic and corporate called the town of Bridgewater.~~

38
39 ~~“Town agency or agency”, a board, commission, committee, department or office of town~~
40 ~~government, whether elected, appointed or otherwise constituted.~~

41
42 ~~“Voters”, registered voters of the town.~~

43
44 ~~“Town officer”, an individual who has been elected or appointed to exercise the functions of a~~
45 ~~town office for the benefit of the public. Town officers are distinguishable from employees in~~

1 ~~that they are required to take an oath of office and are appointed or elected to specified terms of~~
2 ~~office.~~

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5
6 ARTICLE II- LEGISLATIVE BRANCH

7
8 Section 2-1. Composition; Eligibility; Term of Office
9

10 (a) Composition - There shall be a ~~T~~town ~~C~~ouncil consisting of nine members which shall
11 exercise the legislative powers of the ~~T~~town. Seven of these members, to be known as
12 ~~D~~istrict ~~C~~ouncilors, shall be nominated and elected by and from the voters of the seven
13 districts into which the ~~T~~town is divided, and two of the members, to be known as
14 ~~C~~ouncilors-at-~~L~~arge, shall be nominated and elected by and from the voters at large.
15

16 (b) Eligibility - Any voter shall be eligible to hold the office of ~~C~~ouncilor-at-~~L~~arge. A
17 ~~D~~istrict ~~C~~ouncilor must be a voter and resident of the district in which election is sought.
18 If a ~~D~~istrict ~~C~~ouncilor or a ~~C~~ouncilor-at-~~L~~arge moves out of the ~~T~~town during the term
19 for which elected, such office shall immediately be deemed vacant and filled in the manner
20 provided in section 2-5. If a ~~D~~istrict ~~C~~ouncilor moves from the district from which the
21 ~~C~~ouncilor is elected, or is removed by a change in district lines, and more than 14 months
22 remains of the term for which elected, the office shall be deemed vacant and shall be filled
23 in the manner provided in section 2-5. If less than six months of the term remains, the
24 ~~D~~istrict ~~C~~ouncilor who remains a resident of the ~~t~~own~~T~~own may continue to serve during
25 the term for which elected.
26

27 (c) Term of Office - The term of office of ~~district councilor~~District Councilors and ~~C~~ouncilors-
28 at-~~L~~arge shall be staggered terms of three years each, beginning on ~~the day~~~~the second~~
29 ~~Monday~~ following ~~the~~ election and continuing until their successors are qualified.
30

31 (d) Prohibitions - (1) ~~No councilor~~Councilor shall, while a member of the ~~town council~~Town
32 Council, hold any other ~~town~~Town office or position. (2) An elected charter commission
33 membership shall not be considered to be a ~~town~~Town office or position. (3) No former
34 ~~councilor~~Councilor shall hold any compensated appointive ~~town~~Town office or ~~town~~Town
35 ~~employment until one year after the expiration of service on the town council~~Town Council.
36 ~~This provision shall not prevent a town officer or employee who has taken a leave of~~
37 ~~absence from such duties to serve as a member of the town council~~Town Council from
38 ~~returning to such office or employment following service as a member of the town~~
39 ~~council~~Town Council. (4) Any ~~councilor~~Councilor who has been finally convicted of a
40 ~~criminal offense involving misconduct in any elective or appointive public office, trust or~~
41 ~~employment at any time held by him/her shall be deemed to have vacated office and shall~~
42 ~~not be eligible to serve in any other elective or appointive office or position in the~~
43 ~~town~~Town.
44

45 Section 2-2. General Powers and Duties
46

1 Except as otherwise provided by law or by the Charter, all powers of the ~~town~~Town shall be
2 vested in the ~~town council~~Town Council which shall provide for their exercise and for the
3 performance of all duties and obligations imposed on the ~~town~~Town by law.

4
5 Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties
6

7 (a) Election - After the ~~councilor~~Councilors-elect have been sworn, the ~~town council~~Town
8 Council shall be called together by the ~~elected town clerk~~Town Clerk for the purpose of
9 conducting an election among ~~town council~~Town Council members for the office of
10 ~~town council~~Town ~~president~~Council President and ~~Vice-President~~vice-president to
11 serve at the pleasure of the ~~town council~~Town Council. The ~~President~~president shall
12 preside at all meetings of the ~~town council~~Town Council and perform such other
13 functions as may be assigned by the ~~Charter~~charter, by ordinance or by vote of the ~~town~~
14 ~~council~~Town Council.

15
16 (b) Term of Office - The term of the Council President shall be for one year beginning on
17 the second Monday following election and continuing until a successor is qualified.
18

19 (c) Powers and Duties - The powers, duties and responsibilities of the Council President
20 shall include, but not be limited to, the following:
21

22 1) The ~~council president~~Council President shall preside at all meetings of the ~~town~~
23 ~~council~~Town Council, regulate its proceedings and shall decide all questions of
24 order.
25

26 2) The ~~council president~~Council President shall have the same powers to vote upon
27 all measures coming before the ~~town council~~Town Council as any other member
28 of the ~~town council~~Town Council, but shall have no veto power.
29

30 3) The ~~council president~~Council President shall be recognized as the official head
31 of the ~~town~~Town for all ceremonial purposes and the ~~council president~~Council
32 President, or his designee, shall represent the ~~town~~Town in its relations with
33 other units of government.
34

35 4) In time of public danger or emergency the ~~council president~~Council President
36 may, subject to the review of the action by the ~~town council~~Town Council,
37 temporarily exercise the ~~town council~~Town Council's supervisory powers over
38 the ~~town manager~~Town Manager, but such delegation shall not exceed seven
39 days unless the ~~town council~~Town Council votes to extend the temporary powers
40 not to exceed another seven days. The ~~town council~~Town Council may extend
41 the period of delegation by successive extensions of not more than seven days
42 each.
43

44 5) The ~~council president~~Council President in conjunction with the ~~town~~
45 ~~manager~~Town Manager shall prepare and deliver a yearly State of the
46 ~~town~~Town message to the ~~town council~~Town Council and citizens of the

1 ~~town~~Town on or before March 15th of each year~~describing the state of the town.~~
2 The message will address the financial state of the ~~town~~Town, strengths of the
3 ~~town~~Town and areas that need attention, as well as potential opportunities for the
4 betterment of the ~~town~~Town. The ~~S~~state of the ~~town~~Town message should also
5 set the agenda and goals for the ~~town-council~~Town Council and ~~town~~
6 ~~manager~~Town Manager for the ensuing year.
7

- 8 6) The ~~council-president~~Council President shall call no ~~fewer~~less than two
9 meetings, ~~one of which will be the annual state of the town meeting,~~ of the
10 general public each fiscal year for the purpose of obtaining public input to the
11 policies of the ~~town~~Town. The meeting agenda and format shall be determined
12 by the ~~town-council~~Town Council but shall be designed to obtain public input to
13 the policies of the ~~town~~Town. Members of the public may submit potential items
14 for the agenda of the meetings in accordance with rules adopted by the ~~town~~
15 ~~council~~Town Council. The public shall be given at least 14 days notice of the
16 date and time of such meetings. The notices shall be published in a newspaper of
17 general circulation within the ~~town~~Town, ~~if required by state law, and~~ posted on
18 the ~~town~~Town bulletin board, ~~and posted on the town's official website.~~
19 The ~~town-council~~Town Council may provide for additional venues for such
20 postings.
21

22 Section 2-4. Council Vice President

23
24 The ~~town-council~~Town Council shall elect from among its members a Council Vice-
25 President~~council vice president~~ who shall act as council-presidentCouncil President during the
26 absence or disability of the council-presidentCouncil President and, if a vacancy occurs, shall
27 become acting council-presidentCouncil President until a successor is qualified at the next
28 regular meeting in accordance with the provisions of Section 2-3.
29

30 The powers of an acting council-presidentCouncil President shall be limited to only those
31 powers of the office indispensably essential to the performance of the duties of the office during
32 the period of the temporary absence or disability and no others.
33

34 Section 2-5. Filling of Vacancies

- 35
36 (a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-largeCouncilor-at-
37 Large during the first 18 months of the term for which a councilorCouncilor
38 was elected, the vacancy shall be filled in descending order of votes received by the candidate for the
39 office of councilor-at-largeCouncilor-at-Large at the preceding ~~town~~Town election who
40 received the largest number of votes without being elected, provided such person
41 remains eligible and willing to serve and provided such person received votes at least
42 equal to 30 per cent of the vote total received by the person receiving the largest number
43 of votes for the office of councilor-at-largeCouncilor-at-Large at the election. The
44 elected town-clerkTown Clerk shall certify such candidate to the office of councilor-at-
45 largeCouncilor-at-Large to serve for the balance of the then unexpired term.
46

1 If a vacancy occurs in the office of ~~councilor-at-large~~Councilor-at-Large during the last
2 six months of the term for the ~~councilor-at-large~~Councilor-at-Large was elected, the
3 vacancy shall be filled by the person at the most recent annual ~~town~~Town election who
4 received the highest number of votes for the office of ~~councilor-at-large~~Councilor-at-
5 Large and who is not then serving as a member of the ~~town council~~Town Council.

6
7 The person shall be certified by the ~~town clerk~~Town Clerk and shall serve for the
8 remaining months of the term which the person was elected.
9

10 (b) District Councilor - If a vacancy occurs in the office of ~~district councilor~~District
11 Councilor it shall be filled in the same manner as provided in subsection (a) of section 2-
12 5 for the office of ~~councilor-at-large~~Councilor-at-Large except that the list shall be of the
13 candidates for the office of ~~district councilor~~District Councilor in the district in which
14 the vacancy occurs; provided, however, that if there is no candidate on the list who
15 remains eligible and willing to serve, the next highest ranking candidate from among the
16 candidates for election to the council-at-large who is a resident of the district in which
17 the vacancy exists shall be certified and shall serve until the next regular election
18 provided the candidate remains a resident of the district, is willing to serve as a ~~district~~
19 councilorDistrict Councilor and received votes in the district at least equal to 30 per cent
20 of the vote total received by the person receiving the largest number of votes for the
21 office of ~~district councilor~~District Councilor at the election. The ~~elected town clerk~~Town
22 Clerk shall certify such candidate to the office of ~~district councilor~~District Councilor to
23 serve for the balance of the then unexpired term.
24

25 (c) Filling of Vacancies by Town Council - If a vacancy occurs in the office of ~~councilor-at-~~
26 largeCouncilor-at-Large or ~~district councilor~~District Councilor and there is no available
27 candidate to fill the vacancy in the manner provided in subsection (a) or (b) of section 2-
28 5, the vacancy shall be filled by the remaining members of the ~~town council~~Town
29 Council. To be eligible for election by the ~~town council~~Town Council, a person shall be
30 a registered voter of the ~~town~~Town and, in the case of a ~~district councilor~~District
31 Councilor, a resident of such district. Persons elected to fill a vacancy by the ~~town~~
32 councilTown Council shall serve only until the next regular election, or if so decided, a
33 special election, at which time the vacancy shall be filled by the voters and the person
34 chosen to fill the vacancy shall be sworn and shall serve for the remainder of the
35 unexpired term. Persons serving as ~~town councilor~~Town Councilors under this section
36 shall not be entitled to have the words "candidate for re-election" printed against their
37 names on the election ballot.
38

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

40
41 (a) Exercise of Powers - Except as otherwise provided by any general or special law or the
42 Chartercharter, the legislative powers of the ~~town council~~Town Council may be exercised in
43 a manner determined by it.
44

1 (b) Quorum - The presence of five members shall constitute a quorum for the transaction of
2 business. Except as otherwise provided by ~~law~~ or this ~~charter~~Charter, the affirmative vote
3 of five members shall be required to adopt any ordinance or appropriation order.
4

5 (c) Rules of Procedure - The ~~town council~~Town Council shall from time to time establish
6 written rules for its proceedings. The rules shall be available for public inspection at the
7 office of the ~~elected town clerk~~Town Clerk ~~and copies of the rules shall be available in the~~
8 ~~office of the town council during regular and special meetings of the town council.~~
9

10 1) Regular meetings of the ~~town council~~Town Council shall be held at a time and place
11 fixed by ordinance but shall be at least monthly.

12 2) Special meetings may be held on the call of the president of the ~~town council~~Town
13 Council, or on the call of three or more members, by written notice delivered to each
14 member of the ~~town council~~Town Council by the ~~elected town clerk~~Town Clerk at
15 least 48 hours before the time set.

16 3) Except as otherwise authorized by a general or special law all sessions of the ~~town~~
17 ~~council~~Town Council shall be open to the public.

18 4) Every matter coming before the ~~town council~~Town Council for action shall be put to
19 a vote, the result of which shall be duly recorded.

20 5) All ~~town council~~Town Council votes on ordinances, appropriation orders or loan
21 authorizations shall be taken by roll call vote, and shall be duly recorded by the clerk
22 of the council.

23 ~~4)6)~~ A full, accurate, and up-to-date record of the proceedings of the ~~town~~
24 ~~council~~Town Council shall be kept and shall be open to inspection by the public.

25 ~~2)7)~~ All meetings of the ~~town council~~Town Council shall provide for a period of
26 public comment. Regular meetings of the ~~town council~~Town Council shall provide
27 for a period of public comment, provided however, that the ~~town council~~Town
28 Council may promulgate rules that regulate such period of public comment as
29 deemed appropriate.

30 8) Any ~~Council Member~~~~council member~~ may, from time to time, submit to the ~~town~~
31 ~~council~~Town Council proposed ~~town~~Town policies, goals and other objectives for its
32 consideration.

33 9) The ~~town council~~Town Council may amend, modify or reject any proposal submitted
34 by the ~~council president~~Council President before adopting the same in its final form.

35 ~~3)10)~~ Nothing in this subsection shall preclude any member of the ~~town council~~Town
36 Council from recommending ~~town~~Town policies, goals and other objectives to the
37 ~~town council~~Town Council.

38 ~~4)11)~~ The ~~town council~~Town Council shall be responsible for ensuring that the
39 ~~Charter~~charter, the laws, the ordinances and other plans, policies and orders for the
40 government of the ~~town~~Town are properly implemented and enforced.

41 ~~5)12)~~ The ~~town council~~Town Council shall not direct or request the appointment or
42 employment of any person, or the removal of any person, or in any manner attempt
43 to participate in the appointment or removal of a person in the administrative service
44 of the ~~town~~Town for which the ~~town manager~~Town Manager is responsible.

45 ~~6)13)~~ The ~~town council~~Town Council shall deal with the officers and employees
46 serving under the ~~town manager~~Town Manager solely through the ~~town~~

1 ~~manager~~Town Manager and the ~~council-president~~Council President shall not give
2 any orders or directions to any such officer or employee, either publicly or privately.
3 ~~7)14)~~ The town council~~Town Council~~ shall perform such other duties consistent with
4 the office as may be provided by charter or by ordinance.
5

6 Section 2-7. Measures; Emergency Measures; Charter Objection
7

8 (a) Measures - No measure shall be passed finally on the date on which it is introduced, except
9 in the case of an emergency. Except as required by Massachusetts General Law, measures
10 passed by the Town Council shall become effective 72 hours after final passage. ~~otherwise~~
11 ~~provided by the charter, every adopted measure shall become effective at the expiration of~~
12 ~~30 days after adoption or at any later date specified therein. Measures not subject to~~
13 ~~referendum, as defined in section 8-4, shall become effective upon adoption.~~ No ordinance
14 shall be amended or repealed except by another ordinance adopted in accordance with the
15 ~~charter~~Charter or as provided in the initiative and referendum procedures.
16

17 (b) Emergency Measures - An emergency measure shall be introduced in the form and manner
18 prescribed for measures generally except that it shall be plainly designated as an emergency
19 measure and shall contain statements after the enacting clause declaring that an emergency
20 exists and describing its scope and nature in clear and specific terms.
21

22 A preamble which declares and defines the emergency shall be separately voted on and shall
23 require the affirmative vote of two-thirds of the ~~town council~~Town Council.
24

25 An emergency measure may be passed with or without amendment or rejected at the
26 meeting at which it is introduced.
27

28 No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise
29 or special privilege shall be passed as an emergency measure, and except as provided by any
30 general or special law, no such grant, renewal or extension shall be made otherwise than by
31 ordinance.
32

33 After its adoption, an emergency measure shall be published as prescribed for other adopted
34 measures. An emergency measure shall become effective upon adoption or at such later time
35 as it may specify.
36

37 (c) Charter Objection –
38

39 (1) On the first occasion that the question on adoption of a measure is put to the ~~town~~
40 ~~council~~Town Council, if a single member objects to the taking of the vote, the vote shall
41 be postponed until the next meeting of the ~~town council~~Town Council whether regular
42 or special. If ~~2~~two members shall object, such postponement shall be until the next
43 regular meeting; provided, however, that for a postponement of an emergency measure
44 at least ~~4~~four members, in all, must object, and the postponement shall be until the next
45 regular meeting.

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

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

5 (4) Before taking a vote on any measure the ~~council president~~Council President or
6 ~~councilor~~Councilor acting as the presiding officer shall ask if there is a charter objection
7 to the measure.

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

10
11 Section 2-8. Council Staff

12
13 The ~~town council~~Town Council may employ such staff and experts as are necessary to conduct
14 the business of the ~~town council~~Town Council. The ~~town council~~Town Council shall set the
15 salaries of such staff.

16
17 ~~Clerk of the Council~~—The ~~town council~~Town Council shall appoint an officer of the ~~T~~town who
18 shall have the title of ~~C~~ouncil ~~C~~lerk. The ~~C~~ouncil ~~C~~lerk shall give notice of ~~town~~
19 ~~council~~Town Council meetings to its members and the public, keep the journal of its
20 proceedings and perform such other duties as are assigned by this ~~Charter~~charter, by the ~~town~~
21 ~~council~~Town Council or by general or special law.

22
23 Section 2-9. Publication Requirements

24
25 Every proposed ordinance or loan order, except emergency measures as hereinbefore defined
26 and revenue loan orders, shall be published in accordance with the requirements of
27 Massachusetts General Laws, posted on the townTown's official website, once in full in at least
28 ~~1 newspaper of general circulation within the town,~~ and posted in any additional manner that
29 may be provided by ordinance, ~~at least 10 days before its final passage; provided, however, that~~
30 ~~if any ordinance or proposed ordinance or codification of ordinances or proposed ordinances,~~
31 ~~shall exceed 8 octavo pages of ordinary book print, then, in lieu of the advertising required by~~
32 ~~this section, the same may be published by the town council in a municipal bulletin or printed~~
33 ~~pamphlet, and if so published in full at least 10 days before its final passage, the publication~~
34 ~~shall be deemed sufficient without the newspaper publication as herein required.~~

35
36 Section 2-10. Delegation of Powers

37
38 The ~~town council~~Town Council may delegate to ~~one~~ or more ~~town~~Town agencies, the powers
39 vested in the ~~town council~~Town Council by general or special law to grant and issue licenses
40 and permits and may regulate the granting and issuing of licenses and permits by any such town
41 agency, and may in its discretion, rescind any such delegation without prejudice to any prior
42 action which has been taken.

43
44 Section 2-11. Inquiries and Investigations

45 The ~~town council~~Town Council may require any town officer or member of a board or
46 commission to appear before it and give such information as it may require in relation to an

1 office held by such person, its function and performance. The ~~town council~~Town Council shall
2 give at least 48 hours written notice of the general scope of the inquiry to any person it requires
3 to appear before it under this section. The ~~town council~~Town Council may make investigation
4 into the affairs of the town and into the conduct of any town agency, and for this purpose may
5 subpoena witnesses, administer oaths and require the production of evidence. The ~~town~~
6 ~~council~~Town Council shall adopt rules of procedure to conduct the investigations.

7
8 Section 2-12. Prohibitions; Term Limits

9
10 ~~(a) Prohibitions—No councilor shall, while a member of the town council, hold any other town~~
11 ~~office or position. Elected charter commission membership shall not be considered to be a town~~
12 ~~office or position. No former councilor shall hold any compensated appointive town office or~~
13 ~~town employment until 1 year after the expiration of his service on the town council. This~~
14 ~~provision shall not prevent a town officer or employee who has taken a leave of absence from~~
15 ~~such duties in order to serve as a member of the town council from returning to such office or~~
16 ~~employment following service as a member of the town council. Any councilor who has been~~
17 ~~finally convicted of a criminal offense involving misconduct in any elective or appointive public~~
18 ~~office, trust or employment at any time held by him shall be deemed to have vacated office and~~
19 ~~shall not be eligible to serve in any other elective or appointive office or position in the town.~~

20
21 ~~(b) Term Limits—No person shall be eligible to be elected as a member of the town council if,~~
22 ~~at any point during the term of office for which the person may be elected, the service of the~~
23 ~~eligible person would exceed 12 consecutive years on the town council.~~

24
25 Section 2-1~~2~~3. Compensation; Expenses

26
27 (a) Salary - Each ~~town councilor~~Town Councilor shall receive a stipend of \$3,000, but shall not
28 be eligible for any other town provided benefits or pension. This provision shall not take
29 effect until three years has elapsed from the date of adoption. (see, MGL c.268A, section 19)

30 (a)(b) Expenses - Subject to appropriation, the ~~town council~~Town Council members shall be
31 entitled to reimbursement of their actual and necessary expenses incurred in the performance
32 of their duties.

1 ARTICLE III- ELECTED OFFICIALS

2
3 Section 3-1. General Provisions

4
5 The offices to be filled by ballot of the voters of the entire town shall be ~~town council~~Town
6 Council, regional ~~school committee~~School Committee, ~~an elected town clerk~~, a ~~Board~~board of
7 ~~library trustee~~Library Trustees and members of regional authorities or districts as may be
8 established by general or special law, intergovernmental agreement or otherwise. All other
9 offices, boards, committees and agencies shall be appointed by the ~~town manager~~Town
10 Manager as defined in section 4-3 and as detailed in the administrative code.

11
12 Any voter shall be eligible to hold any elective town office, except as noted in Section 2-1(d);
13 provided, however, that to be eligible a person shall not simultaneously hold any other elected
14 or appointed town office or be employed by the town or the Bridgewater Raynham regional
15 school district in any capacity.

16
17 The regular town election of town officers shall be held annually on the Saturday preceding the
18 last Monday in April.

19
20 Notwithstanding their election by the voters, the town officers named in this section shall be
21 subject to the call of the ~~town council~~Town Council or the ~~town manager~~Town Manager, at all
22 reasonable times, for consultation, conference and discussion on any matter relating to their
23 respective offices.

24
25 Section 3-2. Library Trustees

26
27 (a) Composition, Election - There shall be a ~~Board~~board of ~~library trustee~~Library Trustees
28 composed of ~~nine~~9 members, all elected by and from the voters at large.

29
30 (b) Term of Office - The terms of ~~library trustee~~Library Trustee members shall be staggered
31 terms of three years each, beginning on the day following the election~~for 3 years beginning~~
32 ~~on the second Monday following election~~ and continuing until a successor is qualified.

33
34 (c) Powers and Duties - The ~~library trustee~~Library Trustees shall ~~ensure~~ that members of the
35 Bridgewater community have the right and means to free and open access to information
36 and ideas. The library protects intellectual freedom, promotes literacy and encourages life-
37 long learning.

38
39 (d) Filling of Vacancies - If a vacancy occurs in the membership of the ~~library trustee~~Library
40 Trustees whether by failure to elect or otherwise, the ~~library trustee~~Library Trustees have 30
41 days from the date the vacancy is declared to exist by the ~~town clerk~~Town Clerk under
42 section 109 of chapter 41 of the General Laws, to act to appoint a person to fill the vacancy.
43 The appointments will be approved by the ~~town council~~Town Council. If the vacancy is not
44 filled within 30 days after the vacancy is declared to exist the appointment will defer to the
45 ~~town council~~Town Council. The appointee will serve for the balance of the unexpired term.
46 A person so chosen shall be sworn and commence to serve forthwith. ~~Library trustee~~Library

1 Trustees or ~~town council~~Town Council shall give consideration to whichever of the defeated
2 candidates for the seat in which the vacancy is declared to exist received the highest number
3 of votes at the last regular town election immediately preceding the date the vacancy is
4 declared to exist.

5
6 Section 3.3. Elected Official Recall Provision

7
8 (a) Any holder of an elective office in the Town~~town~~ of Bridgewater may be recalled and
9 removed therefrom by the qualified voters of said town as herein provided.

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

33
34 (c) If the petition shall be found and certified by the ~~town clerk~~Town Clerk and the ~~board of~~
35 ~~registrars~~Board of Registrars to be sufficient, the Town Clerk shall submit the same with the
36 Town Clerk's certification to the Town Council without delay, and said Council shall within
37 seven days give written notice of the receipt of the certificate to the officer sought to be
38 recalled and shall, if the officer does not resign within five days thereafter, order an election
39 to be held on a date fixed by them not less than sixty nor more than ninety days after the
40 date of the ~~town clerk~~Town Clerk's certification that a sufficient petition has been filed;
41 provided, however, if any other town election is to occur within one hundred days after
42 certification, the Town Council shall postpone the holding of the recall election to the date
43 of such other election. If a vacancy occurs in said office after a recall election has been
44 ordered, the election shall nevertheless proceed as specified in the section provided.

1 (d) An officer sought to be removed may be a candidate to succeed him or herself and, unless
2 the officer requests otherwise in writing, the ~~town clerk~~Town Clerk shall place his name on
3 the ballot without nomination. The nomination of other candidates, the publication of the
4 warrant for the recall election, and the conduct of the same, shall all be in accordance with
5 the provisions of law relating to elections, unless otherwise provided in this act.
6

7 (e) The incumbent shall continue to perform the duties of office until the recall election. If then
8 re-elected, he shall continue in office for the remainder of the unexpired term, subject to
9 recall as before, except as provided in this sectionaet. If the majority of the votes cast upon
10 the question of recall is in the affirmative, the candidate receiving the highest number of
11 votes shall be declared elected. If not re-elected in the recall election, the officer shall be
12 deemed removed upon the qualification of his successor, who shall hold office during the
13 unexpired term. If the successor fails to qualify within five days after receiving notification
14 of his election, the incumbent shall be deemed removed and the office vacant.
15

16 (f) Ballots used in a recall election shall submit the following proposition in the order indicated:
17 FOR the recall of (name of officer) (office held) or AGAINST the recall of (name of officer)
18 (office held). Immediately at the right of each proposition there shall be an oval in which the
19 voter, by filling in the oval, may vote for either of said propositions. Under the proposition
20 shall appear the word "Candidates", the direction "Vote for One", and beneath this the
21 names of candidates nominated as hereinbefore provided. In the case of machine voting or
22 punch card balloting, or other forms of balloting provision shall be made to allow the same
23 intent of the voter. If a majority of the votes cast upon the question of recall is in the
24 affirmative, the candidate receiving the highest number of votes shall be declared elected. If
25 a majority of votes on the question is in the negative, the ballots for candidates need not be
26 counted.
27

28 (g) No recall petition shall be filed against an officer within six months after taking office, or in
29 the case of an officer subjected to a recall election and not removed thereby, until at least six
30 months after that election.
31

32 (h) No person who has been recalled from an office or who has resigned from office while
33 recall proceedings were pending against him, shall be appointed to any town office within
34 two years after such removal by recall or resignation.
35

Section 3-4. Town Clerk

36
37 ~~(a) Composition, Election—A town clerk shall be elected by and from the voters at large.~~

38
39 ~~(b) Term of Office—The term of office for a town clerk shall be for 3 years beginning on the~~
40 ~~second Monday following election and continuing until a successor is qualified.~~

41
42 ~~(c) Powers and Duties—The town clerk shall: (1) be the keeper of vital statistics of the town; (2)~~
43 ~~be the custodian of the town seal and of all records of the town; (3) administer the oath of~~
44 ~~office to all town officers; (4) issue licenses and permits as may be provided by law and (5)~~
45 ~~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.~~

3
4
5
6
7 ARTICLE III-A – TOWN CLERK

8
9 Section 3-A. Appointment, Term of Office, Powers and Duties

10
11 (a) Appointment – A town clerk shall be appointed by the Town Council.

12 (b) Term of Office – The term of office for a town clerk shall be for 3 years beginning on the
13 second Monday following appointment and continuing until a successor is qualified.

14 (c) Powers and Duties – The town clerk shall: (1) be the keeper of vital statistics of the town;
15 (2) be the custodian of the town seal and all records of the town; (3) administer the oath of
16 office to all town officers; (4) issue licenses and permits as may be provided by law and (5)
17 be responsible for the conduct of elections and all matters relating thereto.

18
19 The town clerk shall have the powers and duties provided under any general or special law, the
20 charter, ordinance or other town council vote.

21
22
23
24 ARTICLE IV- TOWN MANAGER

25
26 Section 4-1. Appointment, Qualifications, Term of Office

27
28 The ~~town council~~Town Council shall appoint by a majority vote of the full ~~town council~~Town
29 Council, a ~~town manager~~Town Manager. The ~~town manager~~Town Manager shall be a person of
30 proven administrative ability, especially qualified by education and training with prior
31 experience as a city or town manager or an assistant city or town manager or the equivalent
32 public or private sector level experience. The ~~town council~~Town Council may from time to time
33 establish additional qualifications as deemed necessary and appropriate. The ~~town~~
34 ~~manager~~Town Manager shall devote full-time to the duties of the office and shall not hold any
35 other elective or appointive office in the town, nor shall the ~~town manager~~Town Manager
36 engage in other business unless such business is approved in advance by a majority vote in
37 public session of the ~~town council~~Town Council. The ~~town manager~~Town Manager need not be
38 a resident of the town, but must be a United States citizen.

39
40 Section 4-2. Administrative Powers and Duties

41
42 (A) The ~~town manager~~Town Manager shall be the chief administrative officer of the town and
43 shall be responsible to the ~~town council~~Town Council for the proper operation of town
44 affairs for which the ~~town manager~~Town Manager is given responsibility under this
45 ~~charter~~Charter. The powers, duties and responsibilities of the ~~town manager~~Town Manager

1 shall apply to all municipal departments excluding ~~the Bridgewater-Raynham~~ the Regional
2 School Districts, and shall include, but shall not be limited to, the following:

3
4 1) to supervise, direct and be responsible for the efficient administration of all officers
5 appointed by the ~~town manager~~ Town Manager and their respective departments and of all
6 functions for which the ~~town manager~~ Town Manager is given responsibility under this
7 ~~charter~~ Charter, by ordinance or by vote of the ~~town council~~ Town Council;

8
9 a. ~~With the consent of town council, the town manager may serve as the head of 1~~
10 ~~or more departments, offices or agencies or may appoint 1 person as the head of~~
11 ~~2 or more of them;~~

12
13 2) to administer either directly or through a person supervised by the ~~town manager~~ Town
14 Manager, in accordance with this ~~Charter~~ Charter, all provisions of any general or special law
15 applicable to the town, all ordinances and all regulations established by the ~~town~~
16 ~~council~~ Town Council;

17
18 3) to coordinate all activities of town departments or appointed boards, committees or
19 agencies;

20
21 4) to provide consultative services to elected boards, committees or agencies;

22
23 5) to attend all regular and special meetings of the ~~town council~~ Town Council, unless excused,
24 and answer all questions addressed to the ~~town manager~~ Town Manager which are related to
25 matters under the general supervision of the ~~town manager~~ Town Manager;

26
27 6) to have the right to take part in discussions of the ~~town council~~ Town Council, but not vote;

28
29 7) to keep the ~~town council~~ Town Council fully informed as to the needs of the town, and to
30 recommend to the ~~town council~~ Town Council for adoption, such measures requiring action
31 by them as the ~~town manager~~ Town Manager deems necessary or expedient;

32
33 8) to make recommendations to the ~~town council~~ Town Council concerning the affairs of the
34 town and facilitate the work of the ~~town council~~ Town Council in developing policy;

35
36 9) to ensure that complete and full records of the financial and administrative activity of the
37 town are maintained and to render reports to the ~~town council~~ Town Council and finance
38 committee as may be required;

39
40 10) to be responsible for the rental, use, maintenance and repair of all town facilities;

41
42 11) to be responsible for the purchase of all supplies, materials and equipment and approve the
43 award of all contracts;

44
45 12) to develop and maintain a full and complete inventory of all town-owned real and personal
46 property;

- 13) to administer personnel policies, practices or rules and regulations, any compensation plan and related matters for all town employees and to administer all collective bargaining agreements entered into by the town;
- 14) to fix the compensation of all town employees and officers appointed by the ~~town manager~~Town Manager within the limits established by appropriation and applicable compensation plan;
- 15) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment. The ~~town manager~~Town Manager may employ special counsel to assist in the performance of these duties. Insofar as they require appropriations, contracts shall be subject to the approval of the ~~town council~~Town Council.
- 16) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast as provided in Article VI;
- 17) to ensure that the ~~council president~~Council President is kept fully informed of and fully involved in the town's emergency preparedness planning and preparation;
- 18) to keep the ~~town council~~Town Council fully informed as to the financial condition of the town and to make recommendations to the ~~town council~~Town Council as the ~~town manager~~Town Manager determines necessary or expedient;
- 19) to assist the ~~town council~~Town Council to develop long-term goals for the town and strategies to implement these goals;
- 20) to investigate or inquire into the affairs of any town department, agency or office;
- 21) to delegate, authorize or direct a subordinate or employee of the town to exercise any power, duty or responsibility which the office of ~~town manager~~Town Manager may exercise; provided, however, that all acts that are performed under the delegation shall be considered to be the acts of the ~~town manager~~Town Manager;
- 22) to perform such other duties as necessary or as may be assigned by this ~~charter~~Charter, by ordinance or by vote of the ~~town council~~Town Council;
- 23) to provide staff support services for the ~~council president~~Council President and ~~town council~~Town Council members;
- 24) to serve as the town's liaison to any regional entity of which the town is a member and to explore opportunities for intergovernmental cooperation;
- 25) to promote partnerships among ~~town council~~Town Council, staff, citizens and businesses in developing public policy and building a sense of community; and

1 26) to hold regular informational sessions with departments and community-based
2 organizations.

3
4 (B) With the consent of ~~town council~~Town Council, the ~~town manager~~Town Manager may
5 serve as the head of one or more departments, offices or agencies or may appoint one person
6 as the head of two or more of them.

7
8 Section 4-3. Powers of Appointment

9
10 (a) Department Heads - Except as otherwise provided by this ~~charter~~Charter, the ~~town~~
11 ~~manager~~Town Manager shall appoint, based upon merit and fitness alone, all department
12 heads. All appointments of department heads, as defined within the administrative code,
13 shall be subject to the ratification of the ~~town council~~Town Council. The ~~town~~
14 ~~manager~~Town Manager shall also appoint officers, subordinates and employees for whom
15 no other method of selection is provided in this ~~charter~~Charter; provided, however, that the
16 ~~town manager~~Town Manager shall not appoint employees of the regional school district and
17 persons serving under officers elected directly by the voters of Bridgewater. In accordance
18 with the procedures set forth in section 5-2, the ~~town manager~~Town Manager may be
19 required to consult with or engage in a joint recruitment and selection process with multiple
20 member bodies, before the appointment of department heads or employees who perform
21 tasks under the jurisdiction of the multiple member bodies.

22
23 (b) Boards, Committees, and Agencies - Except as otherwise provided by this ~~charter~~Charter,
24 the ~~town manager~~Town Manager shall appoint all boards, committees and agencies.
25 Members of all appointed boards and committees shall be residents of the town. All
26 appointments of boards, committees and agencies, as defined within the administrative code,
27 shall be subject to the ratification of the ~~town council~~Town Council. The ~~town~~
28 ~~manager~~Town Manager shall form a citizen's advisory committee to help in evaluating and
29 selecting those individuals for appointment. The number and terms of office of the
30 committee shall be established by ordinance.

31
32 Section 4-4. Powers of Suspension, Removal

33
34 The ~~town manager~~Town Manager shall have the authority to suspend or remove department
35 heads and appointive administrative officers provided for by or under this ~~charter~~Charter, except
36 as otherwise provided by-law, collective bargaining agreements, this ~~charter~~Charter or
37 personnel rules adopted pursuant to this ~~charter~~Charter. The ~~town manager~~Town Manager may
38 authorize an administrative officer subject to the manager's direction and supervision to exercise
39 these powers with respect to subordinates in that officer's department, office or agency.

40
41 Section 4-5. Compensation

42
43 The ~~town manager~~Town Manager shall receive such compensation for services as the ~~town~~
44 ~~council~~Town Council shall determine, but such compensation shall be within the limits of
45 available appropriations.

1 Section 4-6. Vacancy in Office

2
3 A vacancy in the office of ~~town manager~~Town Manager shall be filled as soon as possible by
4 the ~~town council~~Town Council. Pending appointment of the ~~town manager~~Town Manager or the
5 filling of any vacancy, the ~~town council~~Town Council shall forthwith appoint some other
6 qualified person to perform the duties of the ~~town manager~~Town Manager. The appointment of
7 the acting ~~town manager~~Town Manager shall be for a term not to exceed ~~three~~3 months;
8 provided, however, that a renewal, not to exceed an additional ~~three~~3 months may be provided.

9
10 Section 4-7. Temporary Absence

11
12 The ~~town manager~~Town Manager shall designate by letter filed with the ~~town council~~Town
13 Council and ~~elected town clerk~~Town Clerk, a qualified officer of the ~~town~~Town to perform the
14 duties of the ~~town manager~~Town Manager during a temporary absence or disability. The ~~town~~Town
15 ~~council~~Council may not revoke such designation until at least 14 days have elapsed
16 whereupon it may appoint such other person to perform the duties of the ~~town manager~~Town
17 Manager. In the event of failure of the ~~town manager~~Town Manager to make such designation
18 or if the person so designated is for any reason unable to serve, or is deemed not qualified by the
19 ~~town council~~Town Council, the ~~town council~~Town Council may designate some other qualified
20 person to perform the duties of the ~~town manager~~Town Manager until the ~~town manager~~Town
21 Manager returns.

22
23 Section 4-8. Removal of Town Manager

24
25 The ~~town council~~Town Council, by affirmative vote of a majority of the full ~~town council~~Town
26 Council, may vote to terminate, remove or suspend the ~~town manager~~Town Manager from
27 office in accordance with the following procedure:

28 (1) Before removal or termination the ~~town council~~Town Council shall adopt a preliminary
29 resolution of removal by the affirmative vote of a majority of the full ~~town council~~Town
30 Council. The preliminary resolution may suspend the ~~town manager~~Town Manager for a
31 period not to exceed 30 days. A copy of the resolution shall be delivered to the ~~town~~Town
32 ~~manager~~Manager forthwith. If so requested by the ~~town manager~~Town Manager,
33 the ~~town council~~Town Council shall provide a written statement setting forth the reasons
34 for the removal or termination.

35 (2) Within ~~five~~5 days after the receipt of the preliminary resolution, the ~~town manager~~Town
36 Manager may request a public hearing by filing a written request for such hearing with
37 the ~~town council~~Town Council. If such a hearing is requested, the hearing shall be held
38 at a meeting of the ~~town council~~Town Council not later than 20 days from the date of
39 request. At such hearing the ~~town manager~~Town Manager shall be entitled to address the
40 ~~town council~~Town Council and make comments related to the preliminary resolution.

41 (3) If a public hearing has not been requested by the ~~town manager~~Town Manager, the ~~town~~Town
42 ~~council~~Council may adopt a final resolution of removal, which may be effective
43 immediately, by the affirmative vote of a majority of the full ~~town council~~Town Council
44 at any time after 10 days following the date of delivery of a copy of the preliminary
45 resolution to the ~~town manager~~Town Manager.

1 (4) If the ~~town-manager~~Town Manager requests a public hearing, the ~~town-council~~Town
2 Council may, at the conclusion of the hearing or within ~~five~~5 days of the conclusion of
3 the hearing, adopt a final resolution of removal by an affirmative vote of majority of the
4 full ~~town-council~~Town Council.

5 (5) The ~~town-council~~Town Council may suspend by an affirmative vote of the majority of
6 the full ~~town-council~~Town Council, the ~~town-manager~~Town Manager pending and
7 during any public hearing as requested by the ~~town-manager~~Town Manager.

8 (6) The ~~town-manager~~Town Manager shall continue to receive a salary until the final date of
9 removal becomes effective unless provided otherwise.

10 ~~(7)~~(7) The action of the ~~town-council~~Town Council in terminating, removing or
11 suspending the ~~town-manager~~Town Manager shall be final.

12
13 Section 4-9. Annual Review of the Town Manager

14
15 Annually, the ~~council-president~~Council President shall cause the ~~town-council~~Town Council to
16 prepare and deliver to the ~~town-manager~~Town Manager a written evaluation of the ~~town-~~
17 ~~manager~~Town Manager's performance. The evaluation shall be conducted in accordance with
18 any applicable general or special law.

19
20
21
22
23 ARTICLE V- ADMINISTRATIVE ORGANIZATION

24
25 Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

26
27 The organization of the ~~town~~Town into operating agencies for the provision of services and the
28 administration of government may, under charter powers granted in section 20 of chapter 43B
29 of the General Laws, be accomplished through either of ~~two~~2 methods provided in this section.
30 For the convenience of the public, the administrative code and any amendments thereto shall be
31 printed as an appendix to, but not an integral part, of the ordinances of the ~~town~~Town.

32
33 (a) Ordinance - Subject only to the express prohibitions in any general or special law or the
34 provisions of this ~~charter~~Charter, the ~~town-council~~Town Council may by ordinance,
35 reorganize, consolidate, create, merge, divide or abolish any ~~town~~Town agency, in whole or
36 in part, establish such new ~~town~~Town agencies as it deems necessary or advisable,
37 determine the manner of selection, the term of office and prescribe the functions of all such
38 agencies.

39
40 (b) Executive Reorganizations - The ~~town-manager~~Town Manager may from time to time
41 prepare and submit to the ~~town-council~~Town Council a plan of organization or
42 reorganization which establishes operating divisions for the orderly, efficient or convenient
43 conduct of business of the ~~town~~Town.

44
45 (1) Whenever the ~~town-manager~~Town Manager prepares such plan, the ~~town-~~
46 ~~manager~~Town Manager shall hold ~~one~~1 or more public hearings on the proposal

1 giving notice by publication in a local newspaper, if required by state law, or on the
2 ~~town~~Town's official website, which notice shall describe the scope of the proposal
3 and the time and place at which the public hearing will be held, not less than seven
4 nor more than 14 days following the date of the publication.

5 (2) Following the public hearing, the proposal, which may be amended by the ~~town~~
6 managerTown Manager subsequent to the public hearing, shall be submitted to the
7 ~~town council~~Town Council.

8 (3) An organization or reorganization plan shall become effective at the expiration of the
9 60 days following the date of submission of the proposal to the ~~town council~~Town
10 Council unless the ~~town council~~Town Council shall, by a majority vote, vote to
11 disapprove the plan.

12 (4) The ~~town council~~Town Council may vote only to approve or disapprove the plan and
13 no vote to amend or alter it shall be deemed in order.

14 (5) The ~~town manager~~Town Manager may propose reorganization plans and subject
15 only to express prohibitions of any general or special or this ~~charter~~Charter,
16 reorganize, consolidate or abolish in whole or in part ~~town~~Town agencies or
17 establish such new ~~town~~Town agencies as is deemed necessary to the same extent as
18 is provided in subsection (1) of section 5-1, for ordinances; and for such purpose
19 may transfer the duties and powers and so far as is consistent with the use for which
20 the funds were voted by the ~~town council~~Town Council, transfer the appropriation of
21 ~~one~~ ~~town~~Town agency to another.

22 (4)(6) Whenever a reorganization proposal becomes effective, whether under the
23 provisions of subsection (a) or (b), no proposal to again reorganize which deals with
24 substantially the same subject matter shall be acted upon within 18 months following
25 the first reorganization, except on the petition of the ~~town manager~~Town Manager.

26
27 Section 5-2. Personnel Administration

28
29 The ~~town manager~~Town Manager shall adopt rules and regulations establishing a personnel
30 system. The personnel system shall make use of modern concepts of personnel management and
31 may include, but not be limited to, the following elements:

- 32
33 1) a method of administration;
- 34
35 2) personnel policies indicating the rights, obligations and benefits of employees;
- 36
37 3) a classification plan;
- 38
39 4) a compensation plan;
- 40
41 5) a method of recruiting and selecting employees based upon merit principles;
- 42
43 6) a centralized record keeping system;
- 44
45 7) a merit based performance evaluation system;
- 46

- 1 8) disciplinary procedures; and
- 2
- 3 9) other elements that are determined necessary.
- 4

5 All ~~town~~Town agencies and positions shall be subject to the rules and regulations adopted under
6 this section; provided, however, that this shall not include employees of the regional school
7 departments.

8
9 Department heads shall have the authority to appoint, suspend and remove based upon merit and
10 fitness alone all department subordinates and employees, except as otherwise provided by -law,
11 collective bargaining agreements, this ~~eharter~~Charter or personnel rules adopted under this
12 ~~eharter~~Charter. Employees of the regional school departments and persons serving under
13 officers elected directly by the voters of the ~~town~~Town are excluded.

14
15 Section 5-3. Town Attorney

16
17 (a) Appointment - There shall be a legal officer of the ~~town~~Town appointed by the ~~town~~town
18 ~~manager~~Town Manager subject to confirmation by the ~~town council~~Town Council.

19
20 (b) Role - The legal officer shall serve as chief legal advisor to the ~~town council~~Town Council,
21 the ~~town manager~~Town Manager and all ~~town~~Town departments, offices and agencies, shall
22 represent the ~~town~~Town in all legal proceedings and shall perform other duties prescribed
23 by any general or special law, by this ~~eharter~~Charter or by ordinance.

24
25
26
27
28 ARTICLE VI- FINANCIAL MANAGEMENT

29
30 Section 6-1. Annual Budget Policy

31
32 The ~~council president~~Council President shall call a joint meeting of the ~~town council~~Town
33 Council, the ~~Regional~~regional school committeeSchool Committee chairman, or his designee,
34 the ~~Finance Committee~~finance committee, the ~~town manager~~Town Manager and any other
35 committee established for the budget process, before the commencement of the budget process
36 to review the financial condition of the ~~town~~Town, revenue and expenditure forecasts and other
37 relevant information in order to develop a coordinated budget.

38
39 The fiscal year of the ~~town~~Town shall begin annually on the first day of July and end on the last
40 day of June.

41
42 Section 6-2. Submission of Budget; Budget Message

43 Not later than February 1st of each year, the ~~town manager~~Town Manager shall submit to the
44 ~~town council~~Town Council a preliminary budget for the ensuing fiscal year and an
45 accompanying message

1 Within the period prescribed by any general or special law, ~~but no later than April 1, and the~~
2 ~~regional school district agreement,~~ the ~~town manager~~Town Manager shall ~~file with the town~~
3 ~~council~~Town ~~clerk~~Council Clerk ~~submit to the town council~~ a proposed operating budget and
4 ~~budget message~~ for all ~~town~~Town agencies ~~and regional school districts~~. The budget message
5 submitted by the ~~town manager~~Town Manager shall explain the budget in fiscal terms and in
6 terms of work programs for all ~~town~~Town agencies. It shall outline the proposed fiscal policies
7 of the ~~town~~Town for the ensuing fiscal year and shall describe important features of the
8 proposed budget and indicate any major variations from the current budget, fiscal policies,
9 expenditures and revenues together with reasons for such change. The proposed budget shall
10 provide a complete fiscal plan of all ~~town~~Town funds and activities and shall be in the form the
11 ~~town manager~~Town Manager deems desirable.

12
13 ~~The regional school district proposed budget, as adopted by the school committee for the~~
14 ~~ensuing fiscal year, with an accompanying budget message and supporting documents will be~~
15 ~~presented to the town council by the town manager.~~

16
17 ~~On a date as determined from time to time by ordinance, but not later than February 1st of each~~
18 ~~year, the town manager shall submit to the town council a preliminary budget for the ensuing~~
19 ~~fiscal year and an accompanying message. The final budget should be submitted by the first~~
20 ~~town council meeting in April, unless the~~The town managerTown Manager mayshall request an
21 ~~time~~ extension of time. The extension may be granted at the discretion of the ~~town council~~Town
22 ~~Council~~, but must provide for a reasonable and timely review of the proposed budget.

23
24 (a) Budget - The budget shall provide a complete financial plan of all ~~town~~Town funds and
25 activities for the ensuing fiscal year and, except as required by-law or this ~~charter~~Charter,
26 shall be in the form as the ~~town manager~~Town Manager deems desirable or the ~~town~~
27 ~~council~~Town Council may require for effective management and an understanding of the
28 relationship between the budget and the ~~town~~Town's strategic goals. The budget shall be
29 realistic and based on a forecast of those scenarios most likely to occur in the coming year.
30 The budget shall begin with a clear general summary of its contents, shall show in detail all
31 estimated income, indicating the proposed property tax levy and all proposed expenditures,
32 including debt service, for the ensuing fiscal year and shall show comparative figures for
33 actual and estimated income and expenditures of the current fiscal year and actual income
34 and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- 35
36 1) The proposed goals and expenditures for current operations during the ensuing fiscal
37 year, detailed for each fund by department or by other organization unit, and program,
38 purpose or activity, method of financing such expenditures and methods to measure
39 outcomes and performance related to the goals;
40
41 2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,
42 detailed for each fund by department or by other organization unit when practical, the
43 proposed method of financing each such capital expenditure and methods to measure
44 outcomes and performance related to the goals; and
45

1 3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year
2 for each utility or other enterprise fund or internal service fund operated by the
3 ~~town~~Town and methods to measure outcomes and performance related to the goals;
4 provided, however, that for any fund, the total of proposed expenditures shall not exceed
5 the total of estimated income plus carried forward fund balance exclusive of reserves.
6

7 (b) Budget Message - The ~~town manager~~Town Manager's message shall explain the budget both
8 in fiscal terms and in terms of the work programs, linking those programs to organizational
9 goals and community priorities. It shall outline the proposed financial policies of the
10 ~~town~~Town for the ensuing fiscal year and the impact of those policies on future years. It
11 shall describe the important features of the budget, indicate any major changes from the
12 current year in financial policies, expenditures and revenues together with the reasons for
13 such changes, summarize the ~~town~~Town's debt position, including factors affecting the
14 ability to raise resources through debt issues and include such other material as the ~~town~~
15 ~~manager~~Town Manager deems desirable.
16

17 Section 6-3. Action of the Budget
18

19 (a) Public Hearing - The ~~town council~~Town Council shall publish in a newspaper of general
20 circulation in the ~~town~~Town, if required by law, or the town's official website, a
21 summary of the proposed operating budget as submitted by the ~~town manager~~Town
22 Manager, by a notice stating: (1) the times and places where copies of the entire proposed
23 budget are available for inspection by the public; and (2) The town council
24 shall identify a the date, time and place not less than 14 days after the publication, when a
25 public hearing on the proposed budget will be held by the ~~town council~~Town Council. For
26 the purpose of this section, the summary of the proposed operating budget that is required to
27 be published shall contain proposed appropriations, funding sources and any narrative
28 summary deemed necessary by the ~~town council~~Town Council. ~~The proposed budget will be~~
29 ~~published on the town's website not less than 14 days before the date of the public hearing.~~
30

31 (b) Adoption of the Budget – The ~~town council~~Town Council shall adopt the budget, with or
32 without amendments, within 45 days following the date the budget is filed with the ~~town~~
33 ~~council~~Town ~~clerk~~Council Clerk of the town council. In amending the budget, the ~~town~~
34 ~~council~~Town Council may delete or decrease any programs or amounts except expenditures
35 required by law or for debt service. The ~~town council~~Town Council shall not increase any
36 line item without a corresponding decrease in an identified line item and the total proposed
37 budget may not be increased from what was proposed unless otherwise authorized by any
38 general or special law. If the ~~town council~~Town Council fails to take action with respect to
39 any item in the budget within 45 days after receipt of the budget, the amount shall, without
40 any action by the ~~town council~~Town Council become a part of the appropriations for the
41 year and be available for the purposes specified. The adopted budget will be published on
42 the ~~town~~Town's official website not less than 14 days after adoption.
43

44 (c) ~~Budget to Actual Assessments—The town manager shall conduct a mid-year budget to~~
45 ~~actual comparison, showing significant variances, for review and presentation to the public.~~

1 ~~The mid-year assessment will be published on the town's website not less than 14 days after~~
2 ~~review with the public.~~

3
4 Section 6-4. Supplementary Budgets and Appropriations

5
6 Whenever the ~~town manager~~Town Manager submits to the ~~town council~~Town Council a request
7 for an appropriation of any sum of money, whether as a supplement to the annual operating
8 budget or for an item not included therein, the ~~town council~~Town Council shall not act upon the
9 request until it has given notice by publication in a ~~local~~newspaper of general circulation in the
10 ~~town~~Town, if required by state law, or the townTown's official website of the request and held a
11 public hearing concerning the request. The publication and the public hearing shall be in
12 conformity with the provisions of subsection (a) of section 6-3 concerning the proposed annual
13 operating budget.

14
15 (a) Supplemental Appropriations - If during or before the fiscal year begins, the ~~town~~
16 ~~manager~~Town Manager certifies that there are available for appropriation, revenues in
17 excess of those estimated in the budget, ~~town council~~Town Council by ordinance may make
18 supplemental appropriations for the year up to the amount of the excess.

19
20 (b) Emergency Appropriations - To address a public emergency affecting life, health, property
21 or the public peace, the ~~town council~~Town Council may make emergency appropriations as
22 provided under M.G.L. c. 44, section 31. The appropriations may be made by emergency
23 ordinance in accordance with Article II. To the extent that there are no available
24 unappropriated revenues or a sufficient fund balance to meet the appropriations, the ~~town~~
25 ~~council~~Town Council may by an emergency ordinance authorize the issuance of emergency
26 notes, which may be renewed from time to time, but the emergency notes and renewals of
27 any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the
28 fiscal year next succeeding that in which the emergency appropriation was made.

29
30 (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable to the
31 ~~town manager~~Town Manager that the revenues or fund balances available will be
32 insufficient to finance the expenditures for which appropriations have been authorized, the
33 manager shall report to the ~~town council~~Town Council without delay, indicating the
34 estimated amount of the deficit, any remedial action taken by the ~~town manager~~Town
35 Manager and recommendations as to any other steps to be taken. The ~~town council~~Town
36 Council shall then take the further action as it deems necessary to prevent or reduce any
37 deficit and for that purpose it may by ordinance reduce or eliminate ~~one~~+ or more
38 appropriations.

39
40 (d) Transfer of Appropriations - At any time during or before the fiscal year, 1) the ~~finance~~
41 ~~director~~town manager, with concurrence of the town manager~~from the~~Town Manager
42 ~~finance committee and the town council~~, may transfer up to a maximum of an amount cited
43 in M.G.L. c. 30B, section 5~~\$25,000~~ of the unencumbered appropriation balance from ~~one~~+
44 department, fund, service, strategy or organizational unit to the appropriation for other
45 departments or organizational units or a new appropriation. The town manager~~Town~~
46 Manager~~and~~ shall report the transfers to the ~~town council~~Town Council in writing within a

1 14-day period. 2) The ~~finance director~~town manager may also, with concurrence ~~of the town~~
2 ~~manager~~Town Manager~~from the finance committee and town council~~, transfer up to a
3 maximum of an amount cited in M.G.L. c. 30B, section 5~~funds~~ among line items within a
4 department, fund, service, strategy or organizational unit. ~~The town manager~~Town Manager
5 ~~and~~ shall report the transfers to the ~~town council~~Town Council in writing within a 14-day
6 period.

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

17

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

19

20 The ~~town council~~Town Council ~~may~~shall provide by ordinance the procedures for
21 administration and fiduciary oversight of the budget.

22

23 Section 6-6. Capital Improvements Program

- 24
- 25 (a) Preparation - The ~~town manager~~Town Manager ~~may~~shall, in conjunction with any
26 committee established for such purpose, annually submit a ~~five~~5-year capital improvement
27 program ~~by a date established by to the town council at least 30 days before the date for~~
28 ~~submission of the operating budget, unless some other time is provided by~~ ordinance.

- 29
- 30 (b) Contents - The capital improvement program shall include:

- 31
- 32 1) A clear general summary of its contents;
- 33
- 34 2) Identification of the long-term goals of the community;
- 35
- 36 3) A list of all capital improvements and other capital expenditures proposed to be
37 undertaken during the fiscal years next ensuing, with appropriate supporting information
38 as to the necessity for each;
- 39
- 40 4) Cost estimates and ~~implementation~~recommended time schedules for each improvement
41 or other capital expenditure;
- 42
- 43 5) Method of financing upon which each capital expenditure is to be reliant;
- 44
- 45 6) The estimated annual cost of operating and maintaining the facilities to be constructed or
46 acquired;

- 1
2 7) A commentary on how the plan addresses the sustainability of the community and the
3 region of which it is a part; and
4
5 8) Methods to measure outcomes and performance of the capital plan related to the long-
6 term goals of the community.
7

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

10
11 (c) Public Hearing - The ~~town council~~Town Council shall publish ~~on the town~~Town's official
12 ~~website and, if required by state law,~~ in a newspaper of general circulation in the ~~town~~Town
13 a summary of the proposed capital improvement plan as submitted by the ~~town~~Town
14 ~~manager~~Town Manager. ~~The town council~~Town Council shall identify ~~a by a notice stating:~~
15 ~~(1) the times and places where copies of the entire proposed capital improvement plan are~~
16 ~~available for inspection by the public; and (2) the~~ date, time and place not less than 14 days
17 after the publication, when a public hearing on the proposed capital improvement plan will
18 be held ~~by the town council. The proposed capital improvement plan will be published on~~
19 ~~the town's website not less than 14 days before the date of the public hearing.~~

20
21 (d) Adoption of the Capital Improvement Program - ~~Town council~~Town Council shall adopt the
22 capital improvement plan, with or without amendments, ; provided that each amendment
23 must be voted separately and that any increase in the capital improvement plan as submitted
24 must clearly identify and approve the method of financing proposed to accomplish the
25 increase. The proposed capital improvement plan will be published on the ~~town~~Town's
26 website upon adoption.
27

28 Section 6-7. Long Term Financial Forecast

29

30 (a) The ~~town manager~~Town Manager shall annually prepare a ~~five~~5-year financial forecast of
31 ~~town~~Town revenue, expenditures and the general financial condition of the ~~town~~Town. The
32 forecast shall include, but not be limited to: (1) an identification of factors which will impact on
33 the financial condition of the ~~town~~Town; (2) revenue and expenditure trends; and (3) potential
34 sources of new or expanded revenues and any long or short-term actions which may be taken
35 that may enhance the financial condition of the ~~town~~Town. The forecast shall be submitted to
36 the ~~town council~~Town Council and finance committee and shall be available to the public for
37 inspection. The long-term financial forecast shall be published on the ~~town~~Town's official
38 website and when updates occur, they shall be posted in a timely manner.
39

40 Section 6-8. Annual Independent Audit

41

42 The ~~town manager~~Town Manager~~council~~ shall provide for an independent annual audit of all
43 ~~town~~Town accounts and may provide for more frequent audits as it deems necessary. An
44 independent certified public accountant or firm of such accountants shall make the audits. The
45 audits should be performed in accordance with generally-accepted auditing standards and
46 generally-accepted governmental auditing standards.

1
2 The ~~town council~~Town Council shall designate no fewer than ~~three~~3 of its members to serve as
3 an audit committee. The committee shall:

4
5 ~~1) Lead the process of selecting an independent auditor;~~

6
7 ~~2) Direct the work of the independent auditor as to the scope of the annual audit and any~~
8 ~~matters of concern with respect to internal controls; and~~

9
10 Receive the report of the internal auditor and present that report to the ~~town council~~Town
11 Council with any recommendations from the committee.

12
13 The ~~town manager~~Town Manager~~council~~ shall, ~~using competitive bidding,~~ designate such
14 accountant or firm which shall be ratified by the town council~~Town Council~~annually or for a
15 period not exceeding ~~five~~5 years, ~~but the designation for a particular fiscal year shall be made~~
16 ~~not later than 30 days after the beginning of the fiscal year. The standard for independence is~~
17 ~~that~~ ~~†~~The auditor must be capable of exercising objective and impartial judgment on all issues
18 encompassed within the audit engagement. ~~No accountant or firm may provide other services to~~
19 ~~the town during the time it is retained to provide independent audits to the town. The town~~
20 ~~council may waive this requirement by a majority vote at a public hearing. If the commonwealth~~
21 ~~makes such an audit, the council may accept it as satisfying the requirements of this section.~~

22
23 Section 6-9. Financecial Committee

24
25 (a) There shall be a Finance Committee~~finance committee~~, the number of members and terms of
26 office of which shall be established by ordinance. ~~consisting of 9~~5 ~~members, appointed each~~
27 ~~for a 3-year staggered term, the members of which shall be appointed as follows: 3~~2
28 ~~members by the town manager and, 3 members by the town council and 3 members by the~~
29 ~~elected town clerk.~~ The finance committee shall report in writing its recommendations on
30 finance related matters ~~to~~before the ~~town council~~Town Council, ~~in writing, at least 10 days~~
31 ~~before a scheduled town council meeting.~~ Before preparing its recommendations, the
32 finance committee shall hold ~~one~~+ or more public meetings to permit discussion of ~~all~~
33 finance matters before the ~~town council~~Town Council, except those matters subject to public
34 hearings by other multiple-member ~~town~~Town bodies and not containing appropriations.
35 The finance committee shall have such additional powers and duties as may be provided by
36 the General Laws, by this ~~charter~~Charter or by ~~ordinance~~by law.

37 (a)(b)

38
39 ~~The finance committee, town accountant and town treasurer collector shall support the overall~~
40 ~~budget process.~~ The ~~town manager~~Town Manager~~accountant or his designee and town~~
41 ~~treasurer collector~~ shall have ex-officio membership, without voting rights on the committee.
42 The finance committee shall carry out its duties in accordance with the provisions of general
43 law, this ~~charter~~Charter and ~~ordinance~~by law and it shall have regular and free access and
44 inspection rights to all books and accounts of any ~~town~~Town department or office. ~~The~~
45 ~~committee shall carefully examine all budget and appropriations proposals and shall issue its~~
46 ~~review thereon before consideration, debate and vote by the town council.~~

1
2 Section 6-10. Financial Management Standards

3
4 The ~~town council~~Town Council may by ordinance establish reasonable standards relating to the
5 management of financial systems and practices. Any standards adopted shall conform to modern
6 concepts of financial management.

7
8 Section 6-11. Public Records

9
10 Copies of the budget, capital program, independent audits and appropriation and revenue
11 ordinances shall be public records and shall be published on the ~~town~~Town's website.

12
13
14
15
16 ARTICLE VII- ELECTIONS AND; RELATED MATTERS

17
18 Section 7-1. Town Elections

19
20 The regular ~~town~~Town election of ~~town~~Town officers shall be held annually on the Saturday
21 preceding the last Monday in April.

22
23 Section 7-2. Non-Partisan Elections

24
25 All elections for ~~town~~Town offices shall be non-partisan and election ballots shall be printed
26 without any party mark, emblem or other designation whatsoever

27
28 Section 7-3. Signature Requirements; Information to Voters; Ballot Position

29
30 (a) Signature Requirements - The number of signatures of voters required to place the name of a
31 candidate on the official ballot to be used at an election shall be as follows: For an office
32 which is to be filled by the voters of the whole ~~town~~Town, not less than 150. For an office
33 which is to be filled by the voters of a district, not less than 100 from such district.

34
35 (b) Information to Voters - If the candidate in a regular ~~town~~Town election is an incumbent
36 elected by the voters to the office to which the candidate seeks election, against the
37 candidate's name shall appear the phrase "candidate for re-election".

38
39 (c) Ballot Position - The order in which names of candidates appear on the ballot for each office
40 in a regular ~~town~~Town election shall be determined by a drawing by lot conducted by the
41 ~~elected town clerk~~Town Clerk. At least 35 days before the date of the election, the ~~town~~town
42 ~~clerk~~Town Clerk shall post in a conspicuous place in the ~~town~~Town hall the names and
43 residences of the candidates for election who have duly qualified as candidates for election.
44 The order of the names as to appear on the ballot shall be drawn by the ~~town clerk~~Town
45 Clerk. In drawing by lot for position on the ballot the candidates shall have an opportunity to
46 be present in person or by one representative each.

1
2 Section 7-4. Districts
3

4 The territory of the ~~town~~Town shall be divided into ~~seven~~7 districts so established as to consist
5 of as nearly an equal number of inhabitants as it is possible to achieve based on compact and
6 contiguous territory, bounded insofar as possible by the center line of known streets or ways or
7 by other well defined limits. Each such district shall be composed of ~~one~~1 or more voting
8 precincts established in accordance with general laws. The ~~town council~~Town Council shall
9 from time to time, but at least once in each ~~ten~~10 years, review such districts to ~~ensure~~insure their
10 uniformity in number of inhabitants.

11
12 Section 7-5. Application of State Laws
13

14 Except as expressly provided in the ~~charter~~Charter and authorized by any general or special law,
15 all ~~town~~Town elections shall be governed by federal, state and local laws relating to the right to
16 vote, the registration of voters, the nomination of candidates, the conduct of elections, the
17 submission of charter amendments and other propositions, the counting of votes and the
18 declaration of results.

19
20
21
22
23 ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS
24

25 Section 8-1. Citizen Initiative Measures
26

27 (a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative
28 petition with the ~~elected town clerk~~Town Clerk. The petition shall be addressed to the ~~town~~
29 ~~council~~Town Council, shall contain a request for the passage of a particular measure which
30 shall be set forth in full in the petition and shall be signed by at least 50 voters. The petition
31 shall be accompanied by an affidavit signed by ~~ten~~10 voters and containing their residential
32 addresses stating they will constitute the petitioners' committee and be responsible for
33 circulating the petition and filing it in proper form. The person whose signature appears first
34 on the affidavit accompanying such petition petitioner shall be designated as clerk.

35
36 (b) Referral to Town Attorney - The ~~elected town clerk~~Town Clerk shall, forthwith following
37 receipt of each such proposed petition, deliver a copy of the petition to the ~~town~~Town
38 Attorney. The ~~town~~Town Attorney shall, within 15 days following receipt of a copy of the
39 petition, in writing, advise the ~~elected town clerk~~Town Clerk whether the measure as
40 proposed may lawfully be proposed by the initiative process and whether, in its present
41 form, it may be lawfully adopted by the ~~town council~~Town Council. If the opinion of the
42 ~~town~~Town Attorney is that the measure is not in proper form, the reply shall state the
43 reasons for such opinion, in full. A copy of the opinion of the ~~town~~Town Attorney shall
44 also be mailed by the ~~elected town clerk~~Town Clerk to the clerk of the petitioners'
45 committee.
46

1 (c) Submission to ~~elected~~ Town Clerk - If the opinion of the ~~town~~Town ~~A~~attorney is that the
2 petition is in proper form, the ~~elected town clerk~~Town Clerk shall provide blank forms for
3 the use of subsequent signers and shall print at the top of each blank a fair, concise summary
4 of the proposed measure, as determined by the ~~town~~Town ~~attorney~~Attorney, together with
5 the names and addresses of the first ~~ten~~10 voters who signed the originating petition. Within
6 ~~ten~~10 days following the date the blank forms are issued by the ~~elected town clerk~~Town
7 Clerk the petitions shall be returned and filed with the ~~elected town clerk~~Town Clerk signed
8 by at least ~~ten~~10 per cent of the total number of voters as of the date of the most recent
9 ~~town~~Town election. Signatures to an initiative petition need not all be on ~~one~~1 paper, but all
10 such papers pertaining to any ~~one~~1 measure shall be fastened together and shall be filed as a
11 single instrument, with the endorsement thereon of the name and residence address of the
12 person designated as filing the same. With each signature on the petition there shall also
13 appear the street and number of the residence of each signer. Within ~~ten~~10 days following
14 the filing of the petition the ~~board of registrars~~Board of Registrars of voters shall ascertain
15 by what number of voters the petition has been signed and what percentage that number is of
16 the total number of voters as of the date of the most recent ~~town~~Town election and shall
17 return the petition along with a certificate showing the results of the examination of the
18 ~~registrar~~Registrars of voters to the ~~elected town clerk~~Town Clerk. A copy of the certificate
19 of the ~~board of registrars~~Board of Registrars of voters shall also be mailed to the person
20 designated as clerk of the petitioners' committee.

21
22 (d) Action on Petitions - Within 30 days following the date a petition has been returned to the
23 ~~elected town clerk~~Town Clerk and after publication in accordance with this section, the
24 ~~town council~~Town Council may pass the measure without alteration, subject to the
25 referendum vote provided by this ~~charter~~Charter or, the ~~town council~~Town Council shall
26 call a special election to be held on a date fixed by it not less than 35 nor more than 60 days
27 after the date of the certificate hereinbefore mentioned and shall submit the proposed
28 measure without alteration to a vote of the voters at that election; provided, however, that if
29 a ~~town~~Town election is otherwise to occur within 120 days after the date of the certificate,
30 the ~~town council~~Town Council may, at its discretion, omit the calling of a special election
31 and submit the proposed measure to the voters at the approaching election. The ballots used
32 when voting upon a proposed measure under this section shall state the nature of the
33 measure in terms sufficient to show the substance thereof as set forth in subsection (f).

34
35 (e) Publication - The full text of any initiative measure which is submitted to the voters shall be
36 published in a local newspaper, ~~if required by state law,~~ and on the ~~town~~Town's ~~official~~
37 website not less than ~~seven~~7 nor more than 14 days preceding the date of the election at
38 which the question is to be voted upon. Additional copies of the full text shall be available
39 for distribution to the public in the office of the ~~elected town clerk~~Town Clerk and on the
40 ~~town~~Town's ~~official~~ website.

41
42 (f) Form of Question - The ballots used when voting on a measure proposed by the voters under
43 this section shall contain a question in substantially the following form:

44
45 Shall the following measure which was proposed by an initiative petition take effect? (Here
46 insert a fair, concise summary prepared by the ~~town~~Town ~~attorney~~Attorney.)

1
2 YES NO

3
4 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the affirmative,
5 the measure shall be deemed to be effective forthwith, unless a later date is specified in the
6 measure.

7
8 Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final Passage

9
10 If within ~~ten~~10 days after the final passage of a measure, a petition signed by voters equal in
11 number to at least ~~five~~5 per cent of the total number of voters and addressed to the ~~town~~
12 ~~council~~Town Council, protesting against the measure or any part thereof taking effect, is filed
13 with the ~~elected town clerk~~Town Clerk, the same shall thereupon and thereby be suspended
14 from taking effect and the ~~town council~~Town Council, as the case may be, shall immediately
15 reconsider the measure or part thereof and if such measure or part thereof is not entirely
16 rescinded, the ~~town council~~Town Council shall submit the same, to a vote of the voters either at
17 the next regular ~~town~~Town election or at a special election which may, in its discretion, be
18 called for the purpose and the measure or part thereof shall forthwith become null and void
19 unless a majority of the voters voting on the same at the election vote in favor thereof.

20
21 Section 8-3. Required Voter Participation

22
23 For a measure to be effective under the initiative procedure and for any measure to be declared
24 null and void under a referendum procedure, at least 20 per cent of the voters shall vote at an
25 election upon which an initiative or referendum question is submitted to the voters.

26
27 Section 8-4. Measures Not Subject to Initiative and Referendum

28
29 Measures which include the following subject matter shall not be subject to initiative and
30 referendum procedures:

- 31
32 1) Revenue loan orders;
33
34 2) Appropriations for the payment of debt or debt service;
35
36 3) Internal operational procedures of the ~~town council~~Town Council;
37
38 4) Emergency measures;
39
40 5) The ~~town~~Town budget as a whole or the ~~school committee~~School Committee budget as a
41 whole;
42
43 6) Appropriation of funds to implement a collective bargaining agreement;
44
45 7) Procedures relating to election, appointment, removal, discharge or other personnel action;
46 and

1
2 8) Proceedings providing for the submission or referral of a matter to the voters at an election.
3

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

6 The ~~town-council~~Town Council may, of its own motion, submit any proposed measure or a
7 proposition for the repeal or amendment of any measure, to a vote of the voters for adoption or
8 rejection at a general or special ~~town~~Town election. The ~~town-council~~Town Council shall also
9 allow for the submissions upon request of the regional ~~school-committee~~School Committee if a
10 measure originates with the committee and pertains to the affairs under its administration. Such
11 action of the ~~town-council~~Town Council shall have the same force and effect as are provided
12 herein for submission of the measures on petition by the voters.
13

14 Section 8-6. Measures with Conflicting Provisions
15

16 If ~~two~~2 or more proposed measures passed at the same election contain conflicting provisions,
17 only the one receiving the greater number of affirmative votes shall take effect.
18

19 Section 8-7. Free Petition
20

21 (a) Individual Petitions, Action Discretionary - The ~~town-council~~Town Council shall receive all
22 petitions which are addressed to them and signed by a voter, as certified by the ~~town~~Town
23 ~~board-of-registrars~~Board of Registrars of voters, or its successor, and may, at their
24 discretion, take such action with regard to the petitions as they deem necessary and
25 appropriate.
26

27 (b) Group Petitions; Action Required - The ~~town-council~~Town Council shall hold a public
28 hearing and act by taking a vote on the merits of every petition which is addressed to it and
29 is signed by at least 150 voters, as certified by the Town Board of Registrars of Voters, or its
30 successor. The hearing shall be held by the ~~town-council~~Town Council or by a committee or
31 subcommittee thereof and the action by the ~~town-council~~Town Council shall be taken not
32 later than ~~two~~2 months after the petition is filed with the ~~elected town-clerk~~Town Clerk.
33 Hearings on ~~two~~2 or more petitions filed under this section may be held at the same time
34 and place. The ~~elected town-clerk~~Town Clerk shall mail notice of the hearing to the ~~ten~~10
35 petitioners whose names first appear on each petition at least ~~seven~~7 days before the
36 hearing. Notice by publication at least ~~seven~~7 days before such hearings shall also be made
37 and shall be at the public expense. No hearing shall be heard upon any one subject more
38 than once in any given 12 month period. All papers with signatures shall be filed in the
39 office of ~~elected town-clerk~~Town Clerk as one instrument on one date and time.
40
41
42
43
44
45
46

1
2 ARTICLE IX- GENERAL PROVISIONS

3
4 Section 9-1. Conflicts of Interest

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

17
18 Section 9-2- Prohibitions

19
20 (a) Activities Prohibited – The following activities are prohibited:

- 21
22 1) No person shall be appointed to or removed from, or in any way favored or
23 discriminated against with respect to a ~~town~~Town position or appointive ~~town~~Town
24 administrative office because of race, gender, age, sexual orientation, disability, religion,
25 country of origin or political affiliation;
- 26
27 2) No person shall willfully make a false statement, certificate, mark, rating or report in
28 regard to a test, certification or appointment under the provisions of this ~~charter~~Charter
29 or the rules and regulations made there under or in any manner commit or attempt to
30 commit any fraud preventing the impartial execution of the provisions, rules and
31 regulations;
- 32
33 3) No person who seeks appointment or promotion with respect to a ~~town~~Town position or
34 appointive ~~town~~Town administrative office shall directly or indirectly give, render or
35 pay any money, service or other valuable thing to a person for or in connection with the
36 applicant or employee's, appointment, proposed appointment, promotion or proposed
37 promotion.
- 38
39 4) During working hours, no ~~town~~Town employee shall knowingly or willfully participate
40 in any aspect of a political campaign on behalf of, or opposition to, a candidate for
41 ~~town~~Town office. This section shall not be construed to limit a person's right to exercise
42 rights as a citizen to express opinions or to cast a vote, nor shall it be construed to
43 prohibit a person from active participation in political campaigns at any other level of
44 government.
- 45

1 (b) Penalties - A person found to be in of a violation of this section shall be ineligible for a
2 period ~~five~~5 years following such conviction to hold a ~~town~~Town office or position and, if an
3 officer or employee of the ~~town~~Town, shall immediately forfeit the employee's office or
4 position. The ~~town council~~Town Council shall establish by ordinance such further penalties as it
5 may deem appropriate.
6

7 Section 9-3. Campaign Finance 8

9 (a) Disclosure - The ~~town council~~Town Council shall enact ordinances to protect the ability of
10 ~~town~~Town residents to be informed of the financing used in support of, or against, campaigns
11 for locally-elected office. The terms of the ordinances shall include, but not be limited to,
12 requirements upon candidates and candidate committees to report in a timely manner to the
13 appropriate ~~town~~Town office: contributions received, including the name, address, employer,
14 and occupation of each contributor who has contributed \$200 or more; expenditures made; and
15 obligations entered into by the candidate or candidate committee. In so far as is permissible
16 under general or special law, the regulations shall also provide for fines and imprisonment for
17 violations. The ordinance shall provide for convenient public disclosure pursuant to section 26
18 of chapter 55.
19

20 (b) Contribution and Spending Limitations - In order to combat the potential for, and
21 appearance of, corruption and to preserve the ability of all qualified citizens to run for public
22 office, the ~~town~~Town shall, in so far as is permitted by general or special law and federal law,
23 have the authority to enact ordinances designed to limit contributions and expenditures by, or on
24 behalf of, candidates for locally-elected office. Ordinances under this section may include, but
25 are not limited to: limitations on candidate and candidate committees that affect the amount,
26 time, place, and source of financial and in-kind contributions; and, voluntary limitations on
27 candidate and candidate committee expenditures tied to financial or non-financial incentives.
28

29 Section 9-4. Charter Revision or Amendment 30

31 (a) In General - The ~~Charter~~charter may be replaced, revised or amended in accordance with
32 any procedure made available by Article LXXXIX of the Amendments to the Constitution
33 of the Commonwealth of Massachusetts and any general or special law enacted to
34 implement the constitutional amendment.
35

36 (b) Periodic Review - Not later than the first day of July, at ~~six~~6-year intervals, the ~~town~~
37 ~~council~~Town Council shall provide for a review and propose revisions to the ~~town~~Town
38 ~~charter~~Charter. The review shall be conducted by a special committee to consist of ~~seven~~7
39 residents of the ~~town~~Town appointed by the ~~council president~~Council President with the
40 approval of the ~~town council~~Town Council. The committee shall file a report within the year
41 recommending any changes in the ~~charter~~Charter which it may deem to be necessary or
42 desirable, unless an extension is granted by vote of the ~~town council~~Town Council.
43

44 (c) Continuation of Existing Laws - All ordinances, resolutions, rules, regulations and votes of
45 the ~~town council~~Town Council which are in force at the time this Charter~~charter~~ is adopted,
46 not inconsistent with the provisions of this Charter~~charter~~, shall continue in full force until

1 amended or repealed. Where provisions of this Charter~~charter~~ conflict with provisions of
2 ~~town~~Town ordinances, rules, regulations, orders or special acts or acceptances of laws, the
3 Charter~~charter~~ provisions shall govern. All provisions of ~~town~~Town ordinances, rules,
4 regulations, orders and special acts not superseded by this ~~charter~~Charter shall remain in
5 force.

6
7
8 Section 9-5. Severability
9

10 The provisions of this ~~charter~~Charter are severable. If any of the provisions of this
11 Charter~~charter~~ are held to be unconstitutional, or invalid, the remaining provisions of this
12 Charter~~charter~~ shall not be affected thereby. If the application of this Charter~~charter~~, or any of
13 its provisions, to any person or circumstances is held to be invalid, the application of the
14 Charter~~charter~~ and its provisions to other persons or circumstances shall not be affected thereby.
15

16 Section 9-6. Rules of Interpretation
17

18 The following rules shall apply when interpreting the Charter~~charter~~:

- 19
20 (a) Specific Provisions to Prevail - To the extent that a specific provision of the Charter~~charter~~
21 shall conflict with any provision expressed in general terms, the specific provision shall
22 prevail;
23
24 (b) Number and Gender - Words imparting the singular number may extend and be applied to
25 several persons or things, words imparting the plural number may include the singular and
26 words imparting the masculine gender shall include the feminine gender;
27
28 (c) References to General Laws - All references to the general or special laws contained in the
29 Charter~~charter~~ refer to the general laws of the Commonwealth~~commonwealth~~ and are
30 intended to include any amendments or revisions to the chapters and sections or to the
31 corresponding chapters and sections of any rearrangement of the general laws enacted
32 subsequent to the adoption of the Charter~~charter~~; and
33
34 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing time
35 under the ~~charter~~Charter, if ~~7~~seven days or less, only business days, not including Saturdays,
36 Sundays or legal holidays shall be counted; if more than ~~7~~seven days, every day shall be
37 counted.
38

39 Section 9-7. Removal of Member of Multiple Member Appointed Bodies
40

41 An official appointed by the ~~town-manager~~Town Manager to a multiple-member body, may be
42 removed from office by the ~~T~~town M~~m~~anager if the official fails to attend regularly scheduled
43 meetings for a period of ~~three~~3 consecutive ~~meetings~~months without express leave from the
44 chairman of the multiple member body, unless the ~~town-manager~~Town Manager shall determine
45 otherwise. The appointed official shall be automatically removed from office if the official is

1 convicted of a felony or if the official is absent from the duties for the period of ~~six~~6 months
2 notwithstanding the permission from the ~~council president~~Council President to be absent.

3
4 A removal shall be accomplished in accordance with the following procedure:

5
6 1) A written notice of the intent to remove and a statement of the reasons therefore shall be
7 delivered by registered mail to the last known address of the appointed official sought to be
8 removed.

9
10 2) Within 14 days of delivery of the notice the appointed official may request a public hearing
11 before the appointing authority;

12
13 3) If the appointed official fails to request a public hearing, then the appointed official shall be
14 discharged forthwith;

15
16 4) The appointed official may be represented by private counsel at the hearing and shall be
17 entitled to present evidence, to call witnesses and to examine any witness appearing at the
18 hearing;

19
20 5) Within ~~ten~~10 days after the public hearing is adjourned, the appointing authority may, by a
21 majority vote, remove the appointed official for good cause;

22
23 6) A notice of a decision to remove the appointed official and the reasons therefore shall be
24 delivered by registered mail to the last known address of the appointed official;

25
26 7) Within 14 days of delivery of the notice, the appointed official may request a public hearing
27 before the ~~town council~~Town Council;

28
29 8) If the appointed official fails to request a public hearing, then the appointed official shall be
30 discharged forthwith;

31
32 9) The appointed official may be represented by private counsel at the hearing and shall be
33 entitled to present evidence, to call witnesses and to examine any witness appearing at the
34 hearing; and

35
36 10) Within ~~ten~~10 days after the public hearing is adjourned, the ~~town council~~Town Council
37 may, by a two-thirds vote, reinstate the appointed official, but the appointed official shall
38 otherwise be removed.

39
40 Nothing in this section shall be construed as granting a right to a hearing when an appointed
41 official who has been appointed to a fixed term is not reappointed when the appointed official's
42 original term expires.

43
44 Section 9-8. Posting of Public Documents
45

1 The ~~town council~~Town Council~~board of selectmen~~ and ~~town manager~~Town Manager shall
2 ensure that all pertinent, public ~~town~~Town documents be posted to the ~~town~~Town's official
3 website. Examples of these documents include, but are not limited to, the following:
4 administrative code, audit results, budget, financial management policies, ordinances and
5 personnel policies and procedures.
6
7
8
9

10 ARTICLE X- TRANSITIONAL PROVISIONS

11 ~~Section 10-1. Continuation of Existing Laws~~

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

15 ~~Where provisions of this charter conflict with provisions of town by laws, rules, regulations,~~
16 ~~orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions~~
17 ~~of town by laws, rules, regulations, orders and special acts not superseded by this charter shall~~
18 ~~remain in force.~~

19 ~~Section 10-2. Existing Officials and Employees~~

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

24 ~~Section 10-3. Continuation of Government~~

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

29 ~~Section 10-4. Transfer of Records and Property~~

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

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

5
6 ~~The person shall continue to perform the duties of the office, position or employment until~~
7 ~~provisions have been made for the performance of those duties by another person or agency;~~
8 ~~provided, however, that no person in the permanent full-time service of the town shall forfeit the~~
9 ~~person's pay grade or time in service of the town.~~

10
11 ~~Section 10-6. Effect on Obligations, Taxes, Etc.~~

12
13 ~~All official bonds, recognizances, obligations, contracts and other instruments entered into or~~
14 ~~executed by or to the town before the adoption of this charter and all taxes, assessments, fines,~~
15 ~~penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and~~
16 ~~collected and all writs, prosecutions, actions and cause of action, except as herein otherwise~~
17 ~~provided, shall continue without abatement and remain unaffected by the charter and no legal~~
18 ~~act done by or in favor of the town shall be rendered invalid by reason of the adoption of this~~
19 ~~charter.~~

20
21 ~~Section 10-17. Time of Taking Effect~~

22
23 This ~~charter~~Charter shall become fully effective upon ratification by the voters as provided for
24 by the General Laws, except as provided in this section:

25
26 The appointed position of ~~town clerk~~Town Clerk will be created at the expiration of the
27 elected ~~town clerk~~Town Clerk's term or upon a vacancy in the office.

28
29
30 ~~(a) The election to elect the first town council under this charter shall be scheduled as promptly~~
31 ~~as possible by the board of selectmen then in office, as a special transition election, not later~~
32 ~~than 180 days after adoption of the charter.~~

33
34 ~~(b) The officials so elected shall take office on the first day in January that does not fall on a~~
35 ~~weekend or holiday, of the year after adoption by the voters of the town. The expiration of~~
36 ~~the initial transitional terms shall be determined by random draw conducted by the town~~
37 ~~clerk at least 35 days before the date of the election subject to the following:~~

38
39 ~~If the charter is approved by the voters at an annual town election:~~

40
41 ~~Three council members shall expire at the 2nd anniversary of the approval of the charter by the~~
42 ~~voters;~~

43
44 ~~Three council members shall expire at the 3rd anniversary of approval of the charter by the~~
45 ~~voters;~~

1 ~~Three council members shall expire at the 4th anniversary of approval of the charter by the~~
2 ~~voters.~~

3
4 ~~If the charter is approved by the voters at an election other than an annual election:~~

5
6 ~~Three council members shall expire at the annual town election next prior to the 2nd~~
7 ~~anniversary of approval of the charter by the voters;~~

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

10
11 ~~Three council members shall expire at the annual town election next prior to the 4th anniversary~~
12 ~~of approval of the charter by the voters.~~

13
14 ~~Section 10-8. Transition from Municipal Administrator to Town Manager~~

15
16 ~~Upon the effective date of this charter, the person serving in the position of municipal~~
17 ~~administrator shall be deemed the appointed town manager as described in this charter in Article~~
18 ~~4 to serve for the remaining term of the person's contract with the town.~~

19
20 ~~Section 10-9. Town Council / Town Manager Transition Duties~~

21
22 ~~(a) As one of its first priorities during the transition period, the town manager working with the~~
23 ~~town council shall begin development of the administrative code structure, which shall describe~~
24 ~~the details of the departmental organization and associated operating rules and regulations.~~

25
26 ~~A key input source to the creation of the administrative code shall be the final report of the town~~
27 ~~government study committee, published in May 2009. This report shall guide the functional re-~~
28 ~~alignment of all town offices, agencies, boards, and committees, as well as any changes to~~
29 ~~elected or appointed positions, boards or committees.~~

30
31 ~~(b) The town council shall also begin a review of all town by-laws, to analyze and~~
32 ~~amend as necessary, as a result of charter implementation.~~