

Meeting Minutes

By-law and Charter Review Committee

February 25, 2013

7:00 pm at Town Hall

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In Attendance:

Committee Members

David Surprenant

Henry Whittier

Glenn Coulter

Richard Hersom

Absent:

Louis Ciavarra

1. Approve Minutes

Minutes of January 28, 2013 approved.

2. Review previous recommendations of the Charter

The Committee reviewed and recommended additional changes to the Charter. See attachment.

Reviewed a draft memorandum to Board of Selectmen to be attached to the Charter recommendations.

3. Next meeting scheduled for March 14, 2013

Approve final memorandum to Board of Selectmen

Review Articles 1-7 of the General Bylaws

Meeting adjourned at 9:00 pm.

Respectfully submitted,

Laura Caruso

Deletions in strikethrough format

Additions in italics

## **ARTICLE 1**

### **INCORPORATION; SHORT TITLE; POWERS**

#### **SECTION 1-1: INCORPORATION**

The inhabitants of the Town of Sutton within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Sutton".

#### **SECTION 1-2: SHORT TITLE**

This instrument shall be known and may be cited as the Sutton Home Rule Charter.

#### **SECTION 1-3: POWERS OF THE TOWN**

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the ~~e~~*Commonwealth of Massachusetts*, it is the intent and the purpose of the ~~v~~*Voters* to secure through the adoption of this ~~e~~*Charter* all of the powers it is possible to secure for a municipal government under the constitution and laws of the ~~e~~*Commonwealth of Massachusetts*.

#### **SECTION 1-4: DIVISION OF POWERS**

The administration of all of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Board of Selectmen. The legislative powers of the town shall be vested in a Town Meeting open to all ~~v~~*Voters*.

#### **SECTION 1-5: CONSTRUCTION**

The powers of the Town of Sutton under this ~~e~~*Charter* are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Sutton as stated in ~~s~~*Section 1-3*.

#### **SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject to the applicable requirements of any provision of the constitution or ~~statutes~~ *laws* of the ~~e~~*Commonwealth of Massachusetts*, the Town of Sutton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or any one or more agencies thereof.

## ARTICLE 2 LEGISLATIVE BRANCH

### SECTION 2-1: TOWN MEETING

The legislative powers of the town shall continue to be exercised by a Town Meeting open to all ~~v~~Voters.

### SECTION 2-2: PRESIDING OFFICIAL

The *Town Moderator*, ~~elected as provided in section 3-5~~, shall preside at all Town Meetings. At the commencement of the annual spring Town Meeting the *Town Moderator* shall appoint a Deputy Moderator to serve as acting *Town Moderator* in the event of the temporary absence or disability of the *Town Moderator*. The Deputy Moderator shall serve until a successor is appointed by the *Town Moderator* and ratified by Town Meeting.

The *Town Moderator*, ~~at Town Meetings~~, shall regulate the proceedings at Town Meetings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by the General Laws, ~~by this eCharter, by b~~By-law or ~~by~~ vote of the Town Meeting. ~~, to the extent not inconsistent with the foregoing.~~

Until such time as the Town Meeting may act, ~~by by-law~~, to adopt another manual or guide, the Town Meeting shall be governed by the rules of procedure in the most recent edition of "Town Meeting Time, A Handbook of Parliamentary Law", published by the Massachusetts Moderators' Association.

### SECTION 2-3: COMMITTEES

**(a) In General** - Subject to the provisions of this eCharter and such ~~b~~By-laws or other Town Meeting votes regarding committees, the *Town Moderator* shall appoint ~~for fixed terms the~~ members of such *special or standing* committees of the Town Meeting, ~~special or standing~~, as may from time to time be established. In addition to such specific powers, duties and responsibilities as may be assigned to a Town Meeting committee by the ~~b~~By-law or vote establishing it, each such committee when acting within the scope of its authority shall have a right to the pertinent records of any town agency and to consult with, at reasonable times, any Town ~~o~~Official, employee or agent.

**(b) Finance and Warrant Advisory Committee** - There shall be a Finance and Warrant Advisory Committee, the members of which shall be appointed by the *Town Moderator*. The number of members, the term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by ~~b~~By-law. The subject matter of all proposals to be submitted to a Town Meeting by warrant articles shall be referred to the Finance and Warrant Advisory Committee by the Board of Selectmen at the earliest practicable time following their receipt by the Board of Selectmen. The Finance and Warrant Advisory Committee shall report its *written* recommendations on every article contained in a Town Meeting warrant, ~~in writing~~, together with a brief statement of the reasons for each such recommendation. Before preparing its recommendations, the Finance and Warrant Advisory Committee shall hold one or more public hearings to permit public discussion of the subject

matter of all articles contained in the warrant. The Finance and Warrant Advisory Committee shall have such additional powers and duties as ~~may be~~ provided by *the General Laws, this Charter, by bBy-law or vote of Town Meeting.*

#### **SECTION 2-4: TIME OF MEETING**

The Town Meeting shall meet in regular session at least twice in each calendar year. The first such meeting, will be held during May or June, on a date fixed by ~~b~~By-law. It shall be primarily concerned with the determination of matters involving the expenditure of Town funds, including, but not limited to, the adoption of an annual operating budget, and for the determination of all other matters to be decided by the ~~v~~Voters. The second such meeting will be held during the last four calendar months, on a date fixed by ~~b~~By-law.

#### **SECTION 2-5: SPECIAL MEETINGS**

Special Town Meetings may be held at the call of the Board of Selectmen at such times as they deem necessary, or desirable, in order to transact the legislative business of the town in an orderly manner. Special Town Meetings may also be held on the petition of 200 or more ~~v~~Voters, in the manner provided by law.

#### **SECTION 2-6: WARRANTS**

Every Town Meeting shall be called by a warrant issued by the Board of Selectmen which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every Town Meeting shall be in accordance with ~~t~~Town ~~b~~By-laws governing such matters.

#### **SECTION 2-7: INITIATION OF WARRANT ARTICLES**

**(a) Initiation** - The Board of Selectmen shall receive at any time all petitions addressed to it and which request the submission of any matter to the Town Meeting and which are filed by (1) any multiple member body acting by a majority of its members, (2) ~~any elected town official not a member of a multiple member body~~ the Town Moderator, or (3) any ~~ten~~ 10 ~~v~~Voters for a regular Town Meeting ~~and~~ or any 100 Voters for a special Town Meeting.

**(b) Inclusion on the Warrant** - The Board of Selectmen shall include on the warrant for a regular Town Meeting the subject matter of all petitions which have been received by ~~it~~ *the Board of Selectmen or Town Clerk* 60 or more days prior to the date ~~filed by by-law for the~~ of the Town Meeting ~~to convene~~. Whenever a special Town Meeting is to be called, the Board of Selectmen shall give notice by publication in ~~a~~ *the local newspaper media*, and shall notify ~~by mail~~ Town Officials and chairpersons of multiple member bodies *in accordance with the By-laws*. The Board of Selectmen shall include in the warrant for such special Town Meeting the subject matter of all petitions which are received at its office on or before five o'clock in the afternoon of the fifth business day following such publication.

**(c) Referral** - Following the approval of the warrant, the Board of Selectmen shall (1) ~~mail~~ provide a copy of the signed warrant to ~~the residences of~~ the Town Moderator *and* chairperson of the Finance and Warrant Advisory Committee, and (2) ~~provide copies to be posted in such places as required by by-law.~~ *instruct the Town Clerk to post the warrant in accordance with the By-laws.*

### **SECTION 2-8: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS**

Every Town Official, the chairperson of each multiple-member body, the head of each department and the head of each division within the said departments shall attend all sessions of a Town Meeting for the purpose of providing information pertinent to matters appearing in the warrant.

In the event any Town Official, chairperson of a multiple-member body, department head or division head is to be absent due to illness or other reasonable cause, such person shall designate a ~~D~~deputy to attend to represent the office, multiple-member body, department or division. If any person designated to attend the Town Meeting under this ~~s~~Section is not a ~~v~~Voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this ~~s~~Section.

### **SECTION 2-9: CLERK OF THE MEETING**

The Town Clerk shall serve as clerk of the Town Meeting, ~~give notice of all adjourned sessions thereof,~~ record its proceedings, and perform such additional duties in connection therewith as ~~may be~~ provided by the General Laws, ~~by this c~~Charter, ~~by b~~By-law or ~~by~~ other Town Meeting vote.

### **SECTION 2-10: RULES OF PROCEDURE**

The Town Meeting may, by ~~b~~By-law, establish, ~~and from time to time~~ amend, revise, or repeal rules to govern the conduct of Town Meetings.

## **ARTICLE 3 ELECTED OFFICIALS**

### **SECTION 3-1: IN GENERAL**

(a) **Elective Offices** - The offices to be filled by the ~~v~~Voters shall be a Board of Selectmen, a School Committee, three members of a Planning Board, a Board of Library Trustees, ~~and~~ a Town Moderator, ~~-In addition,~~ four members of a Housing Authority and such other officials or representatives to regional authorities or districts as may be established by ~~b~~By-law ~~or by inter-~~local agreement ~~may also be filled by ballot at town elections.~~

(b) **Eligibility** - Any ~~v~~Voter shall be eligible to hold any elective town office; provided ~~however~~ that no person shall ~~simultaneously~~ *concurrently* hold more than one elected town office as defined in this ~~s~~Section.

(c) **Town Election** - ~~The annual election of Town Officials and the determination of all questions to be provided by by-law.~~ *shall occur in accordance with the By-laws.*

(d) **Compensation** - Elected Town Officials shall receive such compensation for their services as may be *annually* appropriated, ~~annually,~~ for such purpose.

(e) **Availability** - Notwithstanding their election by the ~~v~~Voters, the Town Officials named in this ~~s~~Section shall be subject to the call of the Board of Selectmen or of the Town ~~Administrator~~ *Manager*, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

(f) **Filling of Vacancies**

(1) **Multiple-member Body** - If there is a vacancy in a ~~board consisting of two or more members~~ *an elected multiple-member body*, other than the Board of Selectmen, the remaining members shall forthwith give written notice to the Board of Selectmen of the existence of any such vacancy. After seven days public notice of the date on which the vote shall be taken, the Board of Selectmen *together* with the remaining members or member of such ~~board~~ *multiple member body* shall fill such vacancy by a joint roll call vote. If the multiple-member body does not give such notice to the Board of Selectmen within 30 days following the date on which said vacancy occurs, the Board of Selectmen shall, after seven ~~day's~~ *days* public notice, fill such vacancy without participation by the remaining members or member of the multiple-member body.

(2) **Board of Selectmen** - If there is a failure to elect, or if a vacancy occurs in the office of Selectmen and six months or more will elapse before the next annual town election, the remaining Selectmen shall, forthwith, call a special election to fill the vacancy. If a vacancy occurs in the office of selectmaen and more than three but less than six months will elapse before the next annual town election, the remaining Selectmen may call a special election to fill the vacancy or, upon the written request of not less than 200 ~~registered~~ *v*Voters of the town, the Board of Selectmen shall forthwith call such special election.

(g) **Recall of Elected Officials**

(1) **Application** - Any person who holds an elected town office, with more than six months remaining ~~of~~ *in* the term of office, ~~may~~ *shall* be recalled from the office by the ~~v~~Voters in the manner provided in this ~~s~~Section.

(2) **Recall Petitions** - A recall affidavit, signed by at least 50 ~~v~~Voters in each of the precincts into which the town is divided, ~~may~~ *shall* be filed with the Town Clerk containing the name of the official whose recall is sought and a statement of the grounds for recall. The Board of Registrars of Voters shall *forthwith and no later than 7 days following the filing of* ~~certify~~ such ~~petitions affidavit with regard to the sufficiency and validity of the signatures of voters~~ *certify the names of Voters whose signatures are affixed thereto*. The Town Clerk, within seven days following such ~~filing~~ *certification*, shall ~~deliver to~~ *issue petition blanks demanding such recall, as further described below, by notifying the ten* 10 persons first named on such petitions, ~~petition blanks demanding said recall or otherwise identified as the "lead petitioners" of their availability~~. The Town Clerk shall keep available printed petition forms ~~They~~ *The* ~~petitions~~ shall be addressed to the Board of Selectmen, contain the typewritten *or printed* names of the ~~ten~~ 10 persons ~~to whom they are issued~~ *first named on such petitions or otherwise identified as the "lead petitioners"* and the grounds for recall as stated in the affidavit. The petitions shall demand the election of a successor to the office; ~~they~~ *and* shall be dated

and signed by the Town Clerk, *whether by hand or electronically*. A copy of the petitions shall be entered into the record book to be kept in the office of the Town Clerk.

The recall petitions shall be returned to the office of the Town Clerk ~~within~~ *no later than* 14 days following the date they are issued, signed by at least 50 percent of the total number of persons who voted at the most recent annual town election.

The Town Clerk shall, within ~~one~~ *five* days following such filing, submit the petitions to the Board of Registrars of Voters who shall, within five days, thereafter, certify ~~thereon~~ the ~~number of~~ *names of Voters affixed thereto*. ~~signatures which are the names of Voters~~

**(3) Recall Elections** - If the petitions are certified by the *Board of Registrars of Voters*, the Town Clerk shall forthwith submit the same with a certificate to the Board of Selectmen. Upon its receipt of the certified petition, the Board of Selectmen shall forthwith give *written* notice ~~in writing~~, of said petition to the official whose recall is sought. If said official does not resign from office within five days following delivery of ~~the~~ said notice, the Board of Selectmen shall order a special election. This special election shall be held not less than 60 nor more than 90 days after the date of the certification of the Town Clerk that the petition is sufficient. If a regular annual town election is to be held within 90 days following the date of said ~~certificate~~ *certification* the recall election shall be held in conjunction therewith and not at a special election. If a vacancy occurs in the position from which the official is being recalled after a recall election has been ordered, the election shall nevertheless proceed as provided in this ~~s~~Section.

**(4) Nomination of Candidates** - An official whose recall is sought will be a candidate to succeed to the same office. Unless the official requests otherwise in writing, the Town Clerk shall place the name of the official on the ballot without nomination. *Unless otherwise provided in this Section* ~~The~~ nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the election shall all be in conformity with the provisions of law relating to town elections generally. ~~unless otherwise provided in this section.~~

**(5) Propositions on the Ballot -**

(a) Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of (name of official)

Against the recall of (name of official)

Adjacent to each proposition shall be a place to vote for either of said propositions. If a majority of the votes cast is in favor of the recall, and provided at least 25 per cent of the total number of ~~registered~~ *Voters* as of the date of the most recent town election have participated ~~at~~ *in* such recall election, the official shall be deemed to be recalled.

(b) After the said propositions shall appear the word "candidates" and the names arranged alphabetically. If the official is recalled, the ballots for candidates shall then be counted, and the candidate receiving the highest number of votes shall be declared elected.

**(6) Officeholder** - The incumbent shall continue to hold office and perform the duties

until the recall election. If not then recalled, the official shall continue in office for the remainder of the unexpired term, subject to recall as provided in paragraph (7) of this Section.

If the official is recalled, the office shall be deemed vacant upon the certification of the election results- ~~and~~ ~~The~~ candidate who receives the highest number of votes shall *then* serve for the balance of the unexpired term.

**(7) Repeat of Recall Petition** - No recall shall be filed:

(a) against an official within six months after taking office; *or*

(b) ~~or~~ in the case of an official subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the ~~v~~Voters.

### **SECTION 3-2: BOARD OF SELECTMEN**

**(a) Composition, Term of Office** - There shall be a Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

**(b) Powers and Duties** - The executive powers of the town shall be vested in the Board of Selectmen which shall be the chief executive office. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise. The Board of Selectmen shall serve as the chief policy making ~~agency~~ *authority*. It shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it. The Board of Selectmen shall work in conjunction with other Town Officials to develop and to promulgate policy guidelines designed to bring all ~~agencies of the town~~ *agencies* into harmony; provided, however, that nothing in this ~~s~~Section shall be construed to authorize any member of the Board of Selectmen, nor a majority of them, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by *Town* ~~o~~Officials and employees appointed by or under its authority.

The Board of Selectmen shall cause a record of all its official acts to be kept. To aid in the performance of its duties, the Board of Selectmen shall appoint a Town ~~Administrator~~ *Manager* as provided in Article 4.

Except as otherwise provided by the General Laws, this ~~e~~Charter, or specified by ~~b~~By-law, or expressly voted by Town Meeting, no member of the Board of Selectmen shall be a member of any other town board or committee.

**(c) Appointment Powers** - The Board of Selectmen shall appoint a Town ~~Administrator~~ *Manager*. The Board of Selectmen shall appoint such other Town Officials and members of multiple-member bodies, ~~the primary responsibilities of which are policy making and not administrative~~ and such other positions as ~~may be~~ provided by ~~b~~By-law *or by vote of Town Meeting*.

**(d) Licensing Authority** - The Board of Selectmen shall be the licensing board for the town and shall have power to issue licenses authorized by law. It shall also make all necessary rules and regulations regarding the issuance of such licenses and attach conditions and impose restrictions

on any such license as it deems to be in the public interest, and enforce all laws relating to ~~all businesses for which it issues any such~~ licenses.

### **SECTION 3-3: SCHOOL COMMITTEE**

**(a) Composition, Term of Office** - There shall be a School Committee consisting of five members elected for terms of three years each so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

**(b) Powers and Duties** - The School Committee shall have all of the powers and duties which are given to ~~S~~school ~~C~~committees by *the* General Laws, ~~and it shall have such additional powers and duties as may be authorized by this eCharter, or by bBy-law, or by and~~ and Town Meeting vote.

### **SECTION 3-4: LIBRARY TRUSTEES**

**(a) Composition, Term of Office** - There shall be a Board of Library Trustees of three members, elected for terms of three years each and arranged such that the terms of one member shall expire each year.

**(b) Powers and Duties** - The Board of Library Trustees shall be responsible for the management and supervision of the free public libraries of the town. The Board of Library Trustees shall have all other powers and duties which are given to library trustees by the General Laws ~~and shall have such additional powers and duties as are provided by this eCharter, or by bBy-law or by and~~ and Town Meeting vote. ~~as well as any powers, duties and responsibilities as may be imposed by the terms of any applicable trust.~~

**(c) Library Director** – *Notwithstanding any special or general law to the contrary, the Town Manager shall appoint the Library Director, which appointment shall be ratified by majority vote of the Board of Library Trustees.*

### **SECTION 3-5: TOWN MODERATOR**

**(a) Term of Office** - There shall be a Town Moderator elected for a term of three years.

**(b) Powers and Duties** - The Town Moderator shall be the presiding official of the Town Meeting, ~~as provided in sSection 2-2,~~ regulate its proceedings and perform such other duties as ~~may be provided by the General Laws, by this eCharter, by bBy-law or by~~ Town Meeting vote.

The *Town* Moderator shall appoint the Finance and Warrant Advisory Committee and shall appoint ~~the such~~ members of ~~all committees established~~ *multiple-member bodies* ~~by in accordance with the By-laws or by and~~ vote of ~~the~~ Town Meeting. ~~unless otherwise provided.~~

### **SECTION 3-6: PLANNING BOARD**

**(a) Composition, Term of Office** - There shall be a Planning Board consisting of five members of whom three shall be elected for terms of three years each, so arranged that the term of one member shall expire each year and the remaining two members shall be appointed by the Board of Selectmen for terms of three years each, so arranged that the terms expire in different years.

**(b) Powers and Duties** - The Planning Board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The *Planning* ~~b~~Board shall make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the entire town. The *Planning*

~~h~~Board shall regulate the subdivision of land within the town by adoption of rules and regulations governing such development and the administration of such rules and regulations. The Planning Board shall make recommendations to the Town Meeting on all matters affecting land use and development, including the zoning by-law of the town. The Planning Board shall recommend to the Town ~~Administrator~~ *Manager* the appointment of a ~~Town Planner~~ *Planning Director*, and shall supervise the duties of the ~~Town Planner~~ *Planning Director*.

The Planning Board shall make an annual report, giving information regarding the condition of the town and any plans or proposals for its development and estimates of their costs. The Planning Board shall have all of the other powers and duties as provided by the General Laws, *this Charter, By-law and vote of Town Meeting*.

### **SECTION 3-7: SUTTON HOUSING AUTHORITY**

**(a) Composition, Term of Office** - There shall be a Housing Authority which shall consist of five members serving for terms of five years each, so arranged that the term of one member shall expire each year. Four of these members shall be elected by the ~~v~~Voters, and the fifth member shall be appointed by the department of housing and community development of the ~~e~~Commonwealth of Massachusetts. ~~or as may otherwise be provided by law.~~

**(b) Powers and Duties** - The Housing Authority shall make studies of the housing needs of the community and shall provide programs to make ~~available~~ housing *available* for families of ~~low~~ ~~income~~ and for elderly persons of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by the General Laws.

### **SECTION 3-8: BLACKSTONE VALLEY REGIONAL VOCATIONAL SCHOOL DISTRICT COMMITTEE (SUTTON REPRESENTATIVE)**

**(a) Composition, Term of Office** - The ~~v~~Voters shall elect such members of the Blackstone Valley Regional Vocational School *District* Committee for such terms as ~~may be~~ provided under the agreement and laws establishing the same.

**(b) Powers and Duties** - The members of the Blackstone Valley Regional Vocational School Committee shall, along with members of the committee from other municipalities participating therein, be responsible for the management and supervision of the said school according to the agreement and laws governing the same.

## **ARTICLE 4**

### **TOWN ~~ADMINISTRATOR~~ *MANAGER***

#### **SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM**

The Town ~~Administrator~~ *Manager* shall be appointed *from a candidate list prepared by the screening committee* solely on the basis of demonstrated executive and administrative qualifications ~~from a list prepared by a screening committee established by~~ *in accordance with the* ~~h~~By-law. The Board of Selectmen shall appoint the Town ~~Administrator~~ *Manager* and shall

fix the term and compensation for such person. The Town ~~Administrator~~ *Manager* shall be a person especially fitted *qualified* by education training and previous experience. in public administration to perform the duties of the office. A ~~Town Manager~~ need not be a resident of the town or of the Commonwealth at the time of appointment or at any time during the period of such service. The ~~Town Manager~~ shall not have served as an elected official in the Town of Sutton for at least 12 months prior to appointment. The town may from time to time establish, by ~~by law, such additional qualifications as necessary and appropriate.~~

The Town ~~Administrator~~ *Manager* shall devote full time to the office and shall not hold any other ~~town~~ elected or appointed *town* office, or engage in any other business or occupation during such service, unless ~~such action~~ is approved in advance and in writing by the Board of Selectmen.

Each member of the Board of Selectmen shall complete an annual written review of the job performance of the Town ~~Administrator~~ *Manager*. A summary of the overall evaluation shall be a public record.

#### **SECTION 4-2: POWERS AND DUTIES**

The Town ~~Administrator~~ *Manager* shall be the chief administrative official of the town, directly responsible to the Board of Selectmen for the administration of all town affairs for which the office of Town ~~Administrator~~ *Manager* is given responsibility under this eCharter. The powers and duties of the Town ~~Administrator~~ *Manager* shall include, but are not limited to, the following:

- (a) To supervise, direct, and be responsible for the efficient administration of all functions and activities for which the office of Town ~~Administrator~~ *Manager* is given authority, responsibility, or control.
- (b) To appoint, subject to the provisions of the civil service law, *if applicable* and ~~of any applicable~~ collective bargaining agreements, all department heads, officials, members of multiple-member bodies, for whom no other method of selection is provided by this eCharter. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall within that period by a majority of all of its members vote to reject such appointment or has sooner voted to affirm it. Copies of the notices of all such proposed appointments shall be posted on the town bulletin board when submitted to the Board of Selectmen.
- (c) To remove or suspend in appropriate circumstances appointed officials and employees pursuant to ~~s~~Section 7-8 of Article 7.
- (d) To be the administrator of a town personnel system including, but not limited to, personnel policies and practices, rules and regulations including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The Town ~~Administrator~~ *Manager* shall also prepare and periodically review at least every five years a plan establishing the personnel staffing and job classification for each town agency and positions therein, except the school department.
- (e) To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause.

- (f) To maintain full and complete records of the financial and administrative activities of the town. The Town ~~Administrator~~ *Manager* shall render a quarterly report of such activities to the Board of Selectmen. ~~and a copy shall be placed on file with the Town Clerk.~~
- (g) To keep the Board of Selectmen fully advised as to the needs of the town and to recommend to the Board of Selectmen, and to other elected Town Officials and agencies, action *to be considered or* required by them or by the Town Meeting.
- (h) To have full jurisdiction over the rental and use of all town facilities and property except ~~school property~~ and property under the control *of the school department or* the conservation commission. The Town ~~Administrator~~ *Manager* shall be responsible for the maintenance and repair of all town buildings and facilities placed under the Town ~~Administrator's~~ *Manager's* control.
- (i) To prepare and present, in the manner provided in Article 6, an annual operating budget for the town, a staffing plan pursuant to the Administrative Code as defined in subsection (b) of sSection 5-1 of Article 5 and conforming with subsection (d) of sSection 4-2 of this Article, and a proposed capital outlay program for the five fiscal years next ensuing.
- (j) To maintain a complete inventory of all real and personal property of the town including all property under the jurisdiction of the ~~Sschool~~ *Committee department*.
- (k) To negotiate all contracts involving any subject within the jurisdiction of the office of Town ~~Administrator~~ *Manager*, including contracts with town employees, except employees of the school department, involving wages, hours, and other terms and conditions of employment.
- (l) To be responsible for purchasing all supplies, material, and equipment for all departments and activities of the town ~~but not including food for schools, school books, and other instructional material, supplies and equipment unless otherwise specifically requested by the School Committee.~~ *except those necessary for the operation of the school department.* The Town ~~Administrator~~ *Manager* shall examine, or cause to be examined the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency except schools. The Town ~~Administrator~~ *Manager* shall be responsible for the disposal of all supplies, material, and equipment which have been declared surplus by any town agency.
- (m) To see that all of the provisions of the General Laws, this eCharter, town ~~b~~*By*-laws, other votes of the Town Meeting and votes of the Board of Selectmen which require enforcement by the Town ~~Administrator~~ *Manager* or officials subject to the direction and supervision of the Town ~~Administrator~~ *Manager* are faithfully executed, performed or otherwise carried out.
- (n) To inquire at any time into the conduct and operation of office or performance of duties of any ~~Town~~ *Official* or employee, ~~department, board, commission,~~ or other town agency except schools.
- (o) To attend all sessions of all Town Meetings and answer questions raised by ~~v~~*Voters* which relate to warrant articles and to matters over which the Town ~~Administrator~~ *Manager* ~~exercises any supervision.~~ *has responsibility.*
- (p) To reorganize, consolidate or abolish, in the manner provided in Article 5 town agencies serving under the supervision of the Town ~~Administrator~~ *Manager*, in whole or in part, and to provide for new town agencies, and to provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

(q) To coordinate the activities of all town agencies serving under the office of Town ~~Administrator~~ *Manager* and the office of Board of Selectmen with those under the jurisdiction of other officials and multiple-member bodies elected directly by the ~~the~~ Voters. For this purpose the Town ~~Administrator~~ *Manager* shall have authority to require the persons so elected, or their representatives, to meet with the Town ~~Administrator~~ *Manager* at reasonable times for the purpose of effecting coordination and cooperation ~~among of all agencies of the town agencies.~~

(r) To perform ~~any such~~ other duties as are required to be performed by the Town ~~Administrator~~ *Manager* by ~~the~~ *By-laws*, ~~an~~ *Administrative Code*, votes of Town Meetings *or* votes of the Board of Selectmen. ~~or otherwise.~~

(s) To establish a Personnel Resource Development Committee and maintain a talent resource bank of prospective volunteers for town service.

#### **SECTION 4-3: DELEGATION OF AUTHORITY**

The Town ~~Administrator~~ *Manager* may, *with the approval of the Board of Selectmen*, authorize any subordinate *Town* ~~Official~~ or employee to exercise any power or perform any function or duty which is assigned to the office of Town ~~Administrator~~ *Manager*, provided ~~however~~, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town ~~Administrator~~ *Manager*.

#### **SECTION 4-4: ACTING TOWN ~~ADMINISTRATOR~~ MANAGER**

(a) **Temporary Absence** - By letter filed with the Town Clerk *on or before July 1st of each year or at anytime thereafter*, the Town ~~Administrator~~ *Manager* shall designate a qualified ~~the~~ *Town* ~~Official~~ or employee to exercise the powers and perform the duties of Town ~~Administrator~~ *Manager* during a temporary absence. During a temporary absence the Board of Selectmen may ~~not~~ revoke such designation *and appoint until at least ten working days have elapsed, whereupon the Board of Selectmen may appoint* another qualified ~~the~~ *Town* ~~Official~~ or employee to serve until the Town ~~Administrator~~ *Manager* shall return *or the position is declared vacant*.

(b) **Vacancy** - Any vacancy in the office of Town ~~Administrator~~ *Manager* must be filled by the Board of Selectmen. Pending such regular appointment, the Board of Selectmen must appoint a qualified ~~town official or employee~~ *person* to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months, but one renewal may be voted by the Board of Selectmen ~~not to exceed a second three months~~. The Board of Selectmen shall set compensation for such person.

(c) **Powers and Duties** - The powers ~~and duties~~ of an acting Town ~~Administrator~~ *Manager*, shall be ~~limited to urgent matters and shall include temporary or emergency appointments or employment.~~ *determined by the Board of Selectmen.*

#### **SECTION 4-5: REMOVAL**

The Board of Selectmen may, by a majority vote of the full board terminate and remove the Town ~~Administrator~~ *Manager* from office in accordance with the following procedure.

(a) The Board of Selectmen shall adopt by the affirmative vote of a majority of all its members a

preliminary resolution of removal that must state the reason or reasons for removal. This preliminary resolution may suspend the Town ~~Administrator~~ *Manager* for a period not to exceed 45 days. A copy of the resolution shall be delivered to the Town ~~Administrator~~ *Manager* forthwith.

(b) Within five days after receipt of the preliminary resolution the Town ~~Administrator~~ *Manager* may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not less than 20 days nor later than 30 days after the *public hearing* request is filed. ~~¶~~The Town ~~Administrator~~ *Manager* may file with the Board of Selectmen a written statement responding to the reasons stated in the *preliminary* resolution of removal, provided the same is received at its office more than 48 hours in advance of the public hearing.

(c) The Board of Selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a majority of all of its members, not less than ~~ten~~ 10 nor more than 21 days following the date of delivery of a copy of the preliminary resolution to the Town ~~Administrator~~ *Manager*, if the Town ~~Administrator~~ *Manager* has not requested a public hearing; or, within ~~ten~~ 10 days following the close of the public hearing. Failure to adopt a final resolution of removal within the time periods as provided in this ~~s~~Section shall nullify the preliminary resolution of removal and the Town ~~Administrator~~ *Manager* shall, at the expiration of said time, forthwith resume the duties of the office. The Town ~~Administrator~~ *Manager* shall continue to receive a salary until the effective date of a final resolution of removal.

The action of the Board of Selectmen under this ~~s~~Section shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such action solely in the Board of Selectmen.

## **ARTICLE 5**

### **ADMINISTRATIVE ORGANIZATION**

#### **SECTION 5-1: ORGANIZATION OF TOWN AGENCIES**

The organization of ~~the town into operating~~ agencies for the provision of services and the administration of the government may be accomplished through either of the following methods provided in this ~~a~~Article.

(a) By-laws - Subject to express prohibitions in the General Laws or the provisions of this ~~e~~ Charter, the Town Meeting may, by ~~b~~By-law, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part. The Town Meeting may also establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this ~~e~~Charter to a particular town agency may be discontinued, or, unless this ~~e~~Charter specifically so provides, assigned to any other *town agency*.

(b) Administrative Code - The Town ~~Administrator~~ *Manager*, after consultation with the Board of Selectmen, may from time to time prepare and submit to the Town Meeting plans of

organization or reorganization which establish ~~operating divisions~~ *town agencies* for the orderly, efficient or convenient conduct of the business of the town.

Whenever the Town ~~Administrator~~ *Manager* prepares such a plan, the Board of Selectmen shall hold one or more public hearings on the proposal. The Board of Selectmen shall give notice by publication in ~~a~~ *the* local ~~newspaper~~ *media*, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven nor more than ~~14~~ *fourteen* days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Town Meeting by an appropriate warrant article.

~~An organization or reorganization plan shall become effective at the expiration of 60 days following the date of adjournment of the Town Meeting at which the proposal is submitted unless the Town Meeting disapproves of the plan by a majority vote. The Town Meeting may vote only to approve or to disapprove the plan and may not vote to amend it.~~

*The Town Meeting may vote only to approve or to disapprove an organization or reorganization plan and shall not vote to amend it. An approved plan shall become effective at the expiration of 60 days following the date of adjournment of the Town Meeting at which the plan is submitted or at such other date as determined by the Town Meeting*

The Town ~~Administrator~~ *Manager* may, through the ~~a~~Administrative ~~e~~Code, and subject to express prohibitions in the General Laws, or this ~~e~~Charter, reorganize, consolidate or abolish any town agency, in whole or in part. The Town ~~Administrator~~ *Manager* may establish such new town agencies as is deemed necessary to the same extent as is provided in subsection (a) of ~~s~~Section 5-1, ~~for~~ *by* laws. The Town ~~Administrator~~ *Manager* may for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another, but no function assigned by this ~~e~~Charter to a particular town agency may be discontinued or, unless this ~~e~~Charter specifically so provides, assigned to any other *town agency*.

#### **SECTION 5-2: MERIT PRINCIPLE**

All appointments and promotions of Town Officials and employees shall be made on the basis of merit and fitness, demonstrated by examination or other evidence of competence and suitability.

## **ARTICLE 6 FINANCE AND FISCAL PROCEDURES**

#### **SECTION 6-1: FISCAL YEAR**

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by the General Laws.

#### **SECTION 6-2: SCHOOL COMMITTEE BUDGET**

(a) Public Hearing - At least seven days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in ~~a~~ *the* local

~~newspaper media~~ a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. ~~It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held by the School Committee on the proposed budget.~~ *Said ~~publication~~ summary shall (1) indicate the places at which complete copies of the proposed operating budget are available for examination by the public, and (2) also include the date, time and place when and where a public hearing will be held on the proposed budget.* The School Committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) Submission to Town ~~Administrator~~ *Manager* - The budget as adopted by the School Committee shall be submitted to the Town ~~Administrator~~ *Manager* within the time fixed by ~~h~~ *By-law*, to enable the Town ~~Administrator~~ *Manager* to consider the effect of the school department's requested appropriation upon the total town operating budget.

### **SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE**

Within the time fixed by ~~h~~ *By-law* the Town ~~Administrator~~ *Manager*, after consultation with the Board of Selectmen, shall submit to the Finance and Warrant Advisory Committee a proposed operating budget for the ensuing fiscal year, with an accompanying budget message and supporting documents. The Town ~~Administrator~~ *Manager* shall simultaneously provide for the publication in ~~a~~ *the local newspaper media* of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. ~~Said publication shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.~~ *Said ~~publication~~ summary shall (1) indicate the places at which complete copies of the proposed operating budget are available for examination by the public, and (2) also include the date, time and place when and where a public hearing will be held on the proposed budget.*

### **SECTION 6-4: BUDGET MESSAGE**

The budget message of the Town ~~Administrator~~ *Manager* shall explain the budget for all town agencies both in programmatic and fiscal terms. It shall outline proposed financial policies of the town for the ensuing fiscal year, including a description of important features of the budget, an indication of any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position, and include other material as the Town ~~Administrator~~ *Manager* deems desirable, or the *Board of Selectmen* may require.

### **SECTION 6-5: THE BUDGET**

The proposed ~~operating~~ budget shall provide a complete financial plan for all town funds and programs for the ensuing fiscal year. Except as may otherwise be required by the General Laws, or this ~~e~~ *Charter*, it shall be in the form the Town ~~Administrator~~ *Manager* deems desirable. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenses for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency; and
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency; and
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, and estimated balances in any *enterprise accounts and* special accounts established for specific purposes.

#### **SECTION 6-6: ACTION ON THE BUDGET**

- (a) Public Hearing - Upon its receipt of the proposed ~~operating~~ budget, the Finance and Warrant Advisory Committee shall provide for the publication in ~~a the local newspaper~~ *media* of a notice stating the time and place of the public hearing on the proposed ~~operating~~ budget as submitted. Such hearing shall not be less than seven nor more than ~~14~~ *fourteen* days following such publication.
- (b) Review - The Finance and Warrant Advisory Committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The Finance and Warrant Advisory Committee may require the Town ~~Administrator~~ *Manager*, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget, and shall require the attendance of a representative of each town agency.
- (c) Action by Town Meeting - The Finance and Warrant Advisory Committee shall file a report containing its recommendations for actions on the proposed operating budget, which report shall be available at least seven days before the date on which the Town Meeting acts on the budget. When the budget proposed by the Town ~~Administrator~~ *Manager* is before the Town Meeting for action it shall first be subject to amendments, if any, proposed by the Finance and Warrant Advisory Committee before any other amendments may be proposed. Any amendment offered at Town Meeting, shall include its funding source and shall not create a deficit in the proposed budget.

#### **SECTION 6-7: CAPITAL PLANNING PROGRAM**

The Town ~~Administrator~~ *Manager* shall submit a capital planning program to the Board of Selectmen and the Finance and Warrant Advisory Committee as part of the annual budget process including:

- (a) a list of all capital improvements proposed to be undertaken during each of the ensuing five years, with supporting information as to the need for each capital improvement;
- (b) cost estimates, proposed methods of financing, and recommended time schedules for each improvement; and,
- (c) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the Town ~~Administrator~~ *Manager* with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

### **SECTION 6-8: APPROVAL OF PAYROLL AND EXPENSE WARRANTS**

The Town ~~Administrator~~ *Manager* shall be the chief financial official of the town. Warrants for the payment of town funds prepared by the Town Accountant in accordance with the provisions of the General Laws shall be submitted to the Town ~~Administrator~~ *Manager*. The approval of any such warrant by the Town ~~Administrator~~ *Manager* shall be sufficient authority to authorize payment by the Town Treasurer, but the *Chairman of the Board of Selectmen* shall approve all warrants in the event of the absence of the Town ~~Administrator~~ *Manager*, or a vacancy in the office of Town ~~Administrator~~ *Manager*.

## **ARTICLE 7 GENERAL PROVISIONS**

### **SECTION 7-1: CHARTER CHANGES**

This eCharter may be amended, restated or replaced in accordance with its terms and pursuant to the state constitution and the General Laws.

### **SECTION 7-2: SEVERABILITY**

The provisions of this eCharter are severable. If any provision of this eCharter is held *to be invalid or unenforceable*, the other provisions of this eCharter shall not be affected thereby. If the application of ~~this charter or any of its provisions~~ *any provision of this Charter* to any person or circumstance is held *to be invalid or unenforceable*, the application of this eCharter and its provisions to other persons and circumstances shall not be affected thereby.

### **SECTION 7-3: SPECIFIC PROVISIONS TO PREVAIL**

To the extent that any specific provision of this eCharter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

### **SECTION 7-4: NUMBER AND GENDER**

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

### **SECTION 7-5: DEFINITIONS**

Unless another meaning is clearly apparent from the context in which the word is used, the following words as used in this eCharter shall have the following meanings:

(a) **Charter**- The word "eCharter" shall mean this eCharter as the same may hereafter be amended or restated.

(b) **Days** - The word "days" shall refer to calendar days, including Saturday, Sunday, and holidays.

(c) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event, or condition which necessitates immediate action.

**(d) General Laws** - The words "General Laws" shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Sutton is a member specifically including the General Laws of *the Commonwealth of Massachusetts*, as amended.

**(e) Local Newspaper Media** - The words "local newspaper media" shall mean *the town's website, a local cable television station and/or a daily or weekly newspaper of general circulation in town.* ~~a daily or weekly newspaper of general circulation in the Town of Sutton.~~

**(f) Majority Vote** - The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.

**(g) Multiple-member Body** - The words "multiple-member body" shall mean any town body consisting of three or more ~~persons~~ *positions* and whether titled board, commission, committee, subcommittee, or otherwise, whether elected, appointed or otherwise constituted.

**(h) Quorum** - The word "quorum", unless otherwise required by law or this eCharter, shall mean a majority of the members of a multiple-member body then in office, excluding any vacancies which might then exist.

**(i) Town** - The word "town" shall mean the Town of Sutton.

**(j) Town Agency** - The words "town agency" shall mean any department, division or office of the town government.

**(k) Town Bulletin Board** - The words "town bulletin board" shall mean the bulletin board in *or on* the town hall on which official town notices are posted and such other locations within the town which may from time to time be designated as town bulletin boards by ~~b~~By-law, or by vote of the Board of Selectmen.

**(l) Town Official** - The words "Town Official" when used without further qualification or description, shall mean a person having charge of a town agency, or a member of a multiple-member-body of the town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the town.

**(m) Voters** - The word "~~v~~Voters" shall mean registered ~~v~~Voters of the Town of Sutton.

## **SECTION 7-6: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency *in accordance with this Charter, By-laws or law* shall be filed in the office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ~~ten~~ 10 days following the date it has been so filed in the office of the Town Clerk.

## **SECTION 7-7: CHARTER AND BY-LAW REVIEW**

### **A. Charter and By-law ~~and Charter~~ Review Committee**

(1.) Purpose- A ~~standing~~ *Charter and By-law and Charter* Review Committee shall be established *every five years* to provide ~~an annual~~ *a review of the Charter all-General* and ~~b~~By-laws, exclusive of Zoning By-laws., ~~and the Home Rule Charter.~~

(2.) Composition- The ~~By-law and Charter and By-law~~ Review Committee shall consist of five members, two to be appointed by the Town Moderator and three to be appointed by the Board of

Selectmen. Members of the ~~By-law and~~ Charter and By-law Review Committee shall serve for an indefinite term until discharged by the Board of Selectmen.

(3.) Duties- The ~~By-law and~~ Charter and By-law Review Committee shall

- Investigate and Review specific portions of the *Charter and* ~~g~~General ~~b~~By-laws. and Home Rule Charter.
- Submit an annual report to the Board of Selectmen.
- Meet annually with the Board of Selectmen regarding annual review and suggested changes.
- Recommend changes, additions, and deletions to general by laws and Home Rule Charter.
- Act as a resource for town boards, committees and officials to interpret the meaning and language of the Home Rule Charter and general by laws as deemed necessary.

B. Attorney General Approval- Subsequent to enactment by the Town Meeting, copies of the revised ~~e~~Charter and ~~b~~By-laws shall be forwarded to the attorney general of the ~~e~~Commonwealth of Massachusetts for approval, and they shall be otherwise published, all as required by the General Laws. Copies of the revised *Charter and* ~~b~~By-laws shall be made available for distribution to the public.

#### **SECTION 7-8: REMOVALS AND SUSPENSIONS**

Any appointed official, member of a multiple-member body or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement, or employment agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

~~Any appointed official, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than 15 days. Suspension may be concurrent with removal and shall not interfere with the rights of the official or employee under the removal procedure given below.~~

The appointing authority when removing any such official, member of a multiple-member body or employee of the town, shall ~~act in accordance with the following procedure:~~ provide the individual with a written statement of the reason(s) for said removal. Nothing in this section shall be constructed as granting a right to such notice when a person who has been appointed for a fixed term is not re-appointed when that term expires.

~~(a) A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered in hand, or by registered mail or certified mail, return receipt requested, to the last known address of the person sought to be removed.~~

~~(b) Within five days following delivery of such notice the official, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.~~

~~(c) Between one and ten days after the public hearing is adjourned, or if the official, member of a multiple member body or employee of the town fails to request a public hearing between six and 15 days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the official, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the official, member of a multiple member body or employee shall, forthwith, be reinstated.~~

~~Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not re-appointed when the original term expires.~~

### **SECTION 7-9: PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES**

**(a) Meetings and Agendas** - All multiple-member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. *In addition to any notice otherwise required by law, a multiple-member body shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. Notice shall be printed in legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chairman reasonably anticipates will be discussed at the meeting. Notice shall be filed with the Town Clerk and posted on the town bulletin board.*

Except in cases of emergency, special meetings of any multiple-member body shall be held on the call of the respective chairman, or by one-third of the members thereof by suitable written notice delivered to ~~the residence or place of business of~~ each member at least 48 hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board. Special meetings of any multiple-member body shall also be called within seven days after the date of the filing with the Town Clerk of a petition signed by at least 50 ~~v~~Voters and which states the purpose or purposes for which the meeting is to be called.

Except as authorized by law, all meetings of all multiple-member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

~~**(b) Agendas** - At least 24 hours before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, a resolution declaring that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.~~

~~**(e) (b) Rules and Journal Minutes of Meetings** - Each multiple-member body shall determine its own rules and order of business unless otherwise provided by this eCharter or by General lLaws and shall provide for keeping a journal minutes of its proceedings. These rules and journals minutes shall be public records, and, following their approval by the multiple member body, certified copies shall be certified and placed on file in the office of the Town Clerk and for the convenience of the public, kept available for public inspection in the office of the Town Clerk.~~

~~**(d) (c) Voting** - Except on procedural matters all votes of all multiple-member bodies shall be~~

taken by a call of the roll. The vote of each member shall be recorded in the ~~journal~~ *minutes*; if the vote is unanimous, only that fact need be recorded.

~~(e)~~ **(d) Quorum** - A majority of the members of the multiple-member body then in office shall constitute a quorum. However, a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple-member body. No other action of the multiple-member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple-member body.

~~(f)~~ **(e) Filling of Vacancies** - Whenever a vacancy shall occur in the membership of an appointed multiple-member body, the remaining members shall immediately give written notice of such vacancy to the appointing authority. If, at the expiration of 30 days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple-member body ~~shall~~ *may* fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.

~~(g)~~ **(f) Composition of Multiple-member Bodies** - All multiple-member bodies when established shall be composed of an odd number of members, of not less than three. Whenever the terms of office of a multiple-member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

#### **SECTION 7-10: NOTICE OF VACANCIES**

Whenever a vacancy occurs in any ~~town office, paid position or employment, or whenever~~ by reason of a pending retirement or expiration of a fixed term *such that* a vacancy can be anticipated, the appointing authority, *following determination that such position should be filled*, shall ~~forthwith~~ cause public notice of such vacancy to be posted on the town bulletin board for not less than ~~ten~~ 10 days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the ~~office, position or employment~~. No permanent appointment to fill such ~~office, position or employment~~ shall be effective until 14 days following the date such notice was posted to permit reasonable consideration of all applicants. This ~~s~~Section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any *contract or* collective bargaining agreement.

#### **SECTION 7-11: LOSS OF OFFICE, EXCESSIVE ABSENCE**

If any person appointed to serve as a member of a multiple-member body shall fail to attend four or more consecutive meetings, or one-half or more of all of the meetings of such body held in one calendar year, the remaining members of the multiple-member body may, by a majority vote of such body, declare the office to be vacant, provided that not less than ~~ten~~ 10 days prior to the date said vote is scheduled to be taken, the body has given in hand, or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

## **ARTICLE 8 TRANSITIONAL PROVISIONS**

### **SECTION 8-1: CONTINUATION OF EXISTING LAWS**

All General Laws, special laws, town ~~h~~By-laws, votes, rules and regulations of or pertaining to the town which are in force when this charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force until amended or rescinded by due course of law or until they expire by their own limitation.

### **SECTION 8-2: CONTINUATION OF GOVERNMENT**

~~All town agencies shall continue to perform their duties until re-appointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.~~

### **SECTION 8-3: CONTINUATION OF ADMINISTRATIVE PERSONNEL**

~~Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency.~~

### **SECTION 8-4: TRANSFER OF RECORDS AND PROPERTY**

~~All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned in this charter.~~

### **SECTION 8-5: TOWN ADMINISTRATIVE ORGANIZATION**

~~Until such time as a different form of organization shall be provided, in accordance with the provisions of Article 5, the following outline of organization shall be operative. (See Figure 1.)~~