

# MOTIONS – 2025 SUBSEQUENT TOWN MEETING

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## MOTION UNDER ARTICLE 8 2025 SUBSEQUENT TOWN MEETING

Move that the Town amend the Reading Home Rule Charter as follows, with text to be inserted shown as bold, italicized, and underline, and text to be deleted shown with a strikethrough, subject to approval by the voters at an election:

### **Preamble**

We, the people of The Town of Reading, in order to re-establish our individual sovereignty with respect to the conduct of our local government and to take the fullest advantages inherent in the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts, do hereby adopt the following Home Rule Charter for the Town of Reading.

### **ARTICLE 1 EXISTENCE, AUTHORITY AND DEFINITIONS**

#### **1.1 Incorporation**

The inhabitants of the Town of Reading, within the territorial limits established by law, shall continue to be a body corporate and politic under the name "Town of Reading."

#### **1.2 Division of Powers**

Authority for the management of all the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a ~~Board of Selectmen~~ **Select Board** and administered by a Town Manager. A representative Town Meeting shall exercise all legislative powers of the Town.

#### **1.3 Powers of the Town - Intent of the Voters**

It is the intent and the purpose of the voters of the Town of Reading, through the adoption of the Charter, to secure for the Town all of the powers possible to secure under the Constitution and statutes of the Commonwealth of Massachusetts, as fully and as completely as though each such power were specifically and individually enumerated herein.

#### **1.4 Interpretation of Powers**

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of any particular power is not intended to limit in any way the general powers of the Town as set forth in Section 1.3.

#### **1.5 Intergovernmental Relations**

The Town, acting by and through its ~~Board of Selectmen~~ **Select Board**, may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions

## 1.6 **Definitions**

Unless another meaning is clearly apparent from the manner in which the term is used, the following terms used in the Charter shall have the following meanings:

**Board or Committee** – The term “board or committee” shall mean any board, committee, commission, authority, or council of the Town, however created, elected, appointed or otherwise constituted.

**Charter** – The term “Charter” shall mean the Town of Reading Home Rule Charter.

**Ex officio** - The term “*ex officio*” shall refer to a members of any board or committee who serves by virtue of ~~his~~ ***their*** office or position. A person serving as an *ex officio* member on more than one board or committee shall not be required to take an additional oath of office to serve in such capacity.

**Library** – The term “Library” shall mean the Reading Public Library and any branch or branches thereof that may be established.

**Local News Medium** – The term “local news medium” shall mean a newspaper, ***the official town website*** or other means or channel of information communication to which the general public has access within the Town.

**Majority Vote** – As applied to the Town Meeting, Committees thereof and precinct meetings, the term “majority vote” shall mean the affirmative vote of a majority of those present and voting provided that a quorum of the body is present. As applied to all other boards or committees, the term shall mean the affirmative vote of a majority of the number of members specified in the Charter, Town Bylaw or other enabling vote or action creating such board or committee.

**Precinct** – The term “precinct” shall mean the areas into which the Town is divided for the purpose of electing Town Meeting Members.

**Town** - The term "Town" shall mean the Town of Reading.

**Town Agency** - The term "Town Agency" shall mean any board or committee, department or office of the Town, however created, elected, appointed or otherwise constituted.

**Town Meeting** - The term "Town Meeting" shall mean the representative Town Meeting of the Town, established by Article 2.

**Town Officer** - The term "Town Officer" shall mean an elected or appointed official of the Town who, in the performance of ~~his~~ ***the*** duties of ***their*** office, exercises some portion of the sovereign power of the Town, whether great or small; provided, however, that the term shall not include a Town Meeting Member; and provided further that a person may be a Town Officer whether or not ~~he~~ ***that person*** receives any compensation for ~~his~~ ***their*** services.

**Voters** - The term "Voters" shall mean the registered voters of the Town.

## ARTICLE 2

## REPRESENTATIVE TOWN MEETING

### **2.1 Composition**

The legislative body of the Town shall be a representative Town Meeting consisting of one hundred ninety-two (192) members from eight (8) precincts who shall be elected by the voters in each precinct.

Each precinct shall be equally represented in Town Meetings by members elected so that the term of office of one-third of the members shall expire each year.

### **2.2 Revision of Precincts**

When required by law or every ten (10) years, the ~~Board of Selectmen~~ **Select Board** shall review and, if necessary, re-divide the territory of the Town into eight (8) plainly designated precincts. The precincts shall be divided into as nearly an equal number of inhabitants as possible. The territory of each precinct shall be contiguous and as compact as possible. The territory of each precinct shall be defined, where reasonably possible, by the centerline of known streets or other well-defined limits.

Within ten (10) days of completing its review, the ~~Board of Selectmen~~ **Select Board** shall file a report with the Town Clerk and the Board of Registrars of Voters, showing any revisions to the precincts that are being made pursuant to this section. If revisions are being made, the report shall include a map showing the boundaries of each precinct and a list of its inhabitants' names and addresses. The ~~Board of Selectmen~~ **Select Board** shall also post the map and list in the Town Hall and in at least one public place in each precinct.

Any such precinct revision shall be effective on the date it is filed with the Town Clerk. The Town Clerk shall forthwith notify the Secretary of State of the revision in writing.

### **2.3 Town Meeting Membership**

At the first Town wide election after any precincts are revised, the voters of each precinct shall elect twenty-four (24) Town Meeting Members to represent the precinct. Terms of office shall be determined by the number of votes received. The eight (8) candidates receiving the highest number of votes shall serve for three (3) years, the eight (8) receiving the next highest number of votes shall serve for two (2) years, and the eight (8) candidates receiving the next highest number of votes shall serve for one (1) year from the day of election. Upon the certification of such election, the term of office of all previously elected Town Meeting members shall cease.

At each Annual Election thereafter, the voters in each precinct shall elect eight (8) Town Meeting Members to represent the precinct for a term of three (3) years, and shall also elect Town Meeting Members to fill any vacant unexpired terms. After each election of Town Meeting Members, the Town Clerk shall notify each Town Meeting Member of ~~his~~ **their** election in writing.

In the event of a tie vote, resulting in a failure to elect the full number of Town Meeting Members in any precinct, the vacancy created thereby shall be filled until the next Annual Town Election by a vote of the remaining Town Meeting Members of the precinct, provided, however, that the balance of any unexpired term shall be filled at the next Annual Town Election. In the event of such a vacancy, the Town Clerk shall give written notice of the tie vote and the vacancy created thereby, to the remaining Town Meeting Members of that precinct and shall publish such notice in the local news medium. Such notice shall provide at least seven (7) day's advance

notification of the time and place for a precinct meeting for the purpose of filling the vacancy.

#### **2.4 Town Meeting Sessions**

All representative Town Meeting sessions shall be limited to the Town Meeting Members elected pursuant to Section 2.3, together with the duly elected Moderator. The Town Clerk shall notify the Town Meeting Members of the time and place at which representative Town Meeting sessions are to be held, the notices to be sent at least seven (7) days (see Section 8.5) before the meeting. The Town Meeting Members shall be the judges of the election and qualification of their members. A majority of the Town Meeting Members shall constitute a quorum for doing business. However, a smaller number may organize temporarily and may adjourn from time to time, but no Town Meeting shall adjourn over the date of an election of Town Meeting Members. All Town Meeting sessions shall be public.

#### **2.5 Nomination Procedures**

Nomination of candidates for Town Meeting Member shall be made by nomination papers bearing no political designation and signed by not fewer than ten (10) voters from the candidate's precinct. Nomination papers shall be obtained in person and signed by the candidate in the presence of the Town Clerk or designee. Completed nomination papers shall be filed with the Town Clerk at least thirty-five days (35) days before the election.

#### **2.6 Vacancies**

A Town Meeting Member may resign by filing a written notice with the Town Clerk. A Town Meeting Member who terminates residency in the Town shall cease to be a Town Meeting Member. A Town Meeting Member who moves his **their** residence from the precinct from which he **they were was** elected to another precinct shall serve only until the next Annual Town Election.

If any person elected as a Town Meeting Member fails to attend one-half or more of the total Town Meeting sessions within one year preceding the most recent Annual Town Election, his **their** seat may be declared vacant by a majority vote of the Town Meeting.

The ~~Board of Selectmen~~ **Select Board** shall place an Article on the Annual Town Meeting Warrant to remove any such Town Meeting Member from office. At least seven (7) days prior to the Annual Town Meeting, the Town Clerk shall notify any such Town Meeting Member that he **they** may be removed from office, provided, however, that such notice shall be deemed adequate if mailed postage prepaid to the Town Meeting Member's last known address.

Any vacancy in a Town Meeting position may be filled until the next Annual Town Election by a vote of the remaining Town Meeting Members of the precinct, provided, however, that the balance of any unexpired term shall be filled at the next Annual Town Election. In the event of a vacancy, the Town Clerk shall give written notice thereof to the remaining Town Meeting Members of the precinct and shall publish such notice in a local news medium. Such notice shall provide at least seven (7) day's advance notification of the time and place for a precinct meeting for the purpose of temporarily filling the vacancy.

#### **2.7 Precinct Meetings**

The Town Meeting Members of each precinct shall meet at least annually and shall elect a Chair and a Clerk. A majority of the Town Meeting Members of the precinct serving at the time of the precinct meeting shall constitute a quorum thereof. A majority vote cast at a precinct meeting shall be sufficient to fill vacancies, elect a Chair or Clerk, or conduct other business. The Chair or Clerk shall certify any vote taken at a precinct meeting to the Town Clerk.

**2.8 Compensation**

Town Meeting Members shall serve without compensation.

**2.9 Presiding Officer**

A Moderator, chosen in accordance with the provisions of Section 3.6, shall preside at all sessions of the Town Meeting. The Moderator shall regulate the proceedings of all Town Meeting sessions, decide all questions of order and make public declaration of all votes. He **The Moderator** may also administer the oath of office to any Town Officer and to Town Meeting Members. In the absence of the Moderator, the Town Meeting shall elect a Moderator *pro tempore*.

**2.10 Clerk of the Town Meeting**

The Town Clerk shall serve as the Clerk of the Town Meeting. In the event of his **their** unavoidable absence, the Town Clerk may designate a substitute; otherwise, the Moderator shall appoint a Clerk *pro tempore*. The Clerk shall give notice of all Town Meetings to Town Meeting Members and to the public and keep the journal of Town Meeting proceedings.

**2.11 Participation by Non-Town Meeting Members**

Subject to conditions that may be determined from time to time by Town Meeting Members, any person who is not a Town Meeting Member may be allowed to speak at any Town Meeting but shall not vote.

At the request of the Moderator or Town Meeting, any Town Officer or Department Head or his **their** designee shall be present at any session of Town Meeting for the purpose of responding to questions of Town Meeting Members.

**2.12 Establishment of Standing Committees**

The Town Meeting may establish boards or committees to which may be referred Warrant Articles for study, review and report in advance of the sessions of the Town Meeting. All meetings of such boards or committees shall be conducted in accordance with the provisions of the Open Meeting Law, Massachusetts General Laws Chapter 30A, Sections 20 through 22, inclusive.

In establishing such boards or committees, the Town Meeting shall provide for the appointment of members either by an appointment committee established for that purpose or by an existing board or committee.

**2.12.1 Finance Committee**

There shall be a Finance Committee consisting of nine (9) voters of the Town, appointed for three-year staggered terms so arranged that three (3) terms expire on June 30 each year. No Finance Committee Member shall serve for more than three (3) consecutive terms; provided, however, that an appointment to the Finance Committee to fill an unexpired term that has less than two (2) years remaining shall not be counted toward the three (3) consecutive terms.

No Finance Committee Member shall be an elected or appointed Town Officer or an employee of the Town. A Finance Committee Member may be an elected Town Meeting Member but shall serve on no other standing committee.

Finance Committee members shall be appointed by majority vote of an Appointment Committee chaired by the Moderator and consisting of the Moderator, the Chairman of the ~~Board of Selectmen~~ **Select Board**, and the Chairman of the Finance Committee; **provided however where the chair of the Finance Committee is in their last year and is seeking reappointment, the Appointment Committee shall be comprised of the Chair of the Select Board, the Moderator and a designee of the Finance Committee who is not in their last year or seeking reappointment.** The Appointment Committee shall fill any vacancy on the Finance Committee.

The Finance Committee shall have all the powers and duties granted to Finance Committees by the laws of the Commonwealth of Massachusetts, Town Bylaw, any Town Meeting vote and other applicable laws. In addition to these powers, the Finance Committee shall have the power to investigate the books, accounts, records and management of any office, board or committee in Town, and may use agents in carrying out such investigations. The Finance Committee shall submit a written report to the Town Meeting setting forth its findings, approvals or disapprovals on all Articles in the Warrant that involve the expenditure of funds. The Finance Committee shall take reasonable action to submit its report at least seven (7) days (see Section 8.5) before Town Meeting; provided, however, that such report shall not preclude further action or reconsideration by the Finance Committee.

### **2.12.2 Bylaw Committee**

There shall be a Bylaw Committee consisting of five (5) voters of the Town, appointed for three (3) year staggered terms expiring on June 30.

Bylaw Committee members shall be appointed by majority vote of an Appointment Committee chaired by the Moderator and consisting of the Moderator, the Chair of the ~~Board of Selectmen~~ **Select Board**, and the Chair of the Bylaw Committee; **provided however where the chair of the Bylaw Committee is in their last year and is seeking reappointment, the Appointment Committee shall be comprised of the Chair of the Select Board, the Moderator and a designee of the Bylaw Committee who is not in their last year or seeking reappointment.** The Appointment Committee shall fill any vacancy on the Bylaw Committee.

The Bylaw Committee may propose and shall consider Town Meeting Warrant articles offering changes in the Charter, General Bylaws, petitions for special acts, or local acceptance of State Statutes that are subject to Town Meeting acceptance; and may consider Zoning Bylaw changes and shall submit a written report to the Town Meeting setting forth its findings on all such Articles in the Warrant. The Bylaw Committee shall take reasonable action to submit its report to the Town Meeting at least seven (7) days (see Section 8.5) before Town Meeting; provided, however, that such report shall not preclude further action or reconsideration by the Bylaw Committee.

Within one (1) year of any adopted change to the Charter, the Bylaw Committee shall propose any revisions to the General Bylaws that it deems to be necessary as a result of such change.

The Bylaw Committee shall review the General Bylaws at least every ten (10) years and submit a written report to the Town Meeting setting forth any recommended changes.

### **2.12.3 Rules Committee**

There shall be a Rules Committee, chaired by the Moderator who shall be a non-voting member, and consisting of the Precinct Chairs. The Rules Committee may, from time to time, review all aspects of the operation of Town Meeting and submit a written report to the Town Meeting setting forth its findings, recommendations and proposals for rules governing the conduct of Town Meeting.

### **2.13 Warrant Articles**

Except for procedural matters, all subjects to be acted upon by the Town Meeting shall be placed on a Warrant therefor issued by the ~~Board of Selectmen~~ **Select Board**. The ~~Board of Selectmen~~ **Select Board** shall place on such Warrants all subjects submitted by:

- a Any two (2) or more members of the ~~Board of Selectmen~~ **Select Board**;
- b Any board or committee;
- c Any ten (10) or more voters for the Annual, Subsequent or Special Town Meeting as defined in Section 2.14; or
- d Any other person or entity as may be authorized by Town Bylaw or otherwise.

All subjects timely submitted to the ~~Board of Selectmen~~ **Select Board** pursuant to this section shall be placed on a Warrant for the next scheduled Annual, Subsequent or Special Town Meeting.

All Articles submitted pursuant to Section 2.13(a) shall include the names of all ~~of the Board of Selectmen~~ **Select Board** members sponsoring such article. Sponsorship of Articles submitted pursuant to Section 2.13(b) shall be designated as: "The ~~Board of Selectmen~~ **Select Board** as a courtesy to **requested by** (insert name of Board or Committee requesting the Article)."

Promptly upon receipt by the ~~Board of Selectmen~~ **Select Board** of any subject for a Town Meeting Warrant Article, a copy of the Article shall be made available for inspection in the Office of the Town Clerk.

### **2.14 Meetings**

The Town Meeting shall meet at least twice in each calendar year. The Annual Town Meeting shall be held during the first six (6) calendar months of the year at a time fixed by Town Bylaw, and shall be primarily concerned with the determination of matters that have a fiscal impact on the Town, including the adoption of an annual operating budget for all Town Agencies other than the Reading Municipal Light Department. A Subsequent Town Meeting shall be held during the last three (3) calendar months of the year at a time fixed by Town Bylaw. In addition to the two (2) meetings required by this section, the ~~Board of Selectmen~~ **Select Board** may call a Special Town Meeting into session at other times by the issuance of a Warrant therefore as it deems necessary or appropriate for the purpose of acting upon the legislative business of the Town in an orderly and expeditious manner. The ~~Board of Selectmen~~ **Select Board** shall call a Special Town Meeting upon the receipt of a petition with two hundred (200) or more signatures of voters, as certified by the Board of Registrars of Voters.

### **2.15 Referendum Procedures**

No final affirmative vote of a Town Meeting on any Warrant Article shall be effective until after the expiration of seven (7) days (see Section 8.5) following the dissolution of the Town Meeting except:

- a Votes appropriating money for the payment of notes or bonds of the Town and interest becoming due within the then current fiscal year;
- b Votes for the temporary borrowing of money in anticipation of revenue; or
- c A vote declared by a preamble, and adopted by a two-thirds (2/3) vote of the Town Meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the Town.

If a referendum petition is not filed pursuant to Section 2.15.1 within the said seven (7) days (see Section 8.5), the remaining votes of the Town Meeting shall then become effective.

### 2.15.1 Referendum Petition

If, within said seven (7) days (see Section 8.5), a referendum petition signed by not fewer than three percent (3%) of the voters, as certified by the Board of Registrars of Voters, containing their names and addresses, is filed with the Board of Selectmen **Board of Registrars of Voters** requesting that any of the remaining affirmative votes of the Town Meeting be submitted to the voters in the form of a ballot question, then the effectiveness of such Town Meeting vote shall be further suspended pending its determination as provided herein. **Within three (3) days of receipt, the Board of Registrars shall certify whether the petition is signed by not fewer than three percent (3%) of the registered voters. Upon certification, the Board of Registrars shall immediately notify the Select Board.** The Board of Selectmen **Select Board** shall, within ten (10) days after **receipt of the Board of Registrars' certification that the petition contains the requisite number of signatures** the filing of such referendum petition, call a Special Election, to be held within thirty **five** (30**5**) days or such longer period as may be required by law after issuing the call, for the purpose of presenting such ballot question to the voters; provided, however, that, if a regular or Special Election is to be held not more than sixty (60) days following the date the referendum petition is filed, the Board of Selectmen **Select Board** may provide that such ballot question be presented to the voters at that Election. **If the referendum petition lacks the requisite number of signatures, the Town Meeting vote shall become effective.**

### 2.15.2 Form of Referendum Petition /Ballot Question

Each ballot question submitted shall appear at the top of each referendum petition and shall be presented in the following form which shall be placed on the official ballot: "Shall the Town vote to approve the action of the representative Town Meeting whereby it was voted on (insert date of Town Meeting) to (insert complete language of the vote in the same form in which it was stated when presented by the Moderator to the Town Meeting, and as it appears in the records of the Clerk of the meeting)?"

The circulator(s) of the referendum petition may make multiple copies of the petition form, but such copies must be exact duplicates thereof, and the petition form may not be altered in any way. No extraneous markings, such as underlines, highlighting, erasures, marking out or insertion of words or other information, shall be allowed on any area of the petition form or any copy thereof. Any petition form or copy thereof containing such extraneous markings or alterations or that are not exact duplicates

shall be invalid, and no signatures contained thereon shall be counted toward the required number. For the purpose of this prohibition, the term "extraneous markings" shall not include signatures, names or addresses.

Each petition form shall include language informing voters that additional markings will disqualify the signatures on the petition form; that, for their signature to be counted, they must be a registered voter of the Town of Reading; that their signature shall be written in the same form as they are registered; that they should not sign the petition and any copy thereof more than once; and that, if they are prevented by physical disability from writing, they may authorize some person to write their name and address in their presence. The back of each petition form, where signature lines appear, shall include the following instruction: "ATTENTION VOTERS: Before signing, read signer information on the other side."

Upon request, the Town Clerk shall provide Town referendum petition /ballot question forms with the final article language voted at Town Meeting.

In addition to the certification of signatures on the petition form, the Board of Registrars of Voters shall examine the petition forms for extraneous markings, and determine whether they are exact copies.

### **2.15.3 Election**

Any ballot question submitted in accordance with the procedure set forth herein shall be determined by majority vote thereon, but no action of the Town Meeting shall be reversed unless at least twenty percent (20%) of the voters cast ballots on the ballot question.

## **ARTICLE 3 ELECTED OFFICERS AND BOARDS OR COMMITTEES**

### **3.1 General Provisions**

The offices to be filled by the voters shall be the ~~Board of Selectmen~~ **Select Board**, School Committee, Board of Library Trustees, Municipal Light Board of Commissioners, Moderator and such members of regional authorities or districts as may be established by statute, intergovernmental agreement executed pursuant to Section 1.5 or otherwise.

Only a registered voter of the Town shall be eligible to hold any elective town office; provided, however, that no person holding any elective Town office shall simultaneously hold any other elective Town office except that of Town Meeting Member.

Elected Town Officers shall serve without compensation unless otherwise specifically voted by Town Meeting.

Elected Town Officers shall be subject to the call of the ~~Board of Selectmen~~ **Select Board** at all reasonable times for consultation, conference and discussion on any matter relating to their respective offices.

### **3.2 ~~Board of Selectmen~~ **Select Board****

There shall be a ~~Board of Selectmen~~ **Select Board** consisting of five (5) members elected for three (3) year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The executive powers of the Town shall be vested in the ~~Board of Selectmen~~ **Select Board**. The ~~Board of Selectmen~~ **Select Board** shall have all of the powers and duties

granted to Boards of Selectmen by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, or by Town Meeting vote.

The ~~Board of Selectmen~~ **Select Board** shall cause the laws and orders for the government of the Town to be enforced and shall cause a record of all its official acts to be kept.

The ~~Board of Selectmen~~ **Select Board** shall appoint a Town Manager, a Town Counsel, a Town Accountant, not more than five (5) Constables, and any other appointed board or committee member for whom no other method of selection is provided by the Charter or by Town Bylaw.

The ~~Board of Selectmen~~ **Select Board** or its designee shall be the Licensing Board of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

### **3.3 School Committee**

There shall be a School Committee consisting of six (6) members elected for three (3) year terms so arranged that two (2) terms shall expire each year.

The School Committee shall have all of the powers and duties granted to School Committees by the Constitution and General Laws of the Commonwealth of Massachusetts and such additional powers and duties as provided by the Charter, by Town Bylaw or by Town Meeting vote.

The School Committee shall make all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the Town. The School Committee shall appoint a Superintendent of Schools and shall define their duties and terms of employment.

### **3.4 Board of Library Trustees**

There shall be a Board of Library Trustees consisting of six (6) members elected for three (3) year terms so arranged that two (2) terms shall expire each year.

The Board of Library Trustees shall have all of the powers and duties granted to Boards of Library Trustees by the Massachusetts General Laws, and such additional powers and duties as may be authorized by the Charter, by Town Bylaw or by Town Meeting vote.

The Board of Library Trustees shall have control over the selection of Library materials, and shall have custody and management of the Library and of all property of the Town related thereto; provided, however, that the Town Manager or ~~his~~ **their** designee shall have responsibility for the maintenance of the Library building and grounds. The Board of Library Trustees shall appoint a Library Director and shall define ~~his~~ **their** duties and terms of employment, subject to the personnel policies and classification and compensation plans established by the ~~Board of Selectmen~~ **Select Board**.

The Board of Library Trustees shall administer all money or property that the Town may receive on behalf of the Library by gift or bequest in accordance with the provisions of such gift or bequest.

**3.5 Municipal Light Board of Commissioners**

There shall be a Municipal Light Board of Commissioners consisting of five (5) members elected for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Municipal Light Board of Commissioners shall have all the powers and duties granted to cities and towns in respect to municipal lighting plants by Massachusetts General Laws Chapter 164, Section 34 *et seq.* and other general and special acts pertaining thereto, together with such further powers and duties assigned to them by the Charter, by Town Bylaw, or by Town Meeting vote.

The Municipal Light Board of Commissioners shall hire the General Manager of the Municipal Light Department and set his ***their*** duties and terms of employment.

The Municipal Light Board of Commissioners shall appoint the Accounting Manager or Chief Accountant of the Municipal Light Department and appoint Counsel to the Municipal Light Department.

The Accounting Manager or Chief Accountant, as the case may be, and Counsel shall be subject to the supervision of the General Manager.

The Municipal Light Board of Commissioners shall approve warrants for payments of all bills and payroll of the Municipal Light Department and shall approve all contracts which are at or above the competitive sealed bid procedures level as stated in Massachusetts General Laws Chapter 30B, Section 5 and, further, all contracts shall be made in accordance with Massachusetts General Laws Chapter 30B. Contracts for purchasing of power shall not be subject to Massachusetts General Laws Chapter 30B but shall be approved by the Municipal Light Board of Commissioners.

The Municipal Light Board of Commissioners shall employ the Auditor appointed by the Town of Reading Audit Committee.

The Municipal Light Board of Commissioners shall annually set electric rates and approve an annual operating budget and Capital Improvements Program each fiscal year. Such approval will be done by a majority vote of the Municipal Light Board of Commissioners. After the Municipal Light Board of Commissioners has approved an annual operating budget and Capital Improvements Program, it will present them to the Town of Reading Finance Committee and Town of Reading Town Meeting. Upon request of any of the other towns served by the Municipal Light Department, the Municipal Light Board of Commissioners shall make a presentation to the Finance Committee and/or Town Meeting of any such town(s).

**3.6 Moderator**

There shall be a Moderator elected for a one (1) year term.

The Moderator shall have all of the powers and duties granted to Moderators by the Constitution and General Laws of the Commonwealth of Massachusetts, and such additional powers and duties as provided by the Charter, by Town Bylaw or by Town Meeting vote. The Moderator shall not simultaneously serve as an elected Town Meeting Member or in any other elected Town office.

**4.1 Board of Assessors**

There shall be a Board of Assessors consisting of three (3) members appointed by the ~~Board of Selectmen~~ **Select Board** for three (3) year terms so arranged that one (1) term shall expire each year.

The Board of Assessors shall have all the powers and duties granted to Boards of Assessors by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

~~The elected members of the Board of Assessors serving at the time that this section first becomes effective may continue to serve in office until their elected terms expire, unless reappointed for an additional term or terms pursuant to this section.~~

**4.2 Board of Cemetery Trustees**

There shall be a Board of Cemetery Trustees consisting of six (6) members appointed by the ~~Board of Selectmen~~ **Select Board** for three (3) year terms so arranged that two (2) terms shall expire each year.

The Board of Cemetery Trustees shall have all the powers and duties granted to Boards of Cemetery Trustees by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**4.3 Board of Commissioners of Trust Funds**

There shall be a Board of Commissioners of Trust Funds consisting of five (5) members. Three (3) shall be appointed by the ~~Board of Selectmen~~ **Select Board** for three (3) year terms so arranged that one (1) term shall expire each year. In addition, the ~~Board of Selectmen~~ **Select Board** shall appoint one of its members to serve as a full voting member *ex officio*, and the Town Treasurer shall serve as a full voting member *ex officio*.

The Board of Commissioners of Trust Funds shall have such powers and duties as are granted to them by the ~~Board of Selectmen~~ **Select Board**.

**4.4 Board of Health**

There shall be a Board of Health consisting of five (5) members appointed by the ~~Board of Selectmen~~ **Select Board** for three (3) year terms so arranged that one (1) term shall expire each year.

The Board of Health shall have all of the powers and duties granted to Boards of Health by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**4.5 Community Planning and Development Commission**

There shall be a Community Planning and Development Commission consisting of five (5) members appointed by the ~~Board of Selectmen~~ **Select Board** for three (3) year terms so arranged that as nearly an equal number of terms as possible shall expire each year.

The Community Planning and Development Commission shall have all of the powers and duties granted to Planning Boards, Boards of Survey and Industrial Development Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote. The

Community Planning and Development Commission shall have the power to regulate the subdivision of land within the Town by the adoption of Rules and Regulations pertaining thereto.

The Community Planning and Development Commission shall make studies and prepare plans concerning the resources, developmental potential and needs of the Town; and shall report annually to the Town giving information regarding the physical condition of the Town, and any plans or proposals known to it affecting the resources, physical development and needs of the Town.

#### **4.6 Conservation Commission**

There shall be a Conservation Commission consisting of seven (7) members appointed by the ~~Board of Selectmen~~ **Select Board** for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Conservation Commission shall have all the powers and duties granted to Conservation Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

#### **4.7 Council on Aging**

There shall be a Council on Aging consisting of ten (10) members appointed by the ~~Board of Selectmen~~ **Select Board** for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Council on Aging shall have all the powers and duties given to Councils on Aging by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

#### **4.8 Historical Commission**

There shall be a Historical Commission **consisting of five (5) members** appointed by the ~~Board of Selectmen~~ **Select Board**, ~~which shall determine the number of members and their term of appointment, not to exceed three (3) years~~ **for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.**

The Historical Commission shall have all the powers and duties granted to Historical Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

#### **4.9 Housing Authority**

There shall be a Housing Authority consisting of five (5) members. Four (4) members shall be appointed by the ~~Board of Selectmen~~ **Select Board**, and the fifth (5th) member shall be a ~~resident of the Town~~, appointed by the Commonwealth of Massachusetts or as otherwise provided by law **and be a resident of the Town.** Housing Authority Members shall serve for five (5) year terms so arranged that one (1) term shall expire each year.

The Housing Authority shall have all of the powers and duties granted to housing authorities by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

#### **4.10 Recreation Committee**

There shall be a Recreation Committee consisting of nine (9) members, eight (8) appointed by the ~~Board of Selectmen~~ **Select Board**, and one (1) appointed by the School Committee for three (3) year terms so arranged that three (3) terms shall expire each year.

The Recreation Committee shall have such powers and duties as are granted to them by the ~~Board of Selectmen~~ **Select Board**, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

The Recreation Committee shall be responsible for the evaluation of recreational program activities, formulation of overall plans for recreational program development, and for the scheduling of Town parks and recreational facilities when not in use by the School Department.

#### **4.11 Town Forest Committee**

There shall be a Town Forest Committee consisting of five (5) members, appointed by the ~~Board of Selectmen~~ **Select Board**, which shall determine the number of members and their term of appointment, not to exceed three (3) years. ***for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.***

The Town Forest Committee shall have all the powers and duties given to Town Forest Committees by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw, by the ~~Board of Selectmen~~ **Select Board** or by Town Meeting vote.

#### **4.12 Zoning Board of Appeals**

There shall be a Zoning Board of Appeals consisting of five (5) members and two (2) associate members appointed by the ~~Board of Selectmen~~ **Select Board** for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year.

The Zoning Board of Appeals shall have all the powers and duties of Zoning Boards of Appeal under the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

#### **4.13 Charter Review Committee**

At least every ten (10) years, a special Committee consisting of nine (9) members shall be established for the purpose of reviewing the Charter and making a report, with recommendations, to the Town Meeting concerning any proposed amendments that said Committee may determine to be necessary or desirable. The Committee shall consist of the Moderator, one (1) member or designee of the ~~Board of Selectmen~~ **Select Board**, one (1) member or designee of the School Committee, one (1) member or designee of the Board of Library Trustees, one (1) member or designee, of the Municipal Light Board of Commissioners, one (1) member of the Bylaw Committee and three (3) Town Meeting members to be appointed by the Moderator.

#### **4.14 Other Boards or Committees**

Any of the elected boards or committees authorized by Article 3 may establish and appoint or dissolve boards or committees from time to time for a specific purpose. Members of such boards or committees shall reside in the Town of Reading at the time of their appointment and during their term of office.

The appointing authority of any such board or committee shall, in advance of the first meeting of said board or committee and annually thereafter, report the purpose, membership and contact information of said board or committee to the Town Clerk.

**4.15 Associate Membership**

All appointed boards or committees authorized by Article 4 may have associate members if specified in the Charter, Town Bylaw or Massachusetts General Laws. Associate members shall be appointed in the same manner as other members of the board or committee. All rules and regulations relating to associate membership on appointed boards or committees shall be set forth in the Bylaw or Charter provision defining the conduct of such bodies.

Associate members may not vote on any issue to be decided by the board or committee to which the individual is appointed as an associate member except as allowed by the Charter, Town Bylaw or the Massachusetts General Laws. ~~Associates members of boards or committees serving as of the effective date of this Section 4.15 shall be allowed to serve until the end of their term or until June 30, 2015, whichever comes first.~~

**ARTICLE 5 TOWN MANAGER**

**5.1 Appointment, Qualifications and Term**

The ~~Board of Selectmen~~ **Select Board** shall appoint a Town Manager, who shall be appointed solely on the basis of ~~his~~ **their** executive and administrative qualifications. ~~He~~ **The Town Manager** shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. ~~He~~ **The candidate** shall ~~had~~ **have** at least five (5) years of full-time paid experience as a City or Town Manager or Assistant City or Town Manager or the equivalent level public or private sector experience.

The terms of the Town Manager's employment shall be the subject of a written contract, for a term not to exceed three (3) years, setting forth ~~his~~ **their** tenure, compensation, vacation, sick leave, benefits, and such other matters as are customarily included in an employment contract. The Town Manager's employment contract shall be in accordance with and subject to the provisions of the Charter and shall prevail over any conflicting provision of any personnel bylaw, rule, or regulation. The Town Manager's compensation shall not exceed the amount annually appropriated for that purpose.

The Town Manager shall devote full time to ~~his~~ **the** office and, except as expressly authorized by the ~~Board of Selectmen~~ **Select Board**, shall not engage in any other business or occupation. Except as expressly provided in the Charter, ~~he~~ **the Town Manager** shall not hold any other public elective or appointive office in the Town; provided, however, that, with the approval of the ~~Board of Selectmen~~ **Select Board**, the Town Manager may serve as the Town's representative to regional boards, commissions or similar entities, but shall not receive any additional salary from the Town for such services.

Upon the termination of the Town Manager's appointment, whether voluntary or otherwise, ~~he~~ **the Town Manager** may receive termination pay as determined by the ~~Board of Selectmen~~ **Select Board**, not to exceed twelve (12) months' salary in total. To be eligible for this benefit upon voluntary termination, the Town Manager shall provide the ~~Board of Selectmen~~ **Select Board** a minimum of sixty (60) days written notice of ~~his~~ **their** intent to leave. This benefit shall not be available if the Town Manager is terminated for cause.

## 5.2 **Powers and Duties**

The Town Manager shall be the Chief Administrative Officer of the Town and shall be responsible to the ~~Board of Selectmen~~ **Select Board** for the proper administration of all Town affairs placed in ~~his~~ **their** charge by or under the Charter. The Town Manager's powers and duties shall include:

- a To supervise and be responsible for the efficient administration of all functions under ~~his~~ **the Town Manager's** control, as may be authorized by the Charter, by Town Bylaw, by Town Meeting vote or by the ~~Board of Selectmen~~ **Select Board**, including all officers appointed by ~~him~~ **the Town Manager** and their respective departments.
- b To appoint and remove, subject to the civil service laws where applicable, the Police Chief, Fire Chief, Appraiser and all employees for whom no other method of appointment is provided in the Charter, except persons serving under the School Committee, Municipal Light Board of Commissioners or Board of Library Trustees, and appointments made by the representatives of the Commonwealth of Massachusetts. The Town Manager's appointment of the Police Chief and Fire Chief shall be subject to confirmation by the ~~Board of Selectmen~~ **Select Board**. The Town Manager's appointment of the Appraiser shall be subject to confirmation by the Board of Assessors.
- c To administer all personnel policies, practices and related matters for all municipal employees as established by any compensation plan, personnel policy guide or Town Bylaw, and all collective bargaining agreements entered into by the ~~Board of Selectmen~~ **Select Board** on behalf of the Town.
- d To fix the compensation of all Town officers and employees appointed by ~~him~~ **the Town Manager** within the limits established by applicable appropriations and any compensation plan adopted by Town Meeting.
- e To attend all regular and special meetings of the ~~Board of Selectmen~~ **Select Board**, unless excused at ~~his~~ **the Town Manager's** ~~own~~ request, and to have a voice, but no vote, in all discussions.
- f To attend all sessions of Town Meeting and to answer all questions directed **related** to ~~him~~ **the office** that are related to his office.
- g To see that all of the provisions of the Massachusetts General Laws, of the Charter, of the Town Bylaws, of Town Meeting votes, and of votes of the ~~Board of Selectmen~~ **Select Board** that require enforcement by ~~him~~ **the Town Manager** or Town Officers and employees subject to ~~his~~ **the Town Manager's** direction and supervision are faithfully carried out.
- h To prepare and submit a proposed Annual Operating Budget and a Capital Improvements Program in accordance with Article 7.
- i To ensure that a full and complete record of the financial and administrative activities of the Town is kept, and to render a full report to the ~~Board of Selectmen~~ **Select Board** at the end of each fiscal year and at such other times as may be required by the ~~Board of Selectmen~~ **Select Board**.
- j To keep the ~~Board of Selectmen~~ **Select Board** fully informed as to the financial condition and needs of the Town and to make such recommendations to the ~~Board of Selectmen~~ **Select Board** as ~~he~~ **the Town Manager** may deem necessary or appropriate.
- k To have full responsibility for the rental and use of all Town facilities, except those under the care, custody, management and control of the School Committee, the Board of Library Trustees, the Municipal Light Board of Commissioners, or other boards or committees specified by Town Bylaw or Town Meeting vote. ~~He~~ **The Town Manager** or ~~his~~ **their** designee shall be responsible for the maintenance and repair of all Town property under ~~his~~ **the Town Manager's** control.

- l To inquire into the conduct of any Town Officer, employee or department under his **the Town Manager's** control.
- m To keep a full and complete inventory of all real and personal property of substantial value belonging to the Town.
- n To serve as Chief Procurement Officer pursuant to the provisions of Massachusetts General Laws Chapter 30B and to be responsible for purchasing all supplies, materials, equipment, goods and services, except those of the School Committee and the Municipal Light Board of Commissioners; to negotiate and approve the award of all contracts for all departments and activities of the Town except those of the School Committee and Municipal Light Board of Commissioners; to examine the services performed for any Town Agency pursuant to any such contract; and to examine and inspect, or cause to be examined and inspected, the quality, quantity and conditions of materials, supplies, equipment or goods delivered to or received by any Town Agency.
- o To approve any warrants for the payment of Town funds prepared by the Accountant in accordance with the provisions of the Massachusetts General Laws; provided, however, that the approval of any such warrant by the Town Manager shall be sufficient to authorize payment by the Town Treasurer, and provided further that the ~~Board of Selectmen~~ **Select Board** shall approve such warrants in the event of a vacancy in the office of Town Manager.
- p To serve as the Executive Officer of the Town for the purposes of Massachusetts General Laws Chapter 258.
- q To perform any other duties required of him **the Town Manager** by the Charter, by Town Bylaw, by Town Meeting vote or by the ~~Board of Selectmen~~ **Select Board**.

### 5.3 **Ombudsman Constituent Services Officer**

The Town Manager shall appoint a Town employee other than himself or herself **the Town Manager** to act as an Ombudsman **representative** to all citizens in their day-to-day contacts and dealings with the Town, its officials and boards or committees. The function of the Ombudsman **Officer** shall be:

- a To direct the citizens to the proper Town Officer, board or committee to deal with the issue or concern of the citizen;
- b To set up appointments for citizens to meet with directors, department heads and boards or committees as appropriate;
- c To provide citizens with access to public information within the Town; and
- d To otherwise serve the public in connection with their dealings with the Town.

The ~~office of the Town Ombudsman~~ **Constituent Services Office** shall be clearly and conspicuously marked within the Town Hall.

### 5.4 **Acting Town Manager**

#### 5.4.1 **Temporary Absence**

By letter filed with the Town Clerk and the ~~Board of Selectmen~~ **Select Board**, the Town Manager shall designate a qualified individual to serve as Acting Town Manager during any anticipated temporary absence, not to exceed thirty (30) days.

#### 5.4.2 **Long-Term Absence**

In the event of the absence, incapacity, or illness of the Town Manager in excess of thirty (30) days, the ~~Board of Selectmen~~ **Select Board** shall appoint a qualified individual to serve as Acting Town Manager until the Town Manager returns.

#### 5.4.3 **Vacancy**

When the office of Town Manager is vacant or the Town Manager is under suspension as provided in Section 5.5, the ~~Board of Selectmen~~ **Select Board** shall appoint a qualified individual to serve as Acting Town Manager under terms of employment to be determined by the ~~Board of Selectmen~~ **Select Board**. In the event of vacancy, the ~~Board of Selectmen~~ **Select Board** shall initiate recruitment for a new Town Manager without delay and shall appoint a new Town Manager within one hundred eighty (180) days.

#### **5.4.4 Powers**

Except as authorized by a four-fifths (4/5) vote of the ~~Board of Selectmen~~ **Select Board**, the powers of an Acting Town Manager shall be limited to routine matters requiring immediate action and to making emergency temporary appointments to any Town office or employment within the scope of the Town Manager's responsibilities.

### **5.5 Removal Procedures**

The ~~Board of Selectmen~~ **Select Board** may remove the Town Manager from office as follows:

#### **5.5.1 Notice**

By affirmative vote of a majority of its members, the ~~Board of Selectmen~~ **Select Board** may adopt a preliminary resolution of removal setting forth in reasonable detail the reason or reasons for the proposed removal. The preliminary resolution may suspend the Town Manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Manager forthwith following its adoption.

#### **5.5.2 Public Hearing**

Within five (5) days (see Section 8.5) after the delivery of the preliminary resolution of removal, the Town Manager may request a public hearing on the reasons cited for removal by filing a written request therefor with the ~~Board of Selectmen~~ **Select Board**. The hearing shall be convened by the ~~Board of Selectmen~~ **Select Board** not less than twenty (20) nor more than thirty (30) days after such request is submitted. Not less than five (5) days (see Section 8.5) prior to such hearing, written notice thereof shall be given to the Town Manager at his last known address. The time limitations set forth herein may be waived in writing by the Town Manager. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the Town Manager may file a written statement with the ~~Board of Selectmen~~ **Select Board** responding to the reasons cited for the proposed removal. The Town Manager may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

#### **5.5.3 Removal**

The ~~Board of Selectmen~~ **Select Board** may, by a vote of a majority of its members, adopt a final resolution of removal, which shall be effective upon its adoption; provided, however, that such resolution shall not be adopted until:

- a** Ten (10) days after the date of delivery to the Town Manager of the preliminary resolution of removal; or
- b** If the Town Manager has made a timely request for a public hearing, five (5) days (see Section 8.5) after completion of the public hearing or forty-five (45) days after the adoption of the preliminary resolution, whichever occurs later.

Failure to adopt a final resolution of removal within the time limitations provided in this section shall be deemed to nullify the preliminary resolution of removal. The action of the ~~Board of Selectmen~~ **Select Board** in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the ~~Board of Selectmen~~ **Select Board**. The Town Manager shall continue to receive his **their** salary until a final resolution of removal has become effective.

## ARTICLE 6 ADMINISTRATIVE ORGANIZATION

### 6.1 **Organization of Town Agencies**

The organization of the Town into operating Town Agencies shall be accomplished through the establishment of a Table of Organization that presents the organization of all Town Agencies. Such table shall be prepared by the Town Manager in consultation with the ~~Board of Selectmen~~ **Select Board** and may be revised from time to time.

For the convenience of the public, the Table of Organization shall be printed as an appendix to, but not as part of, the Bylaws of the Town. The Table of Organization shall also be published annually in the Town Report.

### 6.2 **Town Counsel**

**Appointment and Qualifications** – The ~~Board of Selectmen~~ **Select Board** shall appoint a **an individual or law firm as** Town Counsel and fix his compensation within the amount annually appropriated for that purpose. The person appointed and employed by the ~~Board of Selectmen~~ **Select Board** as Town Counsel **or the member of law firm representing the town in this capacity** shall be a member in good standing of the bar of the Supreme Judicial Court of Massachusetts and **free of disciplinary actions** of all other courts before which he **they have** has been admitted to practice. Any Special Counsel employed by the ~~Board of Selectmen~~ **Select Board** shall be a member in good standing of the bar of all courts before which he **they have** has been admitted to practice.

**Powers and Duties** – The Town Counsel shall provide legal advice, representation and litigation services to the Town, Town Agencies and Town Officers, as the ~~Board of Selectmen~~ **Select Board** or Town Manager may request or authorize.

**Vacancy** – If the Town Counsel is unable to perform his **their** duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the ~~Board of Selectmen~~ **Select Board** may appoint a temporary Town Counsel to hold such office and exercise the powers and perform the duties until the Town Counsel can resume his **their** duties, or until another Town Counsel is duly appointed.

### 6.3 **Town Accountant**

**Appointment, Qualification and Term of Office** – There shall be a Town Accountant, appointed by the ~~Board of Selectmen~~ **Select Board**. The Town Accountant shall be qualified in accordance with State law, and shall have appropriate prior full-time accounting experience as determined by the ~~Board of Selectmen~~ **Select Board**.

The Town Accountant shall be appointed in March of every year for a one (1) year term to run from the first day of the following July and shall serve until the qualification of his **a** successor.

**Powers and Duties** – The Town Accountant shall be subject to the supervision of the Town Manager. In addition to the powers and duties conferred and imposed upon Town Accountants by the Massachusetts General Laws, ~~his~~ **their** powers and duties shall include:

- a To prescribe the methods of installation and exercise supervision of all accounting records of Town Agencies and Town Officers; provided, however, that any change in the system of accounts shall be made only after consultation with the Town Manager and the Town Agencies affected.
- b To establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the Town, including clerical and office methods, records, reports and procedures as they relate to accounting matters; and to prepare and issue rules, regulations and instructions relating thereto that, when approved by the Town Manager, shall be binding upon all Town Agencies and employees.
- c To draw all warrants upon the Town Treasurer for the payment of bills, drafts and orders chargeable to the appropriations of the Town Meeting and other accounts.
- d Prior to submitting any warrant to the Town Manager, to examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examinations, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any Town Agency or Town Officer. If, upon examination, it appears to the Town Accountant that any such bill, draft or order is fraudulent, unlawful, or excessive, he **the Town Accountant** shall immediately file **a written report** with the Town Manager, ~~and~~ Town Treasurer and Chairman of the Finance Committee a ~~written report of his findings.~~
- e To be responsible for a continuous audit of all accounts and records of the Town wherever located.

**Vacancy** – If the Town Accountant is unable to perform ~~his~~ **their** duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the ~~Board of Selectmen~~ **Select Board** may appoint a temporary Town Accountant to hold such office and exercise the powers and perform the duties until the Town Accountant can resume ~~his~~ **their** duties, or until another Town Accountant is duly appointed, in the same manner as an original appointment, for the remainder of the unexpired term.

#### **6.4 Town Treasurer**

**Appointment and Qualifications** – There shall be a Town Treasurer, appointed by the Town Manager. The Town Treasurer shall be qualified in accordance with the Massachusetts General Laws.

The ~~Board of Selectmen~~ **Select Board**, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Treasurer with those of the Town Collector, and the Town Manager may then appoint a Town Treasurer-Collector.

**Powers and Duties** – In addition to the powers and duties conferred and imposed upon Town Treasurers by the Massachusetts General Laws, the powers and duties of the Town Treasurer shall include:

- a To supervise and be responsible for the prompt deposit, safekeeping and management of all monies collected or received by the Town.
- b To be the custodian of all funds, moneys, securities or other things of value that are or have been given, bequeathed or deposited in trust with the Town for any purpose, including the preservation, care, improvement or embellishment of any of the Town's

cemeteries or burial lots therein; to invest all sums held in trust as ~~he~~ **they** determine to be appropriate after consultation with the Board of Commissioners of Trust Funds; and to distribute the income therefrom on the order of said Board.

**Vacancy** – If the Town Treasurer is unable to perform ~~his~~ **their** duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Treasurer to hold such office and exercise the powers and perform the duties until the Town Treasurer can resume ~~his~~ **their** duties, or until another Town Treasurer is duly appointed.

## 6.5 **Town Collector**

**Appointment and Qualifications** – There shall be a Town Collector, appointed by the Town Manager. The Town Collector shall be qualified in accordance with the Massachusetts General Laws.

~~The Board of Selectmen~~ **Select Board**, upon the recommendation of the Town Manager, may combine the powers and duties of the Town Collector with those of the Town Treasurer, and the Town Manager may then appoint a Town Treasurer-Collector.

**Powers and Duties** – In addition to the powers and duties conferred and imposed upon Town Collectors by the Massachusetts General Laws, the powers and duties of the Town Collector shall include:

- a To be responsible for the collection and receipt of all sums and accounts due, owing or paid to the Town including taxes and fees, and shall act as the Town Collector of Taxes.
- b To report to the Town Manager at such times as **the Town Manager** ~~he~~ may direct or ~~as he may deem~~ appropriate, but at least semi-annually, as to all uncollected claims or accounts due or owing to the Town. Such reports shall include the Town Collector's recommendations as to whether suit should be instituted on behalf of the Town for the establishment or collection of any claim or account for the benefit of the Town.

**Vacancy** – If the Town Collector is unable to perform ~~his~~ **their** duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Collector to hold such office and exercise the powers and perform the duties until the Town Collector can resume ~~his~~ **their** duties, or until another Town Collector is duly appointed.

## 6.6 **Town Clerk**

**Appointment and Qualifications** – There shall be a Town Clerk, appointed by the Town Manager. The Town Clerk shall be qualified in accordance with the Massachusetts General Laws.

**Powers and Duties** – The Town Clerk shall have all the powers and duties conferred and imposed upon Town Clerks by the Massachusetts General Laws or by Town Bylaw.

**Vacancy** – If the Town Clerk is unable to perform ~~his~~ **their** duties because of disability or absence or if the office is vacant because of resignation, dismissal or death, the Town Manager may appoint a temporary Town Clerk to hold such office and exercise the powers and perform the duties until the Town Clerk can resume ~~his~~ **their** duties, or until another Town Clerk is duly appointed.

## ARTICLE 7

## BUDGET AND CAPITAL IMPROVEMENTS PROGRAM

**7.1 Fiscal Year**

The fiscal year of the Town shall begin on July first (1st) and end on June thirtieth (30th), unless another provision is made by the Massachusetts General Laws.

**7.2 Submission of Proposed Budget**

At least four (4) months before the start of the fiscal year and following consultation with the ~~Board of Selectmen~~ **Select Board** on the Municipal Government portions of the budget, the Town Manager shall submit to the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. He **The Town Manager** shall simultaneously provide for the publication in a local news medium of a general summary of the proposed budget, and a notice stating the times and places where complete copies of his **the** proposed budget shall be available for examination by the public.

**7.3 School Committee Budget**

The budget requested by the School Committee shall be submitted to the Town Manager at least five (5) months before the start of the fiscal year to enable him **the Town Manager** to prepare the total Town budget pursuant to Section 7.2.

**7.3.1 Public Hearing**

At least fourteen (14) days before the meeting at which the School Committee is to vote on its budget request, the School Committee shall cause to be published in a local news medium a general summary of such budget request. The summary shall indicate specifically any major variations from the current year's budget and the reasons for such variations and a notice stating the times and places where complete copies of the budget shall be available for examination by the public, as well as the date, time and place, not less than seven (7) days (see Section 8.5) following such publication, when a public hearing shall be held by the School Committee on the budget request.

**7.4 Budget Message**

The Budget Message submitted by the Town Manager shall explain the proposed budget for all Town agencies, both in fiscal terms and in terms of work programs. The Budget Message shall include a current Table of Organization and may include a proposed Table of Organization.

**7.5 The Proposed Budget**

The proposed budget shall provide a complete financial plan for all Town funds and activities; shall be balanced to the funds available; and shall present the budget as requested by the School Committee for the ensuing year. Except as may otherwise be required by the Massachusetts General Laws or by the Charter, the proposed budget shall be in the form that the Town Manager deems desirable. In his **the** presentation of the budget, the Town Manager shall make use of modern concepts of fiscal presentation so as to furnish a high level of information and maximum financial control. The proposed budget shall show the actual and estimated income and expenditures 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, function and work programs, and the proposed methods of financing such expenditures.
- b** Proposed capital expenditures during the ensuing fiscal year, detailed by Town Agency, and the proposed method of financing each such capital expenditure.

- c Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- d All encumbered funds from prior fiscal years.

**7.6 Action on the Budget**

**7.6.1 Public Hearing**

The Finance Committee shall, forthwith upon receipt of the proposed budget, provide for publication in a local news medium of a notice stating the date, time and place, not less than five (5) nor more than fourteen (14) days following such publication, when a public hearing shall be held by the Finance Committee on the proposed budget.

**7.6.2 Finance Committee Meetings**

The Finance Committee shall consider in public meetings the detailed expenditures proposed by the Town Manager for each Town Agency and may confer with representatives of any such Town Agency in connection with such considerations. The Finance Committee may require the Town Manager or any other Town Agency to provide such additional information as it deems necessary or desirable in furtherance of its responsibilities.

**7.6.3 Presentation to the Town Meeting**

The Finance Committee shall file a report of its recommendations with the Town Clerk in sufficient time to be distributed to all Town Meeting Members at least fourteen (14) days before action on the budget Warrant Article is to begin. The budget to be acted upon by the Town Meeting shall be the budget as proposed by the Finance Committee; provided, however, that such budget may be amended by Town Meeting.

**7.6.4 All Warrant Articles requiring an appropriation shall be considered and reported thereon by the Finance Committee.**

**7.7 Capital Improvements Program**

The Town Manager shall submit a Capital Improvements Program to the ~~Board of Selectmen~~ **Select Board** and the Finance Committee at least thirty (30) days before the date fixed for submission of his ~~his~~ **the** proposed budget. Such Capital Improvements Program shall contain:

- a A general summary of its contents;
- b A list of all capital improvements proposed to be undertaken during the ensuing five (5) years, with supporting information as to the need for each capital improvement; and
- c Cost estimates, methods of financing and recommended time schedules for each such capital improvement.

The Capital Improvements Program may further contain the estimated annual cost of operating and maintaining each such capital improvement. This information may be annually revised with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

**ARTICLE 8 GENERAL PROVISIONS**

**8.1 Charter Changes**

This Charter may be replaced, revised or amended in accordance with the procedures made available by Article LXXXIX of the amendments to the Constitution of the Commonwealth of Massachusetts and Chapter 43B of the Massachusetts General Laws.

## **8.2 Severability**

If any provision of the Charter shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Charter shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in the Preamble.

## **8.3 Specific Provisions Prevail**

To the extent that any specific provision of the Charter may conflict with any provision expressed in general terms, the specific provision shall be deemed to prevail.

## **8.4 References to Massachusetts General Laws**

All references to the Massachusetts General Laws contained in the Charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the Massachusetts General Laws enacted subsequent to the adoption of the Charter.

## **8.5 Computation of Time**

In computing time under the Charter, if seven (7) days or less is specified, only days that Town Hall is open to the general public shall be counted; if more than seven (7) days is specified, every calendar day shall be counted.

## **8.6 Number and Gender**

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

## **8.7 Rules and Regulations**

A copy of all Rules and Regulations adopted by any Town Agency shall be filed in the Office of the Town Clerk and made available for review by any person upon request provided, however, that such Rules and Regulations shall become effective ten (10) days following their adoption, whether or not they are so filed.

## **8.8 Procedures of Boards or Committees**

### **8.8.1 Meetings**

All boards or committees shall meet in compliance with Open Meeting Laws at such times and places as they may, by their own rules, prescribe. Additional meetings of any board or committee shall be held on the call of the respective chair or by a majority of the members thereof.

### **8.8.2 Rules and Minutes**

Each board or committee shall determine its own rules and order of business unless otherwise provided by the Charter or by Town Bylaw and shall provide for the keeping of minutes of its proceedings. Copies of these rules and minutes shall be publicly available in the Office of the Town Clerk ***and on the Town website*** ~~and in the Library.~~

### **8.8.3 Voting**

Except on procedural matters, all votes of all boards or committees shall be taken by a show of hands, or roll call vote, the results of which shall be recorded in the minutes. A majority vote shall be necessary to adopt any motion, order, appointment or approval to take any action not entirely procedural in nature.

#### **8.8.4 Quorum**

A majority of the number of members of a board or committee specified in the Charter or other action creating such board or committee shall constitute a quorum thereof, but a smaller number may adjourn a board or committee meeting ~~from time to time~~ **to another time**.

### **8.9 Elections**

#### **8.9.1 Annual Town Elections**

The choice of elected Town Officers and Town Meeting Members, as well as referendum questions, shall be acted upon and determined on the date fixed by Town Bylaw by voters on official ballots without party or other designation.

#### **8.9.2 Procedures**

All elections held pursuant to the Charter shall be conducted in accordance with the election laws of the Commonwealth of Massachusetts.

**8.9.3** Any town-wide election shall be held at the same time for each precinct at a place or places designated by the ~~Board of Selectmen~~ **Select Board**.

### **8.10 Vacancies on Boards or Committees**

Whenever a new board or committee is established, or a vacancy occurs on any existing board or committee, the appointing authority shall forthwith cause notice of the vacancy to be publicly available for not less than fifteen (15) days. Any person who desires to be considered for appointment to the position may, prior to the time the position is actually filled, file with the Town Clerk a statement setting forth his **their** interest in and qualifications for the position.

### **8.11 Recall Procedures**

#### **8.11.1 Application**

Any holder of an elective office, other than a Town Meeting Member, with more than six (6) months remaining in the term for which he ~~he~~ **they were** was elected, may be recalled therefrom by the voters in the manner provided in this section. No recall petition shall be filed against a Town Officer within three (3) months after he ~~he~~ **they** takes office.

#### **8.11.2 Recall Petition**

Two hundred and fifty (250) or more voters, including at least twenty-five (25) voters from each of the precincts into which the Town is divided, may file with the Town Clerk an affidavit containing the name of the Town Officer whose recall is sought and a sworn statement of the grounds upon which the affidavit is based. The Town Clerk shall, within twenty-four (24) hours of receipt, submit the affidavit to the Board of Registrars of Voters who shall forthwith certify thereon the number of signatures that are names of voters. A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk.

If the affidavit contains sufficient signatures, the Town Clerk shall deliver to the first ten voters listed upon the affidavit, blank petition forms, in such number as requested, demanding such recall, with his signature and official seal attached thereto. They shall be dated and addressed to the ~~Board of Selectmen~~ **Select Board**; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the office held by such person. The recall petitions shall be returned and filed with the Town Clerk within twenty one (21) days following the date of the filing of the affidavit, signed by at least ten percent (10%) of the voters and containing their names and addresses; provided, however, that not more than twenty five percent (25%) of the total number signatures may be from voters registered in any one precinct.

### **8.11.3 Recall Election**

If the petition is certified by the Board of Registrars of Voters to be sufficient, it shall forthwith submit the petition with its certificate to the ~~Board of Selectmen~~ **Select Board**. Upon its receipt of the certificate, the ~~Board of Selectmen~~ **Select Board** shall forthwith give written notice of the petition and certificate to the Town Officer whose recall is sought, by mail, postage prepaid, to his **their** address as shown on the most recent voting list; and shall cause notice of the petition and certificate to be publicly available. If such Town Officer does not resign his **said** office within five (5) days after the date of such notice, the ~~Board of Selectmen~~ **Select Board** shall order an election to be held not less than 64 days or not more than 90 days from the date the ~~Board of Selectmen~~ **Select Board** orders the election; provided, however, that if any other town election is to occur not less than 70 days or not more than 90 days after the date of the certificate, the ~~Board of Selectmen~~ **Select Board** shall hold the recall election on the date of such other election.

If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted to determine a successor in office.

### **8.11.4 Nomination of Candidates**

No Town Officer whose recall is sought may be a candidate to succeed himself **themselves** in the recall election. The nomination of candidates, the publication of the Warrant for the recall election, and the conduct of the election shall all be in accordance with the provisions of law relating to elections.

### **8.11.5 Propositions on Ballot**

Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of Town Officer)  
Against the recall of (name of Town Officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word "candidates" and the names of candidates nominated pursuant to Massachusetts General Laws Chapter 54, Section 42.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected and the

incumbent shall be deemed removed upon the qualification of his ***their*** successor, who shall hold office during the unexpired term; provided, however, that, if the successor fails to qualify within five (5) days after receiving notification of his ***their*** election, the incumbent shall thereupon be deemed removed and the office shall be deemed vacant.

If a majority of votes cast upon the question of recall is in the negative, no candidate shall be declared elected, and the Town Officer whose recall was sought shall continue in office for the remainder of his ***their*** unexpired term, subject to recall as before.

#### **8.11.6 Repeat of Recall Petition**

No recall petition shall be filed against a Town Officer subjected to a recall election and not recalled thereby, until at least six (6) months after the election at which his ***their*** recall was submitted to the voters.

### **8.12 Removal of an Appointed Board or Committee Member**

#### **8.12.1 Removal Process**

The appointing authority ***of any board or committee*** may remove ***(1)*** an appointed member of ***such*** a board or committee with more than six (6) months remaining in the term for which he was ***they were*** appointed; ***or (2) an appointed member of such board or committee who is serving with no specified term length. For purposes of Article 8.12, the term appointing authority shall include the board or commission, Town Officer, or employee, including those employees serving without compensation and subject to Massachusetts General Laws Chapter 268A, who exercises such appointment or removal power pursuant to law or otherwise obtained through delegation.***

The process for such removal may be initiated in any of three methods:

- a** The appointing authority may, by majority vote, cause a notice of removal to be filed with the Town Clerk. ***The notice shall be in writing and shall specify the grounds for such removal request;***
- b** A board or committee may, by majority vote, submit a written request that the appointing authority remove one of its members, specifying the grounds for such removal request in writing and causing a notice of removal to be filed with the Town Clerk;
- c** One hundred (100) or more voters may file with the Town Clerk a petition requesting the removal of a member of a board or committee, specifying the grounds for such removal. Upon certification by the Board of Registrars of Voters of a sufficient number of valid signatures, the Town Clerk shall immediately notify the appointing authority thereof.

***A copy of the notice, request, petition, or certification shall be delivered by the Town Clerk to the board or committee member forthwith. Delivery shall be by mail, postage prepaid, to their last known address.***

#### **8.12.2 Public Hearing**

A public hearing shall be convened by the appointing authority not less than twenty (20) nor more than thirty (30) days after a notice, request or valid petition ***for*** removal is filed with the Town Clerk. Not less than ~~five (5) days (see Section 8.5)~~

**ten (10) days** prior to such hearing, written notice thereof shall be given by the Town Clerk to the board or committee member whose removal is sought, by mail, postage prepaid, to ~~his~~ **their** last known address. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the board or committee member shall be entitled to file a written statement with the appointing authority responding to the reasons cited for the proposed removal. The board or committee member may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing.

**8.12.3 Removal**

The appointing authority may, by majority vote, adopt a final resolution of removal, which shall be effective upon adoption. Failure to adopt a final resolution of removal within thirty (30) days of the **close of the** public hearing shall be deemed to be a disapproval of such resolution. The action of the appointing authority in removing the board or committee member shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such removal in the appointing authority. The board or committee member shall continue to serve on the board or committee until a final resolution of removal has become effective.

**8.13 Resignation of Town Officers**

Any person holding an elective or appointive office may resign ~~his~~ **their** office by filing a notice of resignation with the Town Clerk, and such resignation shall be effective immediately upon such filing, unless a time certain is specified therein when it shall take effect.

**8.14 Town Seal**

The Town Seal in existence at the time of adoption of the Charter shall continue to be the Town Seal and shall be kept in the custody of the Town Clerk. Papers or documents issued by any Town Officer or Town Agency may be attested by use of the Town Seal.

Select Board

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