

SENATE No. 2523

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the town charter for the town of Southbridge.

PETITION OF:

NAME:

Ryan C. Fattman

DISTRICT/ADDRESS:

Worcester and Hampden

SENATE No. 2523

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 2523) of Ryan C. Fattman (by vote of the town) relative to the town charter for the town of Southbridge. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the town charter for the town of Southbridge.

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

1 SECTION 1. The following shall be the charter of the town of Southbridge:

2 CHAPTER 1

3 INCORPORATION; SHORT TITLE;

4 POWERS; DEFINITIONS

5 SECTION 1 - INCORPORATION

6 1-1-1: The inhabitants of the Town of Southbridge, within the corporate limits as
7 established by law, shall continue to be a body politic and corporate with perpetual succession
8 under the name Town of Southbridge.

9 SECTION 2 - FORM OF GOVERNMENT AND TITLE

10 1-2-1: This charter provides for a Town Council-Town Manager form of Town
11 government and it shall be known by the title of Southbridge Home Rule Charter. The Town of
12 Southbridge shall be governed by the General Laws applicable to towns where the laws of the
13 commonwealth distinguish between towns and cities and all the provisions of law applicable to
14 the Town of Southbridge, except as otherwise specifically provided in this charter; provided,
15 however, section 32 of chapter 40 of the General Laws shall not apply to the Town of
16 Southbridge.

17 SECTION 3 - POWERS

18 1-3-1: Subject only to express limitations on the exercise of any power or function by a
19 municipality in the Constitution or laws of the commonwealth, it is the intent and the purpose of
20 the voters of the Town of Southbridge to secure, through the adoption of this charter, all of the
21 powers it is possible to secure for a municipal government under the Constitution and laws
22 of the commonwealth.

23 SECTION 4 - CONSTRUCTION

24 1-4-1: The powers of the Town of Southbridge under this charter are to be construed
25 liberally in its favor and the specific mention of particular powers is not intended to limit in any
26 way the general powers of the Town of Southbridge as stated in section 1-3-1.

27 SECTION 5 - DEFINITIONS

28 1-5-1: "By-Law": shall refer to a general and permanent legislative enactment by the
29 Town Council establishing the structure of the Town government or prescribing the activities of
30 its citizens.

31 "Charter": shall mean this document and any amendments to it that may hereafter be
32 adopted.

33 "Measure": shall refer to any enactment, vote, resolution or motion by the Town Council
34 other than a by-law.

35 CHAPTER 2

36 THE TOWN COUNCIL

37 SECTION 1 - COMPOSITION

38 2-1-1: A Town Council of 9 members shall be nominated and elected from the Town at-
39 large to serve 3-year staggered terms.

40 SECTION 2 - ELIGIBILITY

41 2-2-1: All qualified voters of the Town shall be eligible to hold the office of Town
42 Councilor except as otherwise limited by this charter.

43 2-2-2: No Town Councilor shall hold any other Town office during their term of office.
44 Any person elected to the Town Council while serving as a municipal employee or officer shall,
45 prior to assuming the office of Town Councilor, resign from said municipal employee or officer
46 position. No Town Councilor or former Town Councilor shall be offered or accept any
47 compensated Town appointive office or employment until 1 year after their term shall have
48 ended.

49 2-2-3: Terms of Town Councilors shall be limited to 3 consecutive terms. For purposes
50 of this section, the word "term" shall mean 3 years or any portion thereof.

51 SECTION 3 - COMPENSATION

52 2-3-1: The Town Council may provide an annual salary for its members. No Town
53 Councilor shall receive said salary nor shall any increase thereof become effective until after the
54 commencement of the next fiscal year.

55 2-3-2: Town Councilors may be reimbursed for actual expenses incurred in the
56 performance of their official duties from an annual appropriation for such purposes.

57 SECTION 4 - GENERAL POWERS AND DUTIES

58 2-4-1: Except as otherwise provided in this charter, all general, corporate, legislative,
59 policy-making and appropriation powers of the Town shall be vested in the Town Council.

60 2-4-2: The Town Council may enact by-laws and other measures and rules and
61 regulations not inconsistent with this charter governing its own proceedings and other matters
62 pertaining to the exercise of its powers and the performance of its duties.

63 2-4-3: The Town Council shall provide for keeping accurate minutes of its proceedings
64 which shall be a public record. Annually, at the reorganizational meeting, the Town Council
65 shall appoint a Recording Secretary and a Clerk of the Town Council. For the purpose of this
66 section only, the Recording Secretary shall be under the jurisdiction of the Town Council.

67 2-4-4: The Town Council may establish committees, subcommittees and advisory
68 committees as it deems reasonable and necessary and such committees may include non-Town
69 Council members. Town Councilor appointments to such committees shall be made by the chair
70 of the Town Council and non-Town Council member appointments to such committees shall be

71 made by the Town Council subcommittee members subject to confirmation by the Town
72 Council, as provided for in section 2-4-2.

73 2-4-5: Town Councilors shall not impede the daily municipal operations, nor give orders
74 or directions to Town officers and employees, either publicly or privately. This prohibition shall
75 not preclude the Town Council or its members from asking questions, seeking information or
76 conducting conversations with said employees.

77 2-4-6: The Town Council or its members may freely and fully discuss with the Town
78 Manager anything pertaining to the appointment or removal of any Town officer or employee,
79 but neither the Town Council nor its members shall in any way dictate the appointment or
80 removal of any Town officer or employee under the jurisdiction of the Town Manager unless
81 otherwise specified by this charter.

82 SECTION 5 - MEETINGS AND QUORUM

83 2-5-1: The Town Council shall meet regularly, at least twice every month. Special
84 meetings may be held if called by the chair or by any 3 members of the Town Council; provided
85 that written notice of such meeting shall have been delivered to each other member at least 48
86 hours in advance thereof and shall have been posted in accordance with state law.

87 2-5-2: All meetings of the Town Council shall be public except, as provided by the
88 General Laws, provisions respecting closed sessions. The agenda for such meetings shall
89 be as determined by the chair and shall follow the order of business set forth in Roberts Rules of
90 Order. Inhabitants and employees of the Town shall have a reasonable opportunity to be heard at
91 any such meeting as set forth in Town Council rules and regulations, except matters that could be
92 subject to executive session.

93 2-5-3: Five members of the Town Council shall constitute a quorum for the conduct of
94 business. A lesser number than the quorum may organize any meeting lacking a quorum in order
95 to adjourn it to a stated date, time and place.

96 2-5-4: In no instance shall it be required that all members of the Town Council be
97 present at a meeting to allow the conduct of business.

98 SECTION 6 - BY-LAWS

99 2-6-1: All proposed by-laws and repeals or amendments to current Town by-laws shall
100 deal with one subject only and shall be submitted in writing to the office of the Town Clerk at
101 least 14 days prior to the date of the first reading by Town Council. Any by-law which repeals
102 or amends part of the Town by-laws shall set out in full in the agenda item for the meeting the
103 section or sections of the Town by-laws to be repealed or amended by the use of strikeout type,
104 brackets or underscoring. All proposed or amended sections of the Town by-laws shall be set out
105 in red or in some other way that easily identifies the proposed amendments or revisions.

106 2-6-2: Any by-law which repeals or amends part of the Town by-laws shall set out in full
107 the section or sections of the Town by-laws to be repealed or amended by the use of strikeout
108 type, brackets or underscoring. Proposed by-laws shall deal with one subject only and shall be
109 introduced in writing in the form required for formal adoption. The Town Council shall ensure
110 the full text of every proposed by-law is posted on the Town website and in any other public
111 media as deemed appropriate by the Town Council.

112 2-6-3: Every Town by-law adopted, amended or repealed shall be read at 3 separate
113 meetings before its passage, as follows:

114 (a) At the first meeting, every proposed Town by-law change shall be read aloud in its
115 entirety by the chair of the Town Council or their designee. Proposed Town by-law amendments
116 shall be read aloud in its entirety by section or sections.

117 (b) At the second meeting, a summary of every proposed Town by-law change shall be
118 read aloud by the chair of the Town Council or their designee.

119 (c) At the third meeting, all amendments shall be considered and voted upon, followed by
120 a summary reading of the proposed Town by-law change as amended by the chair of the Town
121 Council or their designee.

122 2-6-4: Final adoption of a Town by-law, amendment or repeal shall occur at the next
123 regularly scheduled Town Council meeting. Publication of the final Town by-law or measure
124 shall be posted on the Town's website within 24 hours of the newly adopted Town by-law or
125 measure. No new amendments shall be allowed at this meeting and published.

126 2-6-5: The affirmative vote of at least 5 members of the Town Council shall be necessary
127 for the passage of any Town by-law, amendment or repeal unless a greater number is prescribed
128 by the General Laws or by this charter and all votes thereon shall be taken by roll call and
129 recorded in the meeting minutes.

130 SECTION 7 - ACTION REQUIRING A BY-LAW

131 2-7-1: In addition to other acts, required by Town by-law or by this charter, to be done
132 by a by-law, those acts of the Town Council shall be by a by-law which: (i) adopts or amends
133 administrative by-laws or establishes, alters or abolishes any Town department, office or agency;

134 and (ii) provides for a fine or other penalty or establish a rule or regulation for violation of which
135 a fine or other penalty is imposed.

136 SECTION 8 - FILLING VACANCIES IN THE TOWN COUNCIL

137 2-8-1: A vacancy in the office of Town Councilor whether caused by death, resignation
138 or removal shall be filled by a special election to be called within 30 days of said vacancy unless
139 a regular Town election shall occur within 180 days.

140 SECTION 9 - THE CHAIR AND VICE-CHAIR OF THE TOWN COUNCIL;

141 ELECTION AND REMOVAL

142 2-9-1: On the first regularly scheduled meeting on or after July 1 following the Town
143 elections and after newly elected members shall have taken office, the Town Council shall
144 organize itself and elect 1 of its members to serve as chair of the Town Council and as vice-chair
145 of the Town Council, both for a term expiring at the first regularly scheduled Town Council
146 meeting on or after July 1 following the Town elections the next year. The chair pro tem of the
147 organizational meeting would be the senior in point of service or if equal in service, senior in
148 age.

149 2-9-2: The chair shall preside at meetings of the Town Council, shall be recognized as
150 head of the Town government for all ceremonial purposes and shall be the point of contact on
151 behalf of the Town Council in case of an emergency.

152 2-9-3: The chair may be removed from office by a 2/3 vote of the entire Town Council, a
153 minimum of 6 votes. Any member of the Town Council at any point may make a motion to

154 remove the chair and if the motion is seconded, the motion shall be debated and voted upon at
155 that time, without exception, by the Town Council.

156 2-9-4: The vice-chair shall automatically become chair in the event of the permanent
157 disability, death, resignation or removal of the chair. A new vice-chair shall be elected by a
158 majority vote of the Town Council at the first regularly scheduled meeting called by the new
159 chair.

160 2-9-5: The vice-chair may be removed from office by a 2/3 vote of the entire Town
161 Council, a minimum of 6 votes. Any member of the Town Council at any point may make a
162 motion to remove the vice-chair and if the motion is seconded, the motion shall be debated and
163 voted on by the Town Council at that time, without exception. A new vice-chair shall be elected
164 by a majority vote of the Town Council at the next regularly scheduled meeting.

165 CHAPTER 3

166 OTHER ELECTED TOWN BOARDS AND OFFICERS

167 SECTION 1 - GENERAL PROVISIONS

168 3-1-1: Members of Town boards to be elected by the qualified voters of the Town shall
169 be, in addition to the Town Council:

170 (a) 7 members of a School Committee;

171 (b) 2 members of a Regional Vocational School Committee;

172 (c) 1 Town Clerk;

173 (d) 4 members of a Housing Authority in accord with applicable law;

174 (e) 4 members of a Redevelopment Authority; and

175 (f) 2 part time members to the Board of Assessors.

176 3-1-2: Boards and commissions, established under this charter, shall perform their
177 functions and duties in accordance with the Constitution, the General Laws, this charter and
178 Town by-laws.

179 3-1-3: During the term for which they were elected and for 1 year following the
180 expiration of this term, no member of any board or commission, established under this charter,
181 shall be eligible to accept any appointed paid Town position under jurisdiction of the board of
182 which they were a member.

183 3-1-4: Members of boards and committees, established under this charter, may be
184 reimbursed for actual expenses incurred in the performance of their official duties from an
185 annual appropriation made for such purposes.

186 3-1-5: Any elected or appointed member of a quasi-judicial board (Zoning Board of
187 Appeals, the Conservation Commission, the Board of Health, the Liquor Licensing Board
188 and the Special Permit Granting Authority) shall be limited to 1 such board and ineligible to
189 serve on any other such quasi-judicial board during that member's term.

190 SECTION 2 - VACANCIES

191 3-2-1: Vacancies in the elected Town boards, established under this charter, shall be
192 filled by a majority vote of the Town Council in joint convention with a majority of the
193 remaining members of the respective board within 60 days unless a regular Town election shall
194 occur within 120 days, but only until the next Town election.

195 SECTION 3 - REGIONAL VOCATIONAL SCHOOL COMMITTEE

196 3-3-1: Terms for the 2 members of the Southern Worcester County Regional Vocational
197 School Committee, (Bay Path) shall be for 3 years. The terms are to be staggered.

198 SECTION 4 - TOWN CLERK

199 3-4-1: The Town Clerk shall be elected to serve for a 3-year term. The Town Clerk shall
200 receive such compensation not to exceed the amount appropriated by the Town Council.

201 SECTION 5 - HOUSING AUTHORITY

202 3-5-1: A Housing Authority of 5 members who shall be elected or appointed as provided
203 by state law.

204 SECTION 6 - REDEVELOPMENT AUTHORITY

205 3-6-1: A Redevelopment Authority of 5 members, 4 of whom shall be elected and 1 of
206 who shall be appointed as provided by state law.

207 SECTION 7 - BOARD OF ASSESSORS

208 3-7-1 : The Board of Assessors, 2 part-time members, elected by the voters for 3-year
209 staggered terms and a third member who shall be full time, appointed by the Town Manager for a
210 3-year term and shall be the Clerk of the Board of Assessors.

211 SECTION 8 - POWERS, DUTIES AND COMPENSATION

212 3-8-1: Officers and members of boards, established under this chapter, unless otherwise
213 provided herein, shall exercise such powers and duties as are and may be provided by the
214 General Laws, this charter or Town by-laws.

215 3-8-2: Officers and members of boards, established under this chapter, may receive such
216 compensation as may be authorized and established by the Town Council within limits of
217 an appropriation made for that purpose.

218 CHAPTER 4

219 TOWN MANAGER

220 SECTION 1 - APPOINTMENT AND QUALIFICATIONS

221 4-1-1: The Town Council, by a majority vote of its full membership, a minimum of 5
222 votes, shall appoint or reappoint, as the case may be, a Town Manager who shall administer and
223 implement the directives and policies adopted by the Town Council pursuant to section 108N of
224 chapter 44 of the General Laws.

225 4-1-2: In seeking candidates, the chair of the Town Council shall appoint a search
226 committee of 7 members, 2 of whom shall be members of the Town Council and 5 of whom
227 shall be residents of the Town who are not holding elective office and are not compensated
228 employees of the Town. The appointment of the non-Town Council members of such committee
229 shall be subject to confirmation by the Town Council.

230 The search committee may, in its discretion, subject to appropriation of sufficient funds
231 by the Town Council, engage a professional search firm.

232 4-1-3: The Town Manager shall be appointed solely on the basis of educational,
233 executive and administrative qualifications and experience which shall include at least a
234 bachelor’s degree from an accredited 4-year degree granting institution and shall include
235 professional experience of at least 3 years full time, compensated, supervisory service in
236 municipal administration and shall serve at the pleasure of the Town Council. To be considered
237 for appointment such experience shall be certified to the Town Council by an appropriate official
238 of the entity where such experience was obtained.

239 If a resident of the Town, the successful candidate shall have held no elective municipal
240 office for a period of 1 year prior to appointment.

241 4-1-4: Upon appointment or reappointment, as the case may be, the Town Council shall
242 enter into a written contract with the Town Manager. Nothing in said contract shall affect the
243 appointment or removal powers of the Town Council over the Town Manager, as hereinafter set
244 forth.

245 SECTION 2 - POWERS, DUTIES AND ROLE

246 4-2-1: The Town Manager shall be the Chief Administrative Officer of the Town and
247 shall be directly responsible and accountable to the Town Council for the effective
248 administration of all Town affairs placed in their charge by the Town Council or this charter.

249 The Town Manager shall serve as a resource to the Town Council. The Town Council
250 shall provide policy and political leadership for the Town. The Town Manager shall bring policy
251 issues to the Town Council to consider in making policy choices and shall then implement the
252 policies adopted by the Town Council.

253 4-2-2: The Town Manager shall devote their full-time to the duties of the office and shall
254 engage in no other business or occupation. The Town Manager shall hold no elective or
255 appointed office without advance authorization of the Town Council.

256 4-2-3: The Town Manager shall:

257 (a) attend all Town Council meetings, except when excused and shall have the right to
258 speak but not to vote; attend all subcommittee meetings or assign a designee to attend, except
259 when excused and shall have the right to speak but not to vote;

260 (b) keep the Town Council fully informed regarding Town and departmental operations,
261 fiscal affairs, general problems and administrative actions; shall keep the Town Council fully
262 advised as to the financial condition of the Town by filing written reports with the Town Council
263 not less frequently than quarterly throughout the year; shall provide the Town Councilors with
264 such Town records and shall generate such reports as may be requested by a majority of the
265 Town Council;

266 (c) keep the Town Council fully informed as to the long range needs of the Town, the
267 practices and governmental trends of other communities and the laws of the commonwealth and
268 regulations of the commonwealth and make such recommendations to the Town Council as
269 deemed necessary and appropriate;

270 (d) prepare, assemble and present to the Town Council the annual Town operating and
271 capital budgets, present said budgets to the Town Council in a format acceptable to the Town
272 Council and cooperate with the Town Council in all financial matters;

273 (e) serve as general ombudsman for the Town in all matters other than those involving
274 members of the Town Council;

275 (f) maintain an inventory of all Town real and personal property;

276 (g) be responsible for the daily administration of the personnel system, including the
277 maintenance of personnel records and enforcement of personnel rules and regulations;

278 (h) except as otherwise set forth in the General Laws or this charter, the Town Manager
279 shall serve as the Chief Procurement Officer for the Town, excluding the school department;

280 (i) be responsible for the maintenance of all buildings and property owned or leased by
281 the Town;

282 (j) perform such other duties as may be required by this charter, Town by-law or order of
283 the Town Council;

284 (k) the Town Manager shall propose and the Town Council may adopt personnel rules
285 providing for the job descriptions for all Town positions, based on the duties, responsibilities and
286 authority of each position, with adequate provisions for reclassification of any position whenever
287 warranted by changed circumstances and such other practices and procedures as may be deemed
288 necessary for the administration of the Town's personnel system;

289 (l) execute all deeds conveying Town real property, but any such conveyance shall have
290 been previously authorized by the vote of the Town Council pursuant to the applicable
291 provisions of the General Laws;

292 (m) to negotiate or cause to be negotiated all contracts involving any subject within the
293 jurisdiction of the office of Town Manager; and

294 (n) be responsible for the coordination of the activities of all agencies under their control
295 with the activities of all other Town agencies, including those elected by the voters of the Town
296 of Southbridge and those appointed by other elected officials

297 4-2-4: Subject to confirmation by the Town Council, the Town Manager shall have the
298 power to appoint, on the basis of merit and fitness alone: (i) a fire chief; (ii) a police chief; (iii) a
299 Director of Public Works; (iv) a Town Treasurer; (v) a Town Collector; (vi) a veterans agent;
300 (vii) a Director of Inspection Services and all inspectors except as otherwise provided by the
301 General Laws; (viii) upon recommendation of the chief, a police department; (ix) upon
302 recommendation of the chief, a fire department; (x) upon recommendation of the Director, a
303 department of Public Works; (xi) a Finance Director; (xii) a Town Accountant; (xiii) 1 full time
304 Assessor who shall assume the duties of the Clerk of the Board of Assessors; (xiv) upon the
305 recommendation of the Trustees of the Library, a Library Director; and (xv) such other
306 individual Town officers as are authorized by the General Laws, this charter or Town by-laws
307 and for whom appointment is not otherwise provided.

308 The Town may enter into contracts with such departments and individuals as may be
309 allowed by civil service, collective bargaining or state law.

310 4-2-5: The Town Manager shall, within 12 months of the start of their employment, be a
311 resident of the Town of Southbridge and shall not cease to be a resident during their employment
312 by the Town. The Town Council may, annually, by a 2/3 vote of the entire Town Council,
313 at least 6 Town Councilors, waive this requirement.

314 SECTION 3 - POWER TO APPOINT TOWN BOARDS AND COMMISSIONS

315 4-3-1: The Town Manager shall have the power to appoint, subject to confirmation by
316 the Town Council, the following boards and commissions:

317 (a) a 5 member Board of Health;

318 (b) a 5 member Planning Board, with 2 alternate members;

319 (c) a 3 member Board of Registrars;

320 (d) a 5 member Zoning Board of Appeals, with 2 alternate members;

321 (e) a 5 member Conservation Commission; with 2 alternate members;

322 (f) a 5 member Liquor Licensing Board with 1 alternate member; and

323 (g) the members of such other boards and commissions as the Town Council deems
324 appropriate to establish.

325 The terms of the members of such boards and commissions shall be staggered.

326 4-3-2: The Town Manager shall have the power to appoint, subject to confirmation by
327 the Town Council, the following Town boards and commissions: Constables,
328 Commissioners of Trust Funds and Trustees of Soldiers, Sailors, Marines and Airmen
329 Memorials.

330 4-3-3: The Town Manager shall have the power to appoint, subject to confirmation by
331 the Town Council, such other members of boards and commissions as are authorized by the
332 General Laws, this charter or Town by-laws and for whom appointment is not otherwise
333 provided.

334 SECTION 4 - POWER TO RESCIND APPOINTMENTS

335 4-4-1: The Town Manager shall have the power to rescind appointments, subject to
336 confirmation by the Town Council, for cause including, but not limited to, excessive and un-
337 excused absenteeism, incapacity other than temporary illness, inefficiency, insubordination or
338 conduct unbecoming an officer and any appointment made by them to any board, commission,
339 committee or individual office under the authority of this charter; provided that the appointee
340 shall first have been served with written notice of the Town Manger’s intention specifying the
341 reasons for the proposed removal and informing the appointee of their right to be heard at a
342 public hearing, if requested.

343 SECTION 5 - REORGANIZATION PLANS BY THE TOWN MANAGER

344 4-5-1: The Town Manager may propose a plan, subject to applicable laws and the terms
345 of this charter, to establish, reorganize, consolidate or abolish any Town agency under their
346 jurisdiction. Such reorganization plan may not be amended by the Town Council but shall either
347 be approved or disapproved in the form as submitted.

348 SECTION 6 - REMOVAL OF THE MANAGER

349 4-6-1: Removal of the Town Manager prior to the expiration of their term of
350 appointment shall be effectuated by a 2/3 vote of the entire Town Council, a minimum of 6
351 votes, at a Town Council open meeting. Such vote shall immediately rescind said appointment.

352 SECTION 7 - ACTING TOWN MANAGER

353 4-7-1: During the temporary absence of the Town Manager, an Acting Town Manager
354 shall be appointed by the Town Council to perform the duties of the Town Manager. Any

355 permanent vacancy in the office of the Town Manager shall be filled as soon as possible by the
356 Town Council. The original term of service of any person as Acting Town Manager may not
357 exceed 12 months. However, subsequent terms of service may be extended by a majority vote of
358 the Town Council. Compensation for such person shall be set by the Town Council. Except as
359 otherwise prohibited by this charter, nothing in this section shall prevent an Acting Town
360 Manager from being appointed as Town Manager.

361 During a period of absence of the Town Manager, pending the appointment of an Acting
362 Town Manager, the Finance Director shall perform the duties of the Town Manager; provided,
363 however, that an Acting Town Manager, who is not a member of the Town Council, shall be
364 appointed by the Town Council as soon as possible.

365 CHAPTER 5

366 SCHOOL COMMITTEE

367 SECTION 1 - COMPOSITION

368 5-1-1: There shall be a School Committee of 7 members. All members of the committee
369 shall be elected for terms of 3 years. The terms shall be staggered so at least 2 members
370 are elected each year. All School Committee members shall be elected by the voters at-large. The
371 members and chair of the School Committee shall receive compensation identical to that
372 received by the members and chair of the Town Council, if any.

373 SECTION 2 - POWERS AND DUTIES

374 5-2-1: The School Committee, established under this charter, shall have general charge
375 of the public schools of the Town. The School Committee shall have the power to select and

376 terminate a superintendent of schools, establish educational goals and policies for the schools
377 consistent with the requirements of the laws of the commonwealth and standards established by
378 the commonwealth. The School Committee shall have all the powers and duties given to school
379 committees by the laws of the commonwealth.

380 CHAPTER 6

381 DEPARTMENT OF PUBLIC WORKS

382 SECTION 1 - ESTABLISHMENT

383 6-1-1: There shall be established in the Town of Southbridge a department of Public
384 Works administered by the Town Manager.

385 6-1-2: The responsibilities of the following departments shall be incorporated in the
386 department of Public Works: Highway department, Engineering department, Sewer
387 department, Parks department, maintenance function of the Recreation Committee, Cemetery
388 department, Tree Warden, Moth Superintendent, Fence Viewer, ELD Driver, Custodian of Town
389 structures, Water department and other related functions.

390 6-1-3: There shall be a Director of Public Works, appointed for a 3-year term by the
391 Town Manager subject to confirmation by the Town Council. The Director shall report directly
392 to the Town Manager.

393 6-1-4: The Director may be removed in the same manner as other Town department
394 heads as provided by this charter.

395 SECTION 2 - POWERS AND DUTIES OF THE DIRECTOR

396 6-2-1: The powers and duties of the Director of the department of Public Works, in
397 addition to those otherwise conferred or imposed by state law or this charter, shall include the
398 power to establish divisions within the department of Public Works. Each division shall assume
399 such management and control as determined by the Director. The Director shall have the power
400 to make rules and regulations for the governing of the department of Public Works and divisions
401 thereof and shall attend to the proper enforcement of the same. The Director shall have
402 jurisdiction over the divisions of the department of Public Works and over each member of each
403 division. No person shall be hired as an employee of the department without the
404 recommendation of the Director.

405 6-2-2: In the event that the Director is absent from the Town, they shall notify the Town
406 Manager, in writing, of the person designated to assume the responsibilities of the Director
407 during their absence.

408 6-2-3: The Director shall attend meetings of the Town Council, as requested by the
409 Town Manager; meetings of the department of Public Works subcommittee, unless excused; and
410 recommend to the Town Manager measures requiring action as deemed necessary or expedient
411 by the Director.

412 6-2-4: The Director shall keep full and complete records of the department and shall
413 render to the Town Manager, as often as may be required, a full report of all department
414 operations during the period reported.

415 6-2-5: Each petition submitted pursuant to Town by-laws and referred to the department
416 of Public Works shall be returned to the Town Council with the recommendations of the Director
417 within 30 days after its referral to the department of Public Works.

418 6-2-6: The Director shall keep the Town Manager and Town Council fully advised as to
419 the needs of the Town within the scope of their duties; furnish the Town Manager on or before
420 March 1 each year a detailed list of the appropriations required during the next ensuing fiscal
421 year for proper conduct of all divisions under their control; furnish a master plan for all
422 major public works for the Town, giving priority to the projects in accordance with their
423 necessity and importance; and establish long range planning as may be determined to be in the
424 best interests of the Town.

425 6-2-7: The Director shall cause to be performed and inspected all the work of
426 construction, reconstruction, alteration, repair, maintenance and upkeep and all other work
427 incidental thereto of the departments specified in section 6-1-2 in accordance with the policies of
428 long range plans, priority of major projects and capital outlay requirements as may be authorized
429 and established by the Town Manager.

430 6-2-8: The Director shall inspect all streets and ways being constructed to ascertain
431 whether said construction complies with plans filed with the Planning Board and with all
432 Planning Board regulations, Town by-laws and state statutes and to give to the Planning
433 Board a report of their inspection prior to the approval of said street by the Planning
434 Board.

435 CHAPTER 7

436 TOWN ATTORNEY

437 SECTION 1 - APPOINTMENT AND DUTIES

438 7-1-1: The Town Manager shall, subject to confirmation by the Town Council, appoint a
439 Town Attorney to serve as Chief Legal Advisor to the Town Council, the Town Manager and
440 all Town departments, offices and agencies. The Town Attorney shall represent the Town in all
441 legal proceedings and shall perform such other duties as may be prescribed by the General Laws,
442 this charter or Town by-laws; provided, however. that nothing in this section shall prevent the
443 Town from engaging or being represented by other counsel, where appropriate.

444 7-1-2: The Town shall adopt a standard operating policy regarding access to and use of a
445 Town Attorney and the policy may be amended from time to time.

446 CHAPTER 8

447 TOWN AUDITOR

448 SECTION 1 - APPOINTMENT AND DUTIES

449 8-1-1: The Town Manager shall, subject to confirmation by the Town Council, appoint
450 an auditor who shall annually, in accordance with generally accepted auditing standards for
451 governmental financial audits, audit all Town accounts and financial statements with regards to
452 compliance with applicable laws, regulations, contract provisions and grant agreements. The
453 audits may be made by a certified public accountant or firm of such accountants who have no
454 personal interest, direct or indirect, in the fiscal affairs of the Town. All documents and reports
455 presented to the Town or any employee thereof by the auditor as result of said audit shall, upon
456 submission, be filed with the Town Clerk and shall be deemed a public record.

457 CHAPTER 9

458 LICENSING

459 SECTION 1 - LIQUOR LICENSING BOARD

460 9-1-1: There shall be a Liquor Licensing Board established in accordance with the laws
461 of the commonwealth; provided, however, the Town Manager is authorized to appoint 5
462 members to said board, subject to the approval of the Town Council; provided further, the Town
463 Manager shall appoint 1 alternate member, subject to the approval of the Town Council and said
464 alternate member shall be appointed without regard to party enrollment; provided further, the 5
465 member board shall designate their chair and vice-chair. All members so appointed shall have
466 been residents of the Town of Southbridge for at least 2 years immediately preceding such
467 appointment and shall serve for terms of 3 years each so arranged that the term of 1 member
468 shall expire each year. The alternate member shall sit on the board at the designation of the chair
469 in the case of absence, inability to act or conflict of interest on the part of any member of the
470 board or in the event of a vacancy on the board until such time as the vacancy is filled by
471 the Town Manager. All vacancies shall be filled by the Town Manager for the remainder of the
472 unexpired term in the manner provided for an original appointment.

473 9-1-2: A person appointed to the Liquor Licensing Board shall not be engaged, directly
474 or indirectly, in the commercial manufacture or sale of alcoholic beverages and if once
475 appointed, a member engages in such commercial manufacturing or sale, that member's office
476 shall immediately become vacant.

477 SECTION 2 - LICENSING OTHER THAN LIQUOR

478 9-2-1: With respect to licenses and permits other than those relating to alcoholic
479 beverages, the Town Manager shall grant all such licenses and permits and shall have all the
480 powers and duties of a licensing authority under the General Laws; provided, however, that the

481 Town Council retains the power to delegate to 1 or more Town agencies; the powers vested in
482 the Town Council by the laws of the commonwealth to grant and issue licenses and permits and
483 may regulate the granting and issuing of licenses and permits by any such Town agency; and
484 may in its discretion, rescind any such delegation without prejudice to any prior action which has
485 been taken.

486 CHAPTER 10

487 FINANCIAL PROVISIONS AND PROCEDURES

488 SECTION 1 - APPLICABILITY OF GENERAL LAW

489 10-1-1: In all matters concerning finances and financial procedures of the Town the
490 provisions of the General Laws shall apply together with such other requirements as are provided
491 by this charter or Town by-laws.

492 SECTION 2 - CONTRACTS

493 10-2-1: All contracts for services negotiated by the Town Manager shall be ratified by a
494 majority vote of the Town Council.

495 SECTION 3 - SUBMISSION OF BUDGET AND BUDGET MESSAGE

496 10-3-1: At least 90 days prior to the start of each fiscal year, the Town Manager shall
497 submit to the Town Council a budget for the ensuing year and an accompanying message, unless
498 otherwise provided for by the General Laws.

499 10-3-2: The Town Manager's message shall explain the budget both in fiscal terms and in
500 terms of work programs. It shall outline the proposed financial policies of the Town for the

501 ensuing fiscal year, describe the important features of the budget, indicate any major changes
502 from the current year in financial policies, expenditures and revenues together with reasons for
503 such changes, summarize the Town's debt positions and include such other material as the Town
504 Manager deems desirable.

505 SECTION 4 - PROPOSED BUDGET

506 10-4-1: The budget shall provide a complete financial plan of all Town funds and
507 activities for the ensuing fiscal year, including the proposed school budget and, except for the
508 school budget or as required by law or this charter, shall be in such form as the Town Council
509 deems desirable and shall require. It shall indicate in separate sections: (i) proposed expenditures
510 for current operations during the ensuing fiscal year, detailed by offices, departments and
511 agencies and the method of financing such expenditures; and (ii) proposed capital expenditures
512 during the ensuing fiscal year, detailed by offices, departments and agencies when practicable
513 and the proposed method of financing each such capital expenditure.

514 10-4-2: In submitting the proposed budget, the Town Manager shall utilize modern fiscal
515 principles so as to afford maximum information and financial control. The budget shall detail all
516 estimated revenue from the property tax levy and other sources and all proposed expenditures,
517 including debt service for the previous, current and ensuing years and shall indicate separately:

518 (a) proposed expenditures for both current operations and capital projects during the
519 ensuing year detailed by agency purpose and position together with proposed financing methods;
520 and

521 (b) estimated surplus revenue and free cash available at the close of the fiscal year,
522 including estimated balance in special accounts and enterprise funds.

523 SECTION 5 - NOTICE OF PUBLIC HEARING ON PROPOSED BUDGET

524 10-5-1: The Town Council shall publish on the Town’s website and in any other public
525 media as determined by the Town Council a general summary of the budget and a notice stating:
526 (i) the times and places where copies of the budget are available for inspection; and (ii) the date,
527 time and place, not less than 2 weeks after such publication, when a public hearing on the budget
528 shall be held.

529 SECTION 6 - ADOPTION OF THE BUDGET

530 10-6-1: The Town Council shall adopt the budget, with or without amendments, on or
531 before the end of the eleventh month of the fiscal year currently ending. In amending the budget,
532 the Town Council may by majority vote of the full Town Council, a minimum of 5 votes, delete
533 or decrease any programs or amounts except expenditures required by law or for debt service.
534 Upon an identification and verification of an available revenue source, the Town Council may by
535 2/3 vote of the full Town Council, a minimum of 6 votes, increase any amount in or the
536 total of the proposed budget. Adoption of the budget shall constitute an appropriation of the
537 amounts specified therein as expenditures from the funds indicated.

538 SECTION 7 - CAPITAL IMPROVEMENTS PROGRAM

539 10-7-1: Within the period provided by the General Laws, the Town Manager shall submit
540 to the Town Council a 5-year capital improvements program which shall include:

541 (a) a clear summary of its contents;

542 (b) a list of all capital improvements proposed to be undertaken during the next 5 fiscal
543 years with supporting data;

544 (c) cost estimates, method of financing and recommended time schedules; and
545 (d) the estimated annual cost of operating and maintaining any facility to be constructed
546 or acquired.

547 10-7-2: The above information may be revised and extended each year with regards to
548 capital improvements pending or in process of construction or acquisition.

549 SECTION 8 - NOTICE OF PUBLIC HEARING ON CAPITAL PROGRAMS

550 10-8-1: The Town Council shall publish on the Town's website and in any other public
551 media as determined by the Town Council the general summary of the capital program and a
552 notice stating: (i) the times and places where copies of the capital improvements program are
553 available for inspection by the public; and (ii) the date, time and place, not less than 2 weeks
554 after such publication, when a public hearing on said program shall be held.

555 10-8-2: After the public hearing and on or before the end of the eleventh month of the
556 current fiscal year, the Town Council shall adopt the capital improvements program by
557 resolution, with or without amendments, provided that each amendment must be voted separately
558 and that any increase in the capital improvements program as submitted must clearly identify the
559 method of financing proposed to accomplish this increase.

560 SECTION 9 - SUPPLEMENTAL APPROPRIATIONS

561 10-9-1: If during the fiscal year the Town Manager certifies, through the Finance
562 Director, that revenues in excess of those estimated in the budget are available for appropriation,
563 the Town Council may make supplemental appropriations for the year up to the amount of such
564 excess.

565 SECTION 10 - EMERGENCY APPROPRIATIONS

566 10-10-1: To meet a public emergency affecting life, health, property or the public peace,
567 the Town Council may make emergency appropriations. Any such emergency order shall be so
568 declared in an emergency preamble thereto, separately voted on and receiving the affirmative
569 vote of at least 2/3 of the full Town Council, a minimum of 6 votes.

570 SECTION 11 - REDUCTION OR RESTRICTIONS OF USE OF APPROPRIATIONS

571 10-11-1: If at any time during the fiscal year it appears probable to the Town Manager
572 that the revenues available shall be insufficient to meet the amount appropriated, they shall
573 report to the Town Council, without delay, indicating the estimated amount of the deficit and any
574 remedial actions taken by them and their recommendations as to any other steps to be taken. The
575 Town Council shall then take such further action as it deems necessary and for that purpose may
576 reduce, restrict or limit the use of the unexpended balance of appropriations.

577 SECTION 12 - TRANSFER OF APPROPRIATIONS

578 10-12-1: At any time during the fiscal year the Town Council may, upon
579 recommendation of the Town Manager through the Finance Director, transfer part of or all of
580 any unencumbered appropriation balance among programs within a department, office or agency
581 and may transfer part or all of any unencumbered appropriation balance from one department,
582 office or agency to another.

583 SECTION 13 - LIMITATION EFFECTIVE DATE

584 10-13-1: No appropriation for debt service may be reduced, restricted, limited or
585 transferred and no appropriation may be reduced below any amount required by law to be

586 appropriated or by more than the amount of the unencumbered balance thereof. The
587 supplemental and emergency appropriations and reduction or transfer of appropriations
588 authorized by this section may be made effective immediately upon adoption.

589 SECTION 14 - LAPSE OF APPROPRIATIONS

590 10-14-1: Every appropriation, except an appropriation for a capital expenditure, shall
591 lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An
592 appropriation for a capital expenditure shall continue in force until the purpose for which it was
593 made has been accomplished or abandoned.

594 SECTION 15 - PAYMENTS AND OBLIGATIONS PROHIBITED

595 10-15-1: No payment shall be made or obligation incurred against any appropriation
596 except in accordance with appropriations duly made and unless the Town Accountant first
597 certifies that there is a sufficient unencumbered balance in such appropriation to cover the claim
598 or meet the obligation when it becomes due and payable.

599 10-15-2: Any authorization or payment or incurring of obligations in violation of this
600 charter shall be void and any payment so made illegal. Such action shall be cause for removal of
601 any officer who knowingly authorized or made such payment or incurred such obligation and
602 they shall also be liable to the Town for the payment for any amount so paid. However, except
603 where prohibited by the General Laws, nothing in this charter shall be construed to prevent the
604 making or authorizing of payment or making of contracts for capital improvements to be
605 financed wholly or partly by the issuance of bonds or to prevent the making of any contract or
606 lease providing for payment beyond the end of the fiscal year; provided that such obligation is
607 funded by appropriation or authorized by the General Laws.

608 CHAPTER 11

609 NOMINATIONS AND ELECTIONS

610 SECTION 1 - TOWN ELECTIONS

611 11-1-1: The regular election for all Town offices shall be by official ballot held on the
612 second Tuesday in June.

613 11-1-2: Any person duly elected to any office or board shall take up the duties of their
614 office on the first weekday of July; provided that they first shall have been sworn into the faithful
615 performance of their duties.

616 11-1-3: All provisions of the General Laws with regards to Town elections shall apply,
617 except as may herein be provided by this charter

618 SECTION 2 - ELIGIBILITY OF TOWN VOTERS

619 11-2-1: Any registered voter of the Town shall be eligible for election to any elective
620 office or board of the Town, except as otherwise limited by this charter.

621 SECTION 3 - FILLING OF VACANCIES IN ELECTED TOWN OFFICES

622 11-3-1: A vacancy in the office of Town Councilor whether caused by death, resignation,
623 removal or recall shall be filled by a special election to be called within 30 days
624 of said vacancy unless a regular Town election shall occur within 180 days. Filling of vacancies
625 of elected positions on Town boards, other than the Town Council, shall be by joint convention
626 with the Town Council and the remaining members of said board.

627 SECTION 4 - RECALL OF ELECTIVE OFFICERS

628 11-4-1: An elective officer of the Town may be recalled and removed from public office
629 by the voters of the Town as herein provided. Any voter of the Town may file with the Town
630 Clerk a petition containing the name and title together with a statement of the grounds for their
631 removal. Said petition shall be signed in ink or indelible pencil by qualified voters of the Town
632 equal to at least 10 per cent of the voters registered at the last municipal election; provided that
633 no recall petition may be led against any officer until they shall have held office for at least 6
634 months. Said petition shall be accompanied by affidavits as to the authenticity of signatures,
635 signed and sworn to by each circulator. Said petition shall then be filed with the Board of
636 Registrars of Voters for certification. Within 10 days from such filing, the Board of Registrars of
637 Voters shall check each name to be certified and shall certify thereon the number of signatures so
638 checked and shall report the results to the persons filing the petition, the Town Clerk and the
639 Town Council.

640 11-4-2: Upon presentation of the certified petition to the Town Council, it shall become
641 the duty of the Town Council within 30 days after the receipt thereof to order a special election
642 which shall take place within 90 days but no sooner than 65 days after presentation of the
643 certified petition to the Town Council. No such election shall be ordered if the term of office of
644 such elective official shall expire within 120 days from the date of the original filing or if such
645 elective officer shall resign from such office before the election. Said recall election
646 shall be called and conducted in the same manner as is provided in the General Laws for the call
647 and conduct of a special election.

648 11-4-3: The form of the question to be voted upon shall be substantially as follows: Shall
649 (here insert the name and title of the elective officer whose recall is sought) be recalled?. A
650 majority vote of the voters to recall such elective officer shall not be effective unless a total of at

651 least 15 per cent of the electorate entitled to vote on the question shall have voted. Recall of such
652 elective officer shall become effective upon certification of the results of the voting thereon,
653 regardless of any technical deficiency in the recall petition.

654 11-4-4: No person having been recalled or having resigned from office while recall
655 proceedings were pending against them shall be appointed to any Town office within 2 years
656 following said recall or resignation.

657 SECTION 5 - ELECTION TO BE BY PLURALITY VOTE

658 11-5-1: Election to all Town offices, established by this charter, shall be by a plurality of
659 those voting on each office.

660 CHAPTER 12

661 GENERAL PROVISIONS

662 SECTION 1 - INITIATIVE PETITION AND REFERENDUM

663 12-1-1: The voters of the Town shall have the power to propose by-laws and other
664 measures within the authority of the Town Council by initiative petition and to review by-laws
665 and other measures as set forth in section 12-4-1 of this charter by referendum in accordance
666 with the procedures established by this charter.

667 12-1-2: At any election at which an initiative petition or a referendum is submitted to the
668 voters, the polls shall be opened at 7 o'clock in the morning and shall be closed not earlier than 8
669 o'clock in the evening and all votes upon any questions so submitted shall be taken by ballot.

670 SECTION 2 - INELIGIBLE MEASURES

671 12-2-1: None of the following shall be subject to the initiative or the referendum
672 procedures: (i) proceedings relating to the internal organization or operation of the Town Council
673 or of the School Committee; (ii) an emergency measure adopted in conformity with the Town
674 charter; (iii) the Town budget or the School Committee budget as a whole; (iv) revenue loan
675 orders; (v) any appropriation for the payment of the Town's debt or debt service; (vi) an
676 appropriation of funds to implement a collective bargaining agreement; (vii) proceedings relating
677 to the election, appointment, removal, discharge, employment, promotion, transfer, demotion or
678 other personnel action; (viii) any proceedings repealing or rescinding a measure or part thereof
679 which is protested by referendum procedures; and (ix) any proceeding providing for the
680 submission or referral to the voters at an election.

681 SECTION 3 - INITIATIVE PETITION

682 12-3-1: The voters of the Town may initiate legislation by submitting a petition to the
683 Town Council which requests the submission of the proposed by-law or measure to a vote of the
684 Town Council. Said petition must be signed by qualified voters of the Town equal in number to
685 not less than 5 per cent of the total number of voters registered at the last regular Town election.
686 Each copy of the petition shall have attached to it a copy of the proposed legislation. Said
687 petition shall then be filed with the Board of Registrars of Voters for certification.

688 12-3-2: Within 10 days from such filing, the Board of Registrars of Voters shall check
689 each name to be certified and shall certify thereon the number of signatures so checked and shall
690 report the results to the persons filing the petition, the Town Clerk and the Town Council.

691 12-3-3: Upon presentation of the certified petition to the Town Council, it shall become
692 the duty of the Town Council, within 30 days of receipt thereof, to pass and adopt or reject such

693 by-law or measure without alteration as to meaning or effect. Should the Town Council reject the
694 proposed legislation, it shall be the duty of the Town Council to forthwith submit the question to
695 a vote at the next regular Town election at which the qualified voters of the Town of Southbridge
696 shall vote on the question of adopting or rejecting the proposed legislation.

697 SECTION 4 - REFERENDUM

698 12-4-1: A vote passed by the Town Council authorizing the expenditure of \$250,000 or
699 more as a special appropriation or establishing a new Town board or agency or abolishing an
700 existing Town board or agency or merging 2 or more Town boards or agencies or fixing the term
701 of Town officers, where such term is optional or increasing; reducing the number of members of
702 a board; adopting a new Town by-law; or amending an existing Town by-law shall not be
703 operative until after the expiration of 14 days.

704 12-4-2: If within said 14 days, a petition signed by not less than 5 per cent of the
705 registered voters of the Town containing their names and addresses as they appear on the list of
706 registered voters is filed with the Town Clerk asking that the question or questions involved in
707 such a vote be submitted to the registered voters of the Town at-large, then the Town Council,
708 after the expiration of 14 days, shall forthwith call a special election for the sole purpose of
709 presenting to the registered voters at-large the question or questions so involved.

710 12-4-3: Each copy of the referendum petition shall have attached to it a copy of a brief
711 description of the substance of the Town Council vote sought to be reviewed. The Town Clerk
712 shall forthwith, upon the receipt of a referendum petition, cause the signatures appearing thereon
713 to be certified by the Board of Registrars of Voters who shall certify thereon within 10 days the
714 number of signatures so checked and shall report the results to the persons filing the petition, the

715 Town Clerk and the Town Council. Upon presentation of the certified referendum petition to the
716 Town Council, it shall become the duty of the Town Council within 30 days after the receipt
717 thereof to order a special election as aforesaid.

718 12-4-4: The questions so submitted shall be determined by a majority vote of the
719 registered voters of the Town voting thereon, but no action of the Town Council shall be
720 reversed unless at least 25 per cent of the registered voters shall vote. Each question so submitted
721 shall be in the form of the following question which shall be placed upon the official ballot:
722 “Shall the Town vote to approve the action of the Town Council whereby it was voted (brief
723 description of the substance of the vote)?” If such petition is not filed within said period of 14
724 days, the vote of the Town Council shall become operative and effective upon the expiration of
725 said period.

726 SECTION 5 - CHARTER AMENDMENT AND BY-LAW REVIEW

727 12-5-1: This charter may be revised or amended with the provisions of the home rule
728 amendment of Article LXXXIX of the Amendments to the Constitution of the commonwealth
729 and the Home Rule Procedures Act of chapter 43B of the General Laws.

730 12-5-2: The chair of the Town Council shall appoint a Charter Review Committee
731 consisting of 5 members, every 5 years. The committee shall report its recommendations to the
732 Town Council within 1 year from the date of its appointment, unless extended by a majority vote
733 of the Town Council.

734 12-5-3: In every year following the issuance of a report by a Charter Review Committee,
735 the chair of the Town Council shall appoint a By-Law Review Committee consisting of 5

736 members. The committee shall report its recommendations to the Town Council within 1 year
737 from the date of its appointment, unless extended by majority vote of the Town Council.

738 SECTION 6 - SEVERABILITY

739 12-6-1: If any provision of this charter is held invalid by a court of competent
740 jurisdiction, such holding shall not affect the validity of the remainder of this charter.

741 SECTION 7 - SPECIFIC PROVISIONS TO PREVAIL

742 12-7-1: To the extent that any specific provision of this charter shall conflict with any
743 general provision thereof, the specific provision shall prevail.

744 SECTION 8 - COUNTING OF DAYS

745 12-8-1: In counting days under this charter, every calendar day shall be counted,
746 including Sundays and all holidays unless otherwise specified.

747 CHAPTER 13

748 TRANSITIONAL PROVISIONS

749 SECTION 1 - CONTINUATION OF EXISTING LAWS

750 13-1-1: All General Laws, special laws, Town by-laws, Town Council votes and rules
751 and rules and regulations of or pertaining to the Town that are in force when this charter takes
752 effect and are not specifically or by implication repealed hereby, shall continue in full force and
753 effect until amended, repealed or rescinded by due course of law or until they expire by their
754 own limitation.

755 13-1-2: Where provisions of this charter conflict with provisions of Town by-laws, rules,
756 regulations, orders and special acts and acceptances of the General Laws, this
757 charter provisions shall govern. All provisions of Town by-laws, rules, regulations, orders and
758 special acts not superseded by this charter shall remain in force.

759 SECTION 2 - DISPOSITION OF CERTAIN SPECIAL ACTS

760 13-2-1: Chapter 790 of the Acts of 1975, An Act clarifying the charter of the town of
761 Southbridge, is repealed and shall no longer apply to the Town of Southbridge.

762 SECTION 3 - CONTINUATION OF GOVERNMENT AND ADMINISTRATION

763 13-3-1: Except as otherwise provided in this charter, all Town offices shall continue to
764 perform their duties until reelected or until successors to their respective positions are duly
765 appointed or elected and qualified or until their duties have been transferred and assumed by
766 another office.

767 SECTION 4 - TRANSFER OF RECORDS AND PROPERTY

768 13-4-1: All records, property and equipment whatsoever of any Town agency, or part
769 thereof, the powers and duties of which are assigned in whole or in part to another Town agency,
770 shall be transferred forthwith to such agency.

771 SECTION 5 - EXISTING OFFICIALS AND EMPLOYEES

772 13-5-1: Any person holding a Town office or employment with the Town shall retain
773 such office or employment and shall continue to perform the duties of the office until provisions
774 shall have been made in accordance with this charter for the performance of the said duties by

775 another person or agency. No person in the permanent full-time service or employment of the
776 Town shall forfeit pay grade or time in service.

777 SECTION 6 - EFFECT ON OBLIGATIONS, TAXES, ETC.

778 13-6-1: All official bonds, recognizances, obligations, contracts and other instruments
779 entered into or executed by or to the Town before the adoption of this charter and all taxes,
780 assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the Town shall be
781 enforced and collected and all writs, prosecutions, actions and causes of action, except as herein
782 otherwise provided, shall continue without abatement and remain unaffected by this charter, and
783 no legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption
784 of this charter.

785 SECTION 7 - TIME OF TAKING EFFECT

786 13-7-1: This charter shall become effective on the first business day of July in the year
787 following the year in which this charter or any amendment thereto is approved by the General
788 Court or adopted by the voters, as may be applicable.

789 13-7-2: UPON IMPLEMENTATION OF THIS CHARTER:

790 The Town Council shall immediately review the rules and regulations of the Town
791 Council to ensure they are in compliance with this charter.

792 13-7-3: UPON ADOPTION OF THIS CHARTER:

793 Within 3 months after the adoption of this charter, the Town Council shall appoint a By-
794 Law Review Committee to review the Town by-laws to ensure they are in compliance with this
795 charter. Said committee shall report its recommendations to the Town Council within 6 months

796 following their appointment. The committee may in its discretion and subject to appropriation,
797 engage a legal consultant.

798 CHAPTER 14

799 CHARTER COMMISSIONS NOTES

800 SECTION 1 - INTENT OF NOTES

801 The following notes are intended by the nine-member Charter Commission elected on
802 June 7, 2002, to clarify selected provisions of the Charter.

803 Note 1: The intent of Section 2-2-3 is to limit the term of office of Town Councilors to
804 three consecutive terms. A Councilor reaching the end of such three terms would be eligible to
805 hold the office of Town Councilor following a one-year hiatus.

806 Note 2: The Commission clarifies that if it is ever unclear as to the proper way in which
807 any power of the Town is to be exercised, or by whom any power of the Town is to be exercised,
808 the Town Council shall, consistent with Section 2-4-1, provide for the exercise of such power
809 and for the performance of all duties and obligations imposed upon the Town by-law

810 Note 3: The Commission includes non-councilor members of committees in Section 2-4-
811 4 to reduce the workload on Councilors and to utilize expertise in the community. The
812 Commission emphasizes that all committees established by the Town Council are advisory and
813 all committee members, including non-councilor members, shall have a vote for the purpose of
814 committee business.

815 Note 4: Section 2-5-4 is intended to emphasize that the presence of all nine members of
816 the Town Council shall under no circumstances be required in order for the Town Council to
817 conduct business.

818 Note 5: It is the intent of the Commission that three non-council members of the five-
819 member search committee provided for in Section 4-1-2 be chosen on the basis of their proven
820 expertise in hiring upper-level management. Further, while the hiring of a professional search
821 firm is discretionary, the Commission strongly recommends that the committee engage such a
822 firm.

823 Note 6: The Finance Director's performance of the duties of the Manager in Section 4-7-
824 1 is intended to last only as long as it takes the Town Council to appoint an Acting Town
825 Manager.

826 Note 7: The purpose of Section 12-2-1, ineligible measures, is to promote stability in the
827 management of the Town's affairs.

828 SECTION 2 . (a) Section 4-2-5 of the charter, as set forth in section 1 of this act, shall be
829 submitted as a change to the town charter concerning a new proposed section 4-2-5 and
830 presented to the voters for acceptance at the next annual election occurring 35 days after the
831 effective date of the act or at a special election.

832 (b) If a majority of votes cast in the affirmative for the new proposed section 4-2-5 of the
833 town charter, the town of Southbridge shall be taken to have accepted the new proposed section
834 4-2-5 for the town charter of the town of Southbridge, but not otherwise.

835 SECTION 3. This act shall take effect upon its passage.