

HOUSE No. 1097

The Commonwealth of Massachusetts

PRESENTED BY:

Cory Atkins and Michael J. Barrett

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 to amend the town charter of Concord.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/19/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/1/2017</i>

HOUSE No. 1097

By Representative Atkins of Concord and Senator Barrett, a joint petition (accompanied by bill, House, No. 1097) of Cory Atkins and Michael J. Barrett (by vote of the town) for legislation to amend the town charter of Concord. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to amend the town charter of Concord.

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. Section 1 of the charter of the town of Concord, which is on file in the
2 office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the
3 General Laws, is hereby amended by striking out clauses B and C and inserting in place thereof
4 the following 2 clauses:-

5 B. 2 members of the select board for terms of 3 years each, 2 members of the select board
6 for terms of 2 years each and 1 member of the select board for a term of 1 year; and

7 C. 2 members of the school committee for terms of 3 years each, 2 members for terms of
8 2 years each and 1 member for a term of 1 year.

9 SECTION 2. Said section 1 of said charter is hereby further amended by adding the
10 following paragraph:-

11 At each annual town election thereafter, a moderator shall be elected for a term of 1 year
12 and members of the select board and members of the school committee for terms of 3 years to
13 replace those whose terms expire. When a vacancy occurs in the membership of the select board,
14 the select board shall call a special town election to fill the vacancy for the unexpired term;
15 provided, however, that if such a vacancy occurs less than 100 days prior to the annual election
16 and not less than 3 members of such board remain in office, the vacancy shall remain unfilled
17 until the annual election. When a vacancy occurs in the membership of the school committee, the
18 select board shall call a special town election to fill the vacancy for the unexpired term;
19 provided, however, that if such a vacancy occur less than 100 days prior to the annual election
20 and not less than 3 members of such committee remain in office, the vacancy shall remain
21 unfilled until the annual election. If the moderator is absent, disabled from the performance of
22 the duties of moderator or has been recused from acting as moderator, the deputy moderator
23 elected at the annual town meeting shall act as moderator. If there is a vacancy in the position of
24 moderator, the deputy moderator shall act as moderator until the next regularly elected moderator
25 takes office. The powers, duties and responsibilities of elected officials shall be as provided by
26 applicable law and by-law and by vote of the town, except as herein otherwise provided.

27 SECTION 3. Subsection A of section 2 of said charter is hereby amended by striking out
28 the word “selectmen” and inserting in place thereof the following words:- select board.

29 SECTION 4. Subsection B of said section 2 of said charter is hereby amended by striking
30 out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance,
31 the following words:- select board.

32 SECTION 5. Clause 1 of the second paragraph of said subsection B of said section 2 is
33 hereby amended by striking out the words “and revising the building code of the town”.

34 SECTION 6. Subsection C of said section 2 of said charter is hereby amended by striking
35 out the word “he” and inserting in place thereof the following words:- the moderator.

36 SECTION 7. Subsection D of said section 2 of said charter is hereby amended by striking
37 out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance,
38 the following words:- select board.

39 SECTION 8. Section 4 of said charter is hereby amended by striking out the words
40 “board of selectmen” and inserting in place thereof the following words:- select board.

41 SECTION 9. Said section 4 of said charter is hereby further amended by striking out the
42 word “he”, the first time it appears, and inserting in place thereof the following words:- the
43 moderator or member of the select board, school committee or finance committee.

44 SECTION 10. Said section 4 of said charter is hereby further amended by striking out the
45 word “selectmen”, the second time it appears, and inserting in place thereof the following
46 words:- select board.

47 SECTION 11. Said section 4 of said charter is hereby further amended by striking out the
48 word “he”, the second time it appears, and inserting in place thereof the following words:- the
49 town manager.

50 SECTION 12. Said charter is hereby further amended by striking out section 5 and
51 inserting in place thereof the following section:-

52 SECTION 5. APPOINTMENT OF TOWN MANAGER

53 The select board elected as provided in this charter shall appoint, as soon as practicable,
54 for a term of 3 years, a town manager who shall be a person especially fitted, in the select
55 board's opinion, by education, training and experience to perform the duties of the office. The
56 town manager shall be appointed without regard to the town manager's political beliefs. A holder
57 of elective office in the town shall not, within 2 years of holding of such office, be eligible for
58 appointment as town manager. The town manager may be appointed for successive terms of
59 office. Before entering upon the duties of the office, the town manager shall be sworn, in the
60 presence of a majority of the select board, to the faithful and impartial performance of the duties
61 of the office by the town clerk or by a justice of the peace or notary public. The town manager
62 shall execute a bond in favor of the town for the faithful performance of the town manager's
63 duties in such sum and with such sureties as may be fixed or approved by the select board.

64 SECTION 13. Section 6 of said charter is hereby amended by striking out the word "he"
65 and inserting in place thereof the following words:- the town manager.

66 SECTION 14. Said section 6 of said charter is hereby further amended by striking out the
67 word "selectmen", each time it appears, and inserting in place thereof, in each instance, the
68 following words:- select board.

69 SECTION 15. Said section 6 of said charter is hereby further amended by striking out the
70 word "selectman" and inserting in place thereof the following words:- member of the select
71 board.

72 SECTION 16. Section 7 of said charter is hereby amended by striking out the word
73 "selectmen", each time it appears, and inserting in place thereof, in each instance, the following
74 words:- select board.

75 SECTION 17. Said section 7 of said charter is hereby further amended by striking out the
76 word “his”, the first and third time it appears, and inserting in place thereof, in each instance, the
77 following words:- the town manager’s.

78 SECTION 18. Said section 7 of said charter is hereby further amended by striking out
79 third sentence and inserting in place thereof the following sentence:-

80 The town clerk shall immediately deliver to the town manager, or mail by registered mail
81 to the town manager’s last known address, a copy of the resolution.

82 SECTION 19. Said section 7 of said charter is hereby further amended by striking out the
83 word “him”, the second time it appears, and inserting in place there of the following words:- the
84 town manager.

85 SECTION 20. Section 8 of said charter is hereby amended by striking out the word “him”
86 and inserting in place thereof the following words:- the town manager.

87 SECTION 21. Said section 8 of said charter is hereby further amended by striking out the
88 word “selectmen” and inserting in place thereof the following words:- select board.

89 SECTION 22. Clause A of section 9 of said charter is hereby amended by striking out the
90 word “him” and inserting in place thereof the following words:- the town manager.

91 SECTION 23. Said section 9 of said charter is hereby further amended by striking out
92 clause B and inserting in place thereof the following clause:-

93 B. The town manager may, with the approval of not less than 3 of the members of the
94 select board, establish, combine, reorganize or discontinue departments under the town
95 manager’s supervision and, with the approval of both the select board and the finance committee,

96 transfer all or part of the appropriation of a discontinued department to another department;
97 provided, however, that a balance not so transferred shall be returned to the town treasury.

98 SECTION 24. Clause C of said section 9 of said charter is hereby amended by striking
99 out the word “he” and inserting in place thereof the following words:- the town manager.

100 SECTION 25. Clause D of said section 9 of said charter is hereby amended by striking
101 out the word “his” and inserting in place thereof the following words:- the town manager’s.

102 SECTION 26. Said clause D of said section 9 of said charter is hereby further amended
103 by striking out the word “selectmen” and inserting in place thereof the following words:- select
104 board.

105 SECTION 27. Clause E of said section 9 of said charter is hereby amended by striking
106 out the word “he”, the first time it appears, and inserting in place thereof the following words:-
107 the town manager.

108 SECTION 28. Said clause E of said section 9 of said charter is hereby further amended
109 by striking out the word “He”, the second time it appears, and inserting in place thereof the
110 following words:- The town manager.

111 SECTION 29. Clause F of said section 9 of said charter is hereby amended by striking
112 out the word “he” and inserting in place thereof the following words:- the town manager.

113 SECTION 30. Said clause F of said section 9 of said charter is hereby further amended
114 by striking out the word “his” and inserting in place thereof the following words:- the town
115 manager’s.

116 SECTION 31. Clause G of said section 9 of said charter is hereby amended by striking
117 out the word “him” and inserting in place thereof the following words:- the town manager.

118 SECTION 32. Said clause G of said section 9 of said charter is hereby further amended
119 by striking out the word “his” and inserting in place thereof the following words:- the town
120 manager’s.

121 SECTION 33. Said clause G of said section 9 of said charter is hereby further amended
122 by striking out the word “selectmen” and inserting in place thereof the following words:- select
123 board.

124 SECTION 34. Clause H of said section 9 of said charter is hereby amended by striking
125 out the words “board of selectmen” and inserting in place thereof the following words:- select
126 board.

127 SECTION 35. Said clause H of said section 9 of said charter is hereby further amended
128 by striking out the word “his” and inserting in place thereof the following words:- the town
129 manager’s.

130 SECTION 36. Clause I of said section 9 of said charter is hereby amended by striking out
131 the word “his” and inserting in place thereof the following words:- the town manager’s.

132 SECTION 37. Said clause I of said section 9 of said charter is hereby further amended by
133 striking out the word “selectmen” and inserting in place thereof the following words:- select
134 board.

135 SECTION 38. Section 10 of said charter is hereby amended by striking out the word
136 “his”, each time it appears, and inserting in place thereof, in each instance, the following words:-
137 the town manager’s.

138 SECTION 39. Section 11 of said charter is hereby amended by striking out the last
139 sentence and inserting in place thereof the following sentence:- The committee and board
140 members and officers appointed by the town manager shall hold office until the successor of the
141 committee or board member or officer has been appointed and qualifies; provided, however, that
142 the member or officer shall not so hold office if the office became vacant by reason of the
143 resignation or removal of the member or officer.

144 SECTION 40. Section 13 of said charter is hereby amended by striking out the word
145 “his” and inserting in place thereof the following words:- the town clerk’s.

146 SECTION 41. Said section 13 of said charter is hereby further amended by striking out
147 the words “chairman of the Board of Selectmen” and inserting in place thereof the following
148 words:- select board chair.

149 SECTION 42. Section 14 of said charter is hereby amended by striking out the word
150 “selectmen” and inserting in place thereof the following words:- select board.

151 SECTION 43. Section 15 of said charter is hereby amended by striking out the word
152 “him”, each time it appears, and inserting in place thereof, in each instance, the following
153 words:- “the official”.

154 SECTION 44. Section 16 of said charter is hereby amended by striking out the word
155 “selectmen” and inserting in place thereof the following words:- select board.

156 SECTION 45. Said section 16 of said charter is hereby further amended by striking out
157 the word “He”, each time it appears, and inserting in place thereof, in each instance, the
158 following words:- The town manager.

159 SECTION 46. Said section 16 of said charter is hereby further amended by striking out
160 the word “his” and inserting in place thereof the following words:- the town manager’s.

161 SECTION 47. Said section 16 of said charter is hereby further amended by striking out
162 the word “him” and inserting in place thereof the following words:- the town manager.

163 SECTION 48. Section 17 of said charter is hereby amended by striking out the word
164 “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following
165 words:- select board.

166 SECTION 49. Section 18 of said charter is hereby amended by striking out the word
167 “selectmen” and inserting in place thereof the following words:- member of the select board.

168 SECTION 50. Said section 18 of said charter is hereby further amended by striking out
169 the word “his” and inserting in place thereof the following word:- such a person’s.

170 SECTION 51. Section 21 of said charter is hereby amended by striking out the word
171 “sixty” and inserting in place thereof the following figure:- 120.

172 SECTION 52. Said section 21 of said charter is hereby further amended by striking out
173 the word “selectmen”, the first and second times it appears, and inserting in place thereof, in
174 each instance, the following words:- select board.

175 SECTION 53. Said section 21 of said charter is hereby further amended by striking out
176 the word “his” and inserting in place thereof the following word:- such a person’s.

177 SECTION 54. Said section 21 of said charter is hereby further amended by striking out
178 the words “board of selectmen” and inserting in place thereof the following words:- select board.