

**SENATE . . . . . No. 2104**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Barry R. Finegold***

*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 clerk in the town of Tewksbury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Barry R. Finegold</i>	
<i>Paul Adams</i>	<i>17th Essex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>

**SENATE . . . . . No. 2104**

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By Mr. Finegold, a petition (accompanied by bill, Senate, No. 2104) of Barry R. Finegold, Paul Adams and James R. Miceli (by vote of the town) for legislation relative to the position of town clerk in the town of Tewksbury. [Local Approval Received.] Municipalities and Regional Government.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Twelve**  
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An Act relative to the town clerk in the town of Tewksbury.

*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. Chapter 275 of the acts of 1986, as amended by chapter 152 of the acts of  
2 1988, is hereby further amended by inserting, after section 13A, the following section:-

3           Section 13B. The town manager shall appoint the town clerk. Notwithstanding any  
4 general or special law to the contrary, the town manager may remove, suspend or discipline the  
5 town clerk for just cause. The town clerk shall be given written notice at least 14 days prior to  
6 the date of removal, which shall specify the reasons for such removal. The town clerk shall, upon  
7 written request, be granted a public hearing held by the board of selectmen who shall vote to  
8 confirm such removal or to reinstate the town clerk by a majority vote.

9           The town clerk’s written request for a public hearing shall be made to the board of  
10 selectmen on or before the date of removal. The vote of the board of selectmen shall occur not  
11 later than 7 days after the public hearing. If, after a written request for a public hearing, that

12 hearing or vote fails to meet the standards in this section, the town clerk shall be reinstated with  
13 full pay and benefits retroactive to the date of removal.

14 SECTION 2. The first paragraph of section 15 of chapter 275 of the acts of 1986, as  
15 amended by section 2 of chapter 229 of the acts of 1995, is hereby amended by striking out  
16 subsection (i).

17 SECTION 3. The town clerk serving as an elected officer of the town on the effective  
18 date of this act, shall continue to serve until April 5, 2014 and thereafter the town clerk shall be  
19 appointed by the town manager in accordance with this section.

20 SECTION 4. This act shall take effect upon its passage.