

**HOUSE . . . . . No. 4547**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act providing the voters of the town of Bridgewater a choice of charters for a new form of government..

*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. At the first regular or special municipal election held in the town of  
2           Bridgewater after the effective date of this act, including a special election just for the purpose of  
3           the questions set forth in this act, the voters of the town of Bridgewater shall be afforded an  
4           opportunity to vote on the following ballot questions. In the event that this act takes effect prior  
5           to April 24, 2010, the date of the presently scheduled 2010 annual election of the town, then the  
6           town may proceed with the ballot questions as set forth in this section if practicable in obtaining  
7           ballots therefore, notwithstanding the time periods set forth in section 42C of chapter 54 of the  
8           General Laws.

9           Question One: Shall the town adopt a new Charter for a Town Manager-Town Council  
10          form of Government?

11          Yes----- No-----

12          Question Two: Shall the town adopt a new Charter for a Town Manager-Selectmen-Open  
13          Town Meeting form of Government?

14 Yes----- No-----

15 A summary of each form of government shall be provided with the ballot questions, as  
16 may be prepared by attorneys for the town.

17 SECTION 2. If neither question one nor question two set forth in section 1 passes by a  
18 majority of the votes cast, then neither form of government shall take effect and the town of  
19 Bridgewater shall continue with the present form of town meeting-selectmen government. If  
20 either question one or question two set forth in section 1 passes by a majority of the votes cast,  
21 the form of government that has obtained the majority favorable vote shall take effect in  
22 accordance with the terms set forth in the charter so approved.

23 If both question one and question two pass by a majority of the votes cast, the charter for  
24 a new form of government that obtains the highest number of votes cast in favor shall take effect  
25 in accordance with the terms set forth in the charter so approved.

26 SECTION 3. Charter for a TOWN MANAGER – TOWN COUNCIL form of  
27 government. In the event that the voters of the town of Bridgewater adopt the charter for a town  
28 manager – town council form of government pursuant to sections 1 and 2, the following charter  
29 shall become effective in accordance with its terms:-

30 ARTICLE 1-INCORPORATION AND AUTHORITY

31 Section 1-1. Incorporation

32 The inhabitants of the town of Bridgewater, within its territorial limits as now or may  
33 hereafter be established by law, shall continue to be a body politic and corporate, known as the

34 "Town of Bridgewater." The town of Bridgewater shall constitutionally have a city form of  
35 government.

36 Section 1-2. Short Title

37 This instrument may be cited and shall be known as the Bridgewater home rule charter.

38 Section 1-3. Division of Powers

39 All legislative powers of the town shall be exercised by a town council. The  
40 administration of all town fiscal, business and municipal affairs shall be vested in the executive  
41 branch headed by the town manager.

42 Section 1-4. Powers of the Town

43 The intent and purpose of this charter is to secure for the voters of the town of  
44 Bridgewater, through the adoption of this charter, all the powers possible to secure for their  
45 government under Article LXXXIX of the Amendments to the Constitution and laws of the  
46 commonwealth.

47 Section 1-5. Interpretation of Powers

48 The powers of the town under the charter shall be construed and interpreted liberally in  
49 favor of the town, and the specific mention of a particular power is not intended to limit in any  
50 way the general powers of the town as enumerated in section 1-4.

51 Section 1-6. Intergovernmental Relations

52 The town may enter into agreements with any other unit of government to perform jointly  
53 or in cooperation, by contract or otherwise, any of its powers or functions.

54 Section 1-7. Town Seal and Town Flag

55 The town seal and town flag in existence at the time this charter is adopted, unless the  
56 town council shall adopt another seal or flag, shall continue to be the town seal and town flag  
57 and shall be kept in the custody of the elected town clerk. Papers or documents issued from any  
58 office or board of the town may be attested by use of the town seal. The town flag shall be  
59 displayed within the town council chambers.

60 Section 1-8. Ethical Standards

61 Elected and appointed officers and employees of the town are expected to demonstrate  
62 the highest ethical standards, which shall be in compliance with all state and federal laws.  
63 Elected and appointed officers and employees are expected to recognize that they act as agents of  
64 the public, that they hold offices or positions for the benefit of the public, that the public interest  
65 is their primary concern and that they are expected to faithfully discharge the duties of their  
66 offices or positions regardless of personal considerations. Elected officers and employees shall  
67 not use their official positions to secure or to grant special consideration, treatment, advantage,  
68 privilege or exemption to themselves or to any other person beyond that which is available to  
69 every other person.

70 Section 1-9. Definitions

71 As used in the charter, the following words shall, unless the context clearly requires  
72 otherwise, have the following meanings:-

73 "Administrative code", a written description of the administrative organization of town  
74 offices, departments and multiple member bodies. The administrative code shall state the mode

75 of selection, either appointed or elected, term of office and general powers and duties of each  
76 town office, department and multiple member body consistent with this charter and applicable  
77 state law.

78 "Charter", this charter and any amendments to it made through any methods provided  
79 under Article LXXXIX of the Amendments to the Constitution.

80 "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition  
81 which necessitates immediate action.

82 "Majority vote", a majority of those present and voting, provided a quorum is present  
83 when a vote is taken, unless a higher number is required by law, this charter, or by the town  
84 council's own rules.

85 "Measure", an ordinance, order, resolution or other vote or proceeding adopted, or which  
86 may be adopted by the town council.

87 "Multiple member body", any board, commission or committee in the town.

88 "Town", the body politic and corporate called the town of Bridgewater.

89 "Town agency or agency", a board, commission, committee, department or office of town  
90 government, whether elected, appointed or otherwise constituted.

91 "Voters", registered voters of the town.

92 "Town officer", an individual who has been elected or appointed to exercise the  
93 functions of a town office for the benefit of the public. Town officers are distinguishable from

94 employees in that they are required to take an oath of office and are appointed or elected to  
95 specified terms of office.

96 ARTICLE II- LEGISLATIVE BRANCH

97 Section 2-1. Composition; Eligibility; Term of Office

98 (a) Composition - There shall be a town council consisting of 9 members which shall  
99 exercise the legislative powers of the town. Seven of these members, to be known as district  
100 councilors, shall be nominated and elected by and from the voters of the 7 districts into which the  
101 town is divided, and 2 of the members, to be known as councilors-at-large, shall be nominated  
102 and elected by and from the voters at large.

103 (b) Eligibility - Any voter shall be eligible to hold the office of councilor-at-large. A  
104 district councilor must be a voter and resident of the district in which election is sought. If a  
105 district councilor or a councilor-at-large moves out of the town during the term for which  
106 elected, such office shall immediately be deemed vacant and filled in the manner provided in  
107 section 2-5. If a district councilor moves from the district from which the councilor is elected, or  
108 is removed by a change in district lines, and more than 14 months remains of the term for which  
109 elected, the office shall be deemed vacant and shall be filled in the manner provided in section 2-  
110 5. If less than 6 months of the term remains, the district councilor who remains a resident of the  
111 town may continue to serve during the term for which elected.

112 (c) Term of Office - The term of office of district councilors and councilors-at-large shall  
113 be staggered terms of 3 years each, beginning on the second Monday following election and  
114 continuing until their successors are qualified.

115 Section 2-2. General Powers and Duties

116 Except as otherwise provided by law or by the charter, all powers of the town shall be  
117 vested in the town council which shall provide for their exercise and for the performance of all  
118 duties and obligations imposed on the town by law.

119 Section 2-3. Council President; Election; Eligibility; Term of Office; Powers and Duties

120 (a) Election - After the councilors-elect have been sworn, the town council shall be called  
121 together by the elected town clerk for the purpose of conducting an election among town council  
122 members for the office of town council president and vice-president to serve at the pleasure of  
123 the town council. The president shall preside at all meetings of the town council and perform  
124 such other functions as may be assigned by the charter, by ordinance or by vote of the town  
125 council.

126 (b) Term of Office - The term of the council president shall be for 1 year beginning on  
127 the second Monday following election and continuing until a successor is qualified.

128 (c) Powers and Duties - The powers, duties and responsibilities of the council president  
129 shall include, but not be limited to, the following:

130 (1) The council president shall preside at all meetings of the town council, regulate its  
131 proceedings and shall decide all questions of order.

132 (2) The council president shall have the same powers to vote upon all measures coming  
133 before the town council as any other member of the town council, but shall have no veto power.

134 (3) The council president shall be recognized as the official head of the town for all  
135 ceremonial purposes and the council president, or his designee, shall represent the town in its  
136 relations with other units of government.

137 (4) In time of public danger or emergency the council president may, subject to the  
138 review of the action by the town council, temporarily exercise the town council's supervisory  
139 powers over the town manager, but such delegation shall not exceed 7 days unless the town  
140 council votes to extend the temporary powers not to exceed another 7 days. The town council  
141 may extend the period of delegation by successive extensions of not more than 7 days each.

142 (5) The council president in conjunction with the town manager shall prepare and deliver  
143 a yearly state of the town message to the town council and citizens of the town describing the  
144 state of the town. The message will address the financial state of the town, strengths of the town  
145 and areas that need attention, as well as potential opportunities for the betterment of the town.  
146 The state of the town message should also set the agenda and goals for the town council and  
147 town manager for the ensuing year.

148 (6) The council president shall call no less than 2 meetings of the general public each  
149 fiscal year for the purpose of obtaining public input to the policies of the town. The meeting  
150 agenda and format shall be determined by the town council but shall be designed to obtain public  
151 input to the policies of the town. Members of the public may submit potential items for the  
152 agenda of the meetings in accordance with rules adopted by the town council. The public shall be  
153 given at least 14 days notice of the date and time of such meetings. The notices shall be  
154 published in a newspaper of general circulation within the town and posted on the town bulletin  
155 board. The town council may provide for additional venues for such postings.



156 Section 2-4. Council Vice President

157 The town council shall elect from among its members a council vice president who shall  
158 act as council president during the absence or disability of the council president and, if a vacancy  
159 occurs, shall become acting council president until a successor is qualified. The powers of an  
160 acting council president shall be limited to only those powers of the office indispensably  
161 essential to the performance of the duties of the office during the period of the temporary  
162 absence or disability and no others.

163 Section 2-5. Filling of Vacancies

164 (a) Councilor-at-Large - If a vacancy occurs in the office of councilor-at-large during the  
165 first 18 months of the term for which a councilor was elected, the vacancy shall be filled in  
166 descending order of votes received by the candidate for the office of councilor-at-large at the  
167 preceding town election who received the largest number of votes without being elected,  
168 provided such person remains eligible and willing to serve and provided such person received  
169 votes at least equal to 30 per cent of the vote total received by the person receiving the largest  
170 number of votes for the office of councilor-at-large at the election. The elected town clerk shall  
171 certify such candidate to the office of councilor-at-large to serve for the balance of the then  
172 unexpired term.

173 If a vacancy occurs in the office of councilor-at-large during the last 6 months of the term  
174 for the councilor-at-large was elected, the vacancy shall be filled by the person at the most recent  
175 annual town election who received the highest number of votes for the office of councilor-at-  
176 large and who is not then serving as a member of the town council. The person shall be certified

177 by the town clerk and shall serve for the remaining months of the term which the person was  
178 elected.

179 (b) District Councilor - If a vacancy occurs in the office of district councilor it shall be  
180 filled in the same manner as provided in subsection (a) of section 2-5 for the office of councilor-  
181 at-large except that the list shall be of the candidates for the office of district councilor in the  
182 district in which the vacancy occurs; provided, however, that if there is no candidate on the list  
183 who remains eligible and willing to serve, the next highest ranking candidate from among the  
184 candidates for election to the council-at-large who is a resident of the district in which the  
185 vacancy exists shall be certified and shall serve until the next regular election provided the  
186 candidate remains a resident of the district, is willing to serve as a district councilor and received  
187 votes in the district at least equal to 30 per cent of the vote total received by the person receiving  
188 the largest number of votes for the office of district councilor at the election. The elected town  
189 clerk shall certify such candidate to the office of district councilor to serve for the balance of the  
190 then unexpired term.

191 (c) Filling of Vacancies By Town Council - If a vacancy occurs in the office of councilor-  
192 at-large or district councilor and there is no available candidate to fill the vacancy in the manner  
193 provided in subsection (a) or (b) of section 2-5, the vacancy shall be filled by the remaining  
194 members of the town council. To be eligible for election by the town council, a person shall be a  
195 registered voter of the town and, in the case of a district councilor, a resident of such district  
196 Persons elected to fill a vacancy by the town council shall serve only until the next regular  
197 election, or if so decided, a special election, at which time the vacancy shall be filled by the  
198 voters and the person chosen to fill the vacancy shall be sworn and shall serve for the remainder

199 of the unexpired term. Persons serving as town councilors under this section shall not be entitled  
200 to have the words “candidate for re-election” printed against their names on the election ballot.

201 Section 2-6. Exercise of Powers; Quorum; Rules of Procedure

202 (a) Exercise of Powers - Except as otherwise provided by any general or special law or  
203 the charter, the legislative powers of the town council may be exercised in a manner determined  
204 by it.

205 (b) Quorum - The presence of 5 members shall constitute a quorum for the transaction of  
206 business. Except as otherwise provided by-law or this charter, the affirmative vote of 5 members  
207 shall be required to adopt any ordinance or appropriation order.

208 (c) Rules of Procedure - The town council shall from time to time establish written rules  
209 for its proceedings. The rules shall be available for public inspection at the office of the elected  
210 town clerk and copies of the rules shall be available in the office of the town council during  
211 regular and special meetings of the town council. Regular meetings of the town council shall be  
212 held at a time and place fixed by ordinance but shall be at least monthly. Special meetings may  
213 be held on the call of the president of the town council, or on the call of 3 or more members, by  
214 written notice delivered to each member of the town council by the elected town clerk at least 48  
215 hours before the time set. Except as otherwise authorized by a general or special law all sessions  
216 of the town council shall be open to the public. Every matter coming before the town council for  
217 action shall be put to a vote, the result of which shall be duly recorded. All town council votes on  
218 ordinances, appropriation orders or loan authorizations shall be taken by roll call vote, and shall  
219 be duly recorded by the clerk of the council. A full, accurate, and up-to-date record of the  
220 proceedings of the town council shall be kept and shall be open to inspection by the public. All

221 meetings of the town council shall provide for a period of public comment. Regular meetings of  
222 the town council shall provide for a period of public comment, provided however, that the town  
223 council may promulgate rules that regulate such period of public comment as deemed  
224 appropriate.

225 (1) Any council member may, from time to time, submit to the town council proposed  
226 town policies, goals and other objectives for its consideration. The town council may amend,  
227 modify or reject any proposal submitted by the council president before adopting the same in its  
228 final form. Nothing in this subsection shall preclude any member of the town council from  
229 recommending town policies, goals and other objectives to the town council.

230 (2) The town council shall be responsible for ensuring that the charter, the laws, the  
231 ordinances and other plans, policies and orders for the government of the town are properly  
232 implemented and enforced.

233 (3) The town council shall not direct or request the appointment or employment of any  
234 person, or the removal of any person, or in any manner attempt to participate in the appointment  
235 or removal of a person in the administrative service of the town for which the town manager is  
236 responsible.

237 (4) The town council shall deal with the officers and employees serving under the town  
238 manager solely through the town manager and the council president shall not give any orders or  
239 directions to any such officer or employee, either publicly or privately.

240 (5) The town council shall perform such other duties consistent with the office as may be  
241 provided by charter or by ordinance.

242 Section 2-7. Measures; Emergency Measures; Charter Objection

243 (a) Measures - No measure shall be passed finally on the date on which it is introduced,  
244 except in the case of an emergency. Except as otherwise provided by the charter, every adopted  
245 measure shall become effective at the expiration of 30 days after adoption or at any later date  
246 specified therein. Measures not subject to referendum, as defined in section 8-4, shall become  
247 effective upon adoption. No ordinance shall be amended or repealed except by another ordinance  
248 adopted in accordance with the charter or as provided in the initiative and referendum  
249 procedures.

250 (b) Emergency Measures - An emergency measure shall be introduced in the form and  
251 manner prescribed for measures generally except that it shall be plainly designated as an  
252 emergency measure and shall contain statements after the enacting clause declaring that an  
253 emergency exists and describing its scope and nature in clear and specific terms. A preamble  
254 which declares and defines the emergency shall be separately voted on and shall require the  
255 affirmative vote of two-thirds of the town council. An emergency measure may be passed with or  
256 without amendment or rejected at the meeting at which it is introduced. No measure making a  
257 grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall  
258 be passed as an emergency measure, and except as provided by any general or special law, no  
259 such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption,  
260 an emergency measure shall be published as prescribed for other adopted measures. An  
261 emergency measure shall become effective upon adoption or at such later time as it may specify.

262 (c) Charter Objection - On the first occasion that the question on adoption of a measure is  
263 put to the town council, if a single member objects to the taking of the vote, the vote shall be

264 postponed until the next meeting of the town council whether regular or special. If 2 members  
265 shall object, such postponement shall be until the next regular meeting; provided, however, that  
266 for a postponement of an emergency measure at least 4 members, in all, must object, and the  
267 postponement shall be until the next regular meeting. This procedure shall not be used more than  
268 once for any matter bearing a single docket number notwithstanding any amendment to the  
269 original matter. Before taking a vote on any measure the council president or councilor acting as  
270 the presiding officer shall ask if there is a charter objection to the measure. A charter objection  
271 shall have privilege over all motions but must be raised prior to or at the call for a vote by the  
272 presiding officer and all debate shall cease.

273 Section 2-8. Council Staff

274 The town council may employ such staff and experts as are necessary to conduct the  
275 business of the town council. The town council shall set the salaries of such staff.

276 (a) Clerk of the Council - The town council shall appoint an officer of the town who shall  
277 have the title of council clerk. The council clerk shall give notice of town council meetings to its  
278 members and the public, keep the journal of its proceedings and perform such other duties as are  
279 assigned by this charter, by the town council or by general or special law.

280 Section 2-9. Publication Requirements

281 Every proposed ordinance or loan order, except emergency measures as hereinbefore  
282 defined and revenue loan orders, shall be published once in full in at least 1 newspaper of general  
283 circulation within the town, and in any additional manner that may be provided by ordinance, at  
284 least 10 days before its final passage; provided, however, that if any ordinance or proposed  
285 ordinance or codification of ordinances or proposed ordinances, shall exceed 8 octavo pages of

286 ordinary book print, then, in lieu of the advertising required by this section, the same may be  
287 published by the town council in a municipal bulletin or printed pamphlet, and if so published in  
288 full at least 10 days before its final passage, the publication shall be deemed sufficient without  
289 the newspaper publication as herein required.

290 Section 2-10. Delegation of Powers

291 The town council may delegate to 1 or more town agencies, the powers vested in the  
292 town council by general or special law to grant and issue licenses and permits and may regulate  
293 the granting and issuing of licenses and permits by any such town agency, and may in its  
294 discretion, rescind any such delegation without prejudice to any prior action which has been  
295 taken.

296 Section 2-11. Inquiries and Investigations

297 The town council may require any town officer or member of a board or commission to  
298 appear before it and give such information as it may require in relation to an office held by such  
299 person, its function and performance. The town council shall give at least 48 hours written notice  
300 of the general scope of the inquiry to any person it requires to appear before it under this section.  
301 The town council may make investigation into the affairs of the town and into the conduct of any  
302 town agency, and for this purpose may subpoena witnesses, administer oaths and require the  
303 production of evidence. The town council shall adopt rules of procedure to conduct the  
304 investigations.

305 Section 2-12. Prohibitions; Term Limits

306 (a) Prohibitions - No councilor shall, while a member of the town council, hold any other  
307 town office or position. Elected charter commission membership shall not be considered to be a  
308 town office or position. No former councilor shall hold any compensated appointive town office  
309 or town employment until 1 year after the expiration of his service on the town council. This  
310 provision shall not prevent a town officer or employee who has taken a leave of absence from  
311 such duties in order to serve as a member of the town council from returning to such office or  
312 employment following service as a member of the town council. Any councilor who has been  
313 finally convicted of a criminal offense involving misconduct in any elective or appointive public  
314 office, trust or employment at any time held by him shall be deemed to have vacated office and  
315 shall not be eligible to serve in any other elective or appointive office or position in the town.

316 (b) Term Limits - No person shall be eligible to be elected as a member of the town  
317 council if, at any point during the term of office for which the person may be elected, the service  
318 of the eligible person would exceed 12 consecutive years on the town council.

319 Section 2-13. Compensation; Expenses

320 (a) Salary - The town council shall serve without compensation.

321 (b) Expenses - Subject to appropriation, the town council members shall be entitled to  
322 reimbursement of their actual and necessary expenses incurred in the performance of their duties.

323 ARTICLE III- ELECTED OFFICIALS

324 Section 3-1. General Provisions

325 The offices to be filled by ballot of the voters of the entire town shall be town council,  
326 regional school committee, an elected town clerk, a board of library trustees and members of



327 regional authorities or districts as may be established by general or special law,  
328 intergovernmental agreement or otherwise. All other offices, boards, committees and agencies  
329 shall be appointed by the town manager as defined in section 4-3 and as detailed in the  
330 administrative code.

331 Any voter shall be eligible to hold any elective town office; provided, however, that to be  
332 eligible a person shall not simultaneously hold any other elected or appointed town office or be  
333 employed by the town or the Bridgewater-Raynham regional school district in any capacity.

334 The regular town election of town officers shall be held annually on the Saturday  
335 preceding the last Monday in April.

336 Notwithstanding their election by the voters, the town officers named in this section shall  
337 be subject to the call of the town council or the town manager, at all reasonable times, for  
338 consultation, conference and discussion on any matter relating to their respective offices.

339 Section 3-2. Library Trustees

340 (a) Composition, Election - There shall be a board of library trustees composed of 9  
341 members, all elected by and from the voters at large.

342 (b) Term of Office - The terms of library trustee members shall be for 3 years beginning  
343 on the second Monday following election and continuing until a successor is qualified.

344 (c) Powers and Duties - The library trustees shall insure that members of the Bridgewater  
345 community have the right and means to free and open access to information and ideas. The  
346 library protects intellectual freedom, promotes literacy and encourages life-long learning.

347 (d) Filling of Vacancies - If a vacancy occurs in the membership of the library trustees  
348 whether by failure to elect or otherwise, the library trustees have 30 days from the date the  
349 vacancy is declared to exist by the town clerk under section 109 of chapter 41 of the General  
350 Laws, to act to appoint a person to fill the vacancy. The appointments will be approved by the  
351 town council. If the vacancy is not filled within 30 days after the vacancy is declared to exist the  
352 appointment will defer to the town council. The appointee will serve for the balance of the  
353 unexpired term. A person so chosen shall be sworn and commence to serve forthwith. Library  
354 trustees or town council shall give consideration to whichever of the defeated candidates for the  
355 seat in which the vacancy is declared to exist received the highest number of votes at the last  
356 regular town election immediately preceding the date the vacancy is declared to exist.

357 Section 3-4. Town Clerk

358 (a) Composition, Election - A town clerk shall be elected by and from the voters at large.

359 (b) Term of Office - The term of office for a town clerk shall be for 3 years beginning on  
360 the second Monday following election and continuing until a successor is qualified.

361 (c) Powers and Duties - The town clerk shall: (1) be the keeper of vital statistics of the  
362 town; (2) be the custodian of the town seal and of all records of the town; (3) administer the oath  
363 of office to all town officers; (4) issue licenses and permits as may be provided by-law and (5) be  
364 responsible for the conduct of elections and all matters relating thereto. The town clerk shall  
365 have the powers and duties provided under any general or special law, the charter, ordinance or  
366 other town council vote.

367 ARTICLE IV- TOWN MANAGER

368 Section 4-1. Appointment, Qualifications, Term of Office

369 The town council shall appoint by a majority vote of the full town council, a town  
370 manager. The town manager shall be a person of proven administrative ability, especially  
371 qualified by education and training with prior experience as a city or town manager or an  
372 assistant city or town manager or the equivalent public or private sector level experience. The  
373 town council may from time to time establish additional qualifications as deemed necessary and  
374 appropriate. The town manager shall devote full-time to the duties of the office and shall not  
375 hold any other elective or appointive office in the town, nor shall the town manager engage in  
376 other business unless such business is approved in advance by a majority vote in public session  
377 of the town council. The town manager need not be a resident of the town, but must be a United  
378 States citizen.

379 Section 4-2. Administrative Powers and Duties

380 The town manager shall be the chief administrative officer of the town and shall be  
381 responsible to the town council for the proper operation of town affairs for which the town  
382 manager is given responsibility under this charter. The powers, duties and responsibilities of the  
383 town manager shall apply to all municipal departments excluding the Bridgewater Raynham  
384 Regional School District, and shall include, but shall not be limited to, the following:

385 (a) to supervise, direct and be responsible for the efficient administration of all officers  
386 appointed by the town manager and their respective departments and of all functions for which  
387 the town manager is given responsibility under this charter, by ordinance or by vote of the town  
388 council;

389 (1) With the consent of town council, the town manager may serve as the head of 1 or  
390 more departments, offices or agencies or may appoint 1 person as the head of 2 or  
391 more of them;

392 (b) to administer either directly or through a person supervised by the town manager, in  
393 accordance with this charter, all provisions of any general or special law applicable to the town,  
394 all ordinances and all regulations established by the town council;

395 (c) to coordinate all activities of town departments or appointed boards, committees or  
396 agencies;

397 (d) to provide consultative services to elected boards, committees or agencies;

398 (e) to attend all regular and special meetings of the town council, unless excused, and  
399 answer all questions addressed to the town manager which are related to matters under the  
400 general supervision of the town manager;

401 (f) to have the right to take part in discussions of the town council, but not vote;

402 (g) to keep the town council fully informed as to the needs of the town, and to  
403 recommend to the town council for adoption, such measures requiring action by them as the  
404 town manager deems necessary or expedient;

405 (h) to make recommendations to the town council concerning the affairs of the town and  
406 facilitate the work of the town council in developing policy;

407 (i) to ensure that complete and full records of the financial and administrative activity of  
408 the town are maintained and to render reports to the town council and finance committee as may  
409 be required;

410 (j) to be responsible for the rental, use, maintenance and repair of all town facilities;

411 (k) to be responsible for the purchase of all supplies, materials and equipment and  
412 approve the award of all contracts;

413 (l) to develop and maintain a full and complete inventory of all town-owned real and  
414 personal property;

415 (m) to administer personnel policies, practices or rules and regulations, any compensation  
416 plan and related matters for all town employees and to administer all collective bargaining  
417 agreements entered into by the town;

418 (n) to fix the compensation of all town employees and officers appointed by the town  
419 manager within the limits established by appropriation and applicable compensation plan;

420 (o) to be responsible for the negotiation of all contracts with town employees over wages,  
421 and other terms and conditions of employment. The town manager may employ special counsel  
422 to assist in the performance of these duties. Insofar as they require appropriations, contracts shall  
423 be subject to the approval of the town council.

424 (p) to prepare and submit an annual operating budget, capital improvement program and a  
425 long term financial forecast as provided in Article VI;

426 (q) to ensure that the council president is kept fully informed of and fully involved in the  
427 town's emergency preparedness planning and preparation;

428 (r) to keep the town council fully informed as to the financial condition of the town and  
429 to make recommendations to the town council as the town manager determines necessary or  
430 expedient;

431 (s) to assist the town council to develop long-term goals for the town and strategies to  
432 implement these goals;

433 (t) to investigate or inquire into the affairs of any town department, agency or office;

434 (u) to delegate, authorize or direct a subordinate or employee of the town to exercise any  
435 power, duty or responsibility which the office of town manager may exercise; provided,  
436 however, that all acts that are performed under the delegation shall be considered to be the acts  
437 of the town manager;

438 (v) to perform such other duties as necessary or as may be assigned by this charter, by  
439 ordinance or by vote of the town council;

440 (w) to provide staff support services for the council president and town council members;

441 (x) to serve as the town's liaison to any regional entity of which the town is a member  
442 and to explore opportunities for intergovernmental cooperation;

443 (y) to promote partnerships among town council, staff, citizens and businesses in  
444 developing public policy and building a sense of community; and

445 (z) to hold regular informational sessions with departments and community-based  
446 organizations.

447 Section 4-3. Powers of Appointment

448 (a) Department Heads - Except as otherwise provided by this charter, the town manager  
449 shall appoint, based upon merit and fitness alone, all department heads. All appointments of  
450 department heads, as defined within the administrative code, shall be subject to the ratification of

451 the town council. The town manager shall also appoint officers, subordinates and employees for  
452 whom no other method of selection is provided in this charter; provided, however, that the town  
453 manager shall not appoint employees of the regional school district and persons serving under  
454 officers elected directly by the voters of Bridgewater. In accordance with the procedures set  
455 forth in section 5-2, the town manager may be required to consult with or engage in a joint  
456 recruitment and selection process with multiple member bodies, before the appointment of  
457 department heads or employees who perform tasks under the jurisdiction of the multiple member  
458 bodies.

459 (b) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the  
460 town manager shall appoint all boards, committees and agencies. Members of all appointed  
461 boards and committees shall be residents of the town. All appointments of boards, committees  
462 and agencies, as defined within the administrative code, shall be subject to the ratification of the  
463 town council. The town manager shall form a citizen's advisory committee to help in evaluating  
464 and selecting those individuals for appointment. The number and terms of office of the  
465 committee shall be established by ordinance.

#### 466 Section 4-4. Powers of Suspension, Removal

467 The town manager shall have the authority to suspend or remove department heads and  
468 appointive administrative officers provided for by or under this charter, except as otherwise  
469 provided by-law, collective bargaining agreements, this charter or personnel rules adopted  
470 pursuant to this charter. The town manager may authorize an administrative officer subject to the  
471 manager's direction and supervision to exercise these powers with respect to subordinates in that  
472 officer's department, office or agency.

473           Section 4-5. Compensation

474           The town manager shall receive such compensation for services as the town council shall  
475 determine, but such compensation shall be within the limits of available appropriations.

476           Section 4-6. Vacancy in Office

477           A vacancy in the office of town manager shall be filled as soon as possible by the town  
478 council. Pending appointment of the town manager or the filling of any vacancy, the town  
479 council shall forthwith appoint some other qualified person to perform the duties of the town  
480 manager. The appointment of the acting town manager shall be for a term not to exceed 3  
481 months; provided, however, that a renewal, not to exceed an additional 3 months may be  
482 provided.

483           Section 4-7. Temporary Absence

484           The town manager shall designate by letter filed with the town council and elected town  
485 clerk, a qualified officer of the town to perform the duties of the town manager during a  
486 temporary absence or disability. The town council may not revoke such designation until at least  
487 14 days have elapsed whereupon it may appoint such other person to perform the duties of the  
488 town manager. In the event of failure of the town manager to make such designation or if the  
489 person so designated is for any reason unable to serve, or is deemed not qualified by the town  
490 council, the town council may designate some other qualified person to perform the duties of the  
491 town manager until the town manager returns.

492           Section 4-8. Removal of Town Manager



493           The town council, by affirmative vote of a majority of the full town council, may vote to  
494 terminate, remove or suspend the town manager from office in accordance with the following  
495 procedure: Before removal or termination the town council shall adopt a preliminary resolution  
496 of removal by the affirmative vote of a majority of the full town council. The preliminary  
497 resolution may suspend the town manager for a period not to exceed 30 days. A copy of the  
498 resolution shall be delivered to the town manager forthwith. If so requested by the town  
499 manager, the town council shall provide a written statement setting forth the reasons for the  
500 removal or termination. Within 5 days after the receipt of the preliminary resolution, the town  
501 manager may request a public hearing by filing a written request for such hearing with the town  
502 council. If such a hearing is requested, the hearing shall be held at a meeting of the town council  
503 not later than 20 days from the date of request. At such hearing the town manager shall be  
504 entitled to address the town council and make comments related to the preliminary resolution. If  
505 a public hearing has not been requested by the town manager, the town council may adopt a final  
506 resolution of removal, which may be effective immediately, by the affirmative vote of a majority  
507 of the full town council at any time after 10 days following the date of delivery of a copy of the  
508 preliminary resolution to the town manager. If the town manager requests a public hearing, the  
509 town council may, at the conclusion of the hearing or within 5 days of the conclusion of the  
510 hearing, adopt a final resolution of removal by an affirmative vote of majority of the full town  
511 council. The town council may suspend by an affirmative vote of the majority of the full town  
512 council, the town manager pending and during any public hearing as requested by the town  
513 manager. The town manager shall continue to receive a salary until the final date of removal  
514 becomes effective unless provided otherwise. The action of the town council in terminating,  
515 removing or suspending the town manager shall be final.

516 Section 4-9. Annual Review of the Town Manager

517 Annually, the council president shall cause the town council to prepare and deliver to the  
518 town manager a written evaluation of the town manager's performance. The evaluation shall be  
519 conducted in accordance with any applicable general or special law.

520 ARTICLE V- ADMINISTRATIVE ORGANIZATION

521 Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

522 The organization of the town into operating agencies for the provision of services and the  
523 administration of government may, under charter powers granted in section 20 of chapter 43B of  
524 the General Laws, be accomplished through either of 2 methods provided in this section. For the  
525 convenience of the public, the administrative code and any amendments thereto shall be printed  
526 as an appendix to, but not an integral part, of the ordinances of the town.

527 (a) Ordinance - Subject only to the express prohibitions in any general or special law or  
528 the provisions of this charter, the town council may by ordinance, reorganize, consolidate, create,  
529 merge, divide or abolish any town agency, in whole or in part, establish such new town agencies  
530 as it deems necessary or advisable, determine the manner of selection, the term of office and  
531 prescribe the functions of all such agencies.

532 (b) Executive Reorganizations - The town manager may from time to time prepare and  
533 submit to the town council a plan of organization or reorganization which establishes operating  
534 divisions for the orderly, efficient or convenient conduct of business of the town. Whenever the  
535 town manager prepares such plan, the town manager shall hold 1 or more public hearings on the  
536 proposal giving notice by publication in a local newspaper, which notice shall describe the scope

537 of the proposal and the time and place at which the public hearing will be held, not less than 7  
538 nor more than 14 days following the date of the publication. Following the public hearing, the  
539 proposal, which may be amended by the town manager subsequent to the public hearing, shall be  
540 submitted to the town council. An organization or reorganization plan shall become effective at  
541 the expiration of the 60 days following the date of submission of the proposal to the town council  
542 unless the town council shall, by a majority vote, vote to disapprove the plan. The town council  
543 may vote only to approve or disapprove the plan and no vote to amend or alter it shall be deemed  
544 in order. The town manager may propose reorganization plans and subject only to express  
545 prohibitions of any general or special or this charter, reorganize, consolidate or abolish in whole  
546 or in part town agencies or establish such new town agencies as is deemed necessary to the same  
547 extent as is provided in subsection (1) of section 5-1, for ordinances; and for such purpose may  
548 transfer the duties and powers and so far as is consistent with the use for which the funds were  
549 voted by the town council, transfer the appropriation of 1 town agency to another. Whenever a  
550 reorganization proposal becomes effective, whether under the provisions of subsection (a) or (b),  
551 no proposal to again reorganize which deals with substantially the same subject matter shall be  
552 acted upon within 18 months following the first reorganization, except on the petition of the  
553 town manager.

554           Section 5-2. Personnel Administration

555           The town manager shall adopt rules and regulations establishing a personnel system. The  
556 personnel system shall make use of modern concepts of personnel management and may include,  
557 but not be limited to, the following elements:

558           (a) a method of administration;

- 559 (b) personnel policies indicating the rights, obligations and benefits of employees;
- 560 (c) a classification plan;
- 561 (d) a compensation plan;
- 562 (e) a method of recruiting and selecting employees based upon merit principles;
- 563 (f) a centralized record keeping system;
- 564 (g) a merit based performance evaluation system;
- 565 (h) disciplinary procedures; and
- 566 (i) other elements that are determined necessary.

567 All town agencies and positions shall be subject to the rules and regulations adopted  
568 under this section; provided, however, that this shall not include employees of the regional  
569 school department.

570 Department heads shall have the authority to appoint, suspend and remove based upon  
571 merit and fitness alone all department subordinates and employees, except as otherwise provided  
572 by-law, collective bargaining agreements, this charter or personnel rules adopted under this  
573 charter. Employees of the regional school department and persons serving under officers  
574 elected directly by the voters of the town are excluded.

575 Section 5-3. Town Attorney

576 (a) Appointment - There shall be a legal officer of the town appointed by the town  
577 manager subject to confirmation by the town council.

578 (b) Role - The legal officer shall serve as chief legal adviser to the town council, the town  
579 manager and all town departments, offices and agencies, shall represent the town in all legal  
580 proceedings and shall perform other duties prescribed by any general or special law, by this  
581 charter or by ordinance.

582 ARTICLE VI- FINANCIAL MANAGEMENT

583 Section 6-1. Annual Budget Policy

584 The council president shall call a joint meeting of the town council, the regional school  
585 committee chairman, or his designee, the finance committee, the town manager and any other  
586 committee established for the budget process, before the commencement of the budget process to  
587 review the financial condition of the town, revenue and expenditure forecasts and other relevant  
588 information in order to develop a coordinated budget.

589 The fiscal year of the town shall begin annually on the first day of July and end on the  
590 last day of June.

591 Section 6-2. Submission of Budget; Budget Message

592 Within the period prescribed by any general or special law and the regional school district  
593 agreement, the town manager shall submit to the town council a proposed operating budget for  
594 all town agencies. The budget message submitted by the town manager shall explain the budget  
595 in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed  
596 fiscal policies of the town for the ensuing fiscal year and shall describe important features of the  
597 proposed budget and indicate any major variations from the current budget, fiscal policies,  
598 expenditures and revenues together with reasons for such change. The proposed budget shall

599 provide a complete fiscal plan of all town funds and activities and shall be in the form the town  
600 manager deems desirable.

601 The regional school district proposed budget, as adopted by the school committee for the  
602 ensuing fiscal year, with an accompanying budget message and supporting documents will be  
603 presented to the town council by the town manager.

604 On a date as determined from time to time by ordinance, but not later than February 1st  
605 of each year, the town manager shall submit to the town council a preliminary budget for the  
606 ensuing fiscal year and an accompanying message. The final budget should be submitted by the  
607 first town council meeting in April, unless the town manager shall request an extension of time.  
608 The extension may be granted at the discretion of the town council, but must provide for a  
609 reasonable and timely review of the proposed budget.

610 (a) Budget - The budget shall provide a complete financial plan of all town funds and  
611 activities for the ensuing fiscal year and, except as required by-law or this charter, shall be in the  
612 form as the town manager deems desirable or the town council may require for effective  
613 management and an understanding of the relationship between the budget and the town's  
614 strategic goals. The budget shall be realistic and based on a forecast of those scenarios most  
615 likely to occur in the coming year. The budget shall begin with a clear general summary of its  
616 contents, shall show in detail all estimated income, indicating the proposed property tax levy and  
617 all proposed expenditures, including debt service, for the ensuing fiscal year and shall show  
618 comparative figures for actual and estimated income and expenditures of the current fiscal year  
619 and actual income and expenditures of the preceding fiscal year. It shall indicate in separate  
620 sections:

621 (1) The proposed goals and expenditures for current operations during the ensuing fiscal  
622 year, detailed for each fund by department or by other organization unit, and program, purpose or  
623 activity, method of financing such expenditures and methods to measure outcomes and  
624 performance related to the goals;

625 (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,  
626 detailed for each fund by department or by other organization unit when practical, the proposed  
627 method of financing each such capital expenditure and methods to measure outcomes and  
628 performance related to the goals; and

629 (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing  
630 year for each utility or other enterprise fund or internal service fund operated by the town and  
631 methods to measure outcomes and performance related to the goals; provided, however, that for  
632 any fund, the total of proposed expenditures shall not exceed the total of estimated income plus  
633 carried forward fund balance exclusive of reserves.

634 (b) Budget Message - The town manager's message shall explain the budget both in fiscal  
635 terms and in terms of the work programs, linking those programs to organizational goals and  
636 community priorities. It shall outline the proposed financial policies of the town for the ensuing  
637 fiscal year and the impact of those policies on future years. It shall describe the important  
638 features of the budget, indicate any major changes from the current year in financial policies,  
639 expenditures and revenues together with the reasons for such changes, summarize the town's  
640 debt position, including factors affecting the ability to raise resources through debt issues and  
641 include such other material as the town manager deems desirable.

642 Section 6-3. Action of the Budget

643 (a) Public Hearing - The town council shall publish in a newspaper of general circulation  
644 in the town, a summary of the proposed operating budget as submitted by the town manager by a  
645 notice stating: (1) the times and places where copies of the entire proposed budget are available  
646 for inspection by the public; and (2) the date, time and place not less than 14 days after the  
647 publication, when a public hearing on the proposed budget will be held by the town council. For  
648 the purpose of this section, the summary of the proposed operating budget that is required to be  
649 published shall contain proposed appropriations, funding sources and any narrative summary  
650 deemed necessary by the town council. The proposed budget will be published on the town's  
651 website not less than 14 days before the date of the public hearing.

652 (b) Adoption of the Budget – The town council shall adopt the budget, with or without  
653 amendments, within 45 days following the date the budget is filed with the clerk of the town  
654 council. In amending the budget, the town council may delete or decrease any programs or  
655 amounts except expenditures required by-law or for debt service. The town council shall not  
656 increase any line item without a corresponding decrease in an identified line item and the total  
657 proposed budget may not be increased from what was proposed unless otherwise authorized by  
658 any general or special law. If the town council fails to take action with respect to any item in the  
659 budget within 45 days after receipt of the budget, the amount shall, without any action by the  
660 town council become a part of the appropriations for the year and be available for the purposes  
661 specified. The adopted budget will be published on the town's website not less than 14 days after  
662 adoption.

663 (c) Budget to Actual Assessments - The town manager shall conduct a mid-year budget to  
664 actual comparison, showing significant variances, for review and presentation to the public. The



665 mid-year assessment will be published on the town's website not less than 14 days after review  
666 with the public.

667 Section 6-4. Supplementary Budgets and Appropriations

668 Whenever the town manager submits to the town council a request for an appropriation of  
669 any sum of money, whether as a supplement to the annual operating budget or for an item not  
670 included therein, the town council shall not act upon the request until it has given notice by  
671 publication in a local newspaper of the request and held a public hearing concerning the request.  
672 The publication and the public hearing shall be in conformity with the provisions of subsection  
673 (a) of section 6-3 concerning the proposed annual operating budget.

674 (a) Supplemental Appropriations - If during or before the fiscal year begins, the town  
675 manager certifies that there are available for appropriation, revenues in excess of those estimated  
676 in the budget, town council by ordinance may make supplemental appropriations for the year up  
677 to the amount of the excess.

678 (b) Emergency Appropriations - To address a public emergency affecting life, health,  
679 property or the public peace, the town council may make emergency appropriations. The  
680 appropriations may be made by emergency ordinance in accordance with Article II. To the extent  
681 that there are no available unappropriated revenues or a sufficient fund balance to meet the  
682 appropriations, the town council may by an emergency ordinance authorize the issuance of  
683 emergency notes, which may be renewed from time to time, but the emergency notes and  
684 renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last  
685 day of the fiscal year next succeeding that in which the emergency appropriation was made.

686 (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable  
687 to the town manager that the revenues or fund balances available will be insufficient to finance  
688 the expenditures for which appropriations have been authorized, the manager shall report to the  
689 town council without delay, indicating the estimated amount of the deficit, any remedial action  
690 taken by the town manager and recommendations as to any other steps to be taken. The town  
691 council shall then take the further action as it deems necessary to prevent or reduce any deficit  
692 and for that purpose it may by ordinance reduce or eliminate 1 or more appropriations.

693 (d) Transfer of Appropriations - At any time during or before the fiscal year, the  
694 town manager, with concurrence from the finance committee and the town council, may transfer  
695 up to a maximum of \$25,000 of the unencumbered appropriation balance from 1 department,  
696 fund, service, strategy or organizational unit to the appropriation for other departments or  
697 organizational units or a new appropriation and shall report the transfers to the town council in  
698 writing within a 14-day period. The town manager may also, with concurrence from the finance  
699 committee and town council, transfer funds among line items within a department, fund, service,  
700 strategy or organizational unit and shall report the transfers to the town council in writing within  
701 a 14-day period.

702 (e) Limitation; Effective Date - No appropriation for debt service may be reduced or  
703 transferred, except to the extent that the debt is refinanced and less debt service is required and  
704 no appropriation may be reduced below an amount required by-law to be appropriated or by  
705 more than the amount of the unencumbered balance thereof. The supplemental and emergency  
706 appropriations and reduction or transfer of appropriations authorized by this section may be  
707 made effective immediately upon adoption.

708 Section 6-5. Administration and Fiduciary Oversight of the Budget

709 The town council shall provide by ordinance the procedures for administration and  
710 fiduciary oversight of the budget.

711 Section 6-6. Capital Improvements Program

712 (a) Preparation - The town manager shall, in conjunction with any committee established  
713 for such purpose, annually submit a 5-year capital improvement program to the town council at  
714 least 30 days before the date for submission of the operating budget, unless some other time is  
715 provided by ordinance.

716 (b) Contents - The capital improvement program shall include:

717 (1) A clear general summary of its contents;

718 (2) Identification of the long-term goals of the community;

719 (3) A list of all capital improvements and other capital expenditures proposed to be  
720 undertaken during the fiscal years next ensuing, with appropriate supporting information as to  
721 the necessity for each;

722 (4) Cost estimates and recommended time schedules for each improvement or other  
723 capital expenditure;

724 (5) Method of financing upon which each capital expenditure is to be reliant;

725 (6) The estimated annual cost of operating and maintaining the facilities to be constructed  
726 or acquired;

727 (7) A commentary on how the plan addresses the sustainability of the community and the  
728 region of which it is a part; and

729 (8) Methods to measure outcomes and performance of the capital plan related to the long-  
730 term goals of the community.

731 The above shall be revised and extended each year with regard to capital improvements  
732 still pending or in process of construction or acquisition.

733 (d) Public Hearing - The town council shall publish in a newspaper of general circulation  
734 in the town a summary of the proposed capital improvement plan as submitted by the town  
735 manager by a notice stating: (1) the times and places where copies of the entire proposed capital  
736 improvement plan are available for inspection by the public; and (2) the date, time and place not  
737 less than 14 days after the publication, when a public hearing on the proposed capital  
738 improvement plan will be held by the town council. The proposed capital improvement plan will  
739 be published on the town's website not less than 14 days before the date of the public hearing.

740 (e) Adoption of the Capital Improvement Program - Town council shall adopt the capital  
741 improvement plan, with or without amendments, , provided that each amendment must be voted  
742 separately and that any increase in the capital improvement plan as submitted must clearly  
743 identify and approve the method of financing proposed to accomplish the increase. The proposed  
744 capital improvement plan will be published on the town's website upon adoption.

745 Section 6-7. Long Term Financial Forecast

746 (a) The town manager shall annually prepare a 5-year financial forecast of town revenue,  
747 expenditures and the general financial condition of the town. The forecast shall include, but not

748 be limited to: (1) an identification of factors which will impact on the financial condition of the  
749 town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded revenues  
750 and any long or short-term actions which may be taken that may enhance the financial condition  
751 of the town. The forecast shall be submitted to the town council and finance committee and shall  
752 be available to the public for inspection. The long-term financial forecast shall be published on  
753 the town's website and when updates occur, they shall be posted in a timely manner.

754 Section 6-8. Annual Independent Audit

755 The town council shall provide for an independent annual audit of all town accounts and  
756 may provide for more frequent audits as it deems necessary. An independent certified public  
757 accountant or firm of such accountants shall make the audits. The audits should be performed in  
758 accordance with generally-accepted auditing standards and generally-accepted governmental  
759 auditing standards.

760 The town council shall designate no fewer than 3 of its members to serve as an audit  
761 committee. The committee shall:

762 (1) Lead the process of selecting an independent auditor;

763 (2) Direct the work of the independent auditor as to the scope of the annual audit and any  
764 matters of concern with respect to internal controls; and

765 (3) Receive the report of the internal auditor and present that report to the town council  
766 with any recommendations from the committee.

767 The town council shall, using competitive bidding, designate such accountant or firm  
768 annually or for a period not exceeding 5 years, but the designation for a particular fiscal year

769 shall be made not later than 30 days after the beginning of the fiscal year. The standard for  
770 independence is that the auditor must be capable of exercising objective and impartial judgment  
771 on all issues encompassed within the audit engagement. No accountant or firm may provide  
772 other services to the town during the time it is retained to provide independent audits to the town.  
773 The town council may waive this requirement by a majority vote at a public hearing. If the  
774 commonwealth makes such an audit, the council may accept it as satisfying the requirements of  
775 this section.

776 Section 6-9. Financial Committee

777 (a) There shall be a finance committee consisting of 9 members, appointed each for a 3-  
778 year staggered term, the members of which shall be appointed as follows: 3 members by the  
779 town manager, 3 members by the town council and 3 members by the elected town clerk. The  
780 finance committee shall report its recommendations on finance related matters before the town  
781 council, in writing, at least 10 days before a scheduled town council meeting. Before preparing  
782 its recommendations, the finance committee shall hold 1 or more public meetings to permit  
783 discussion of all finance matters before the town council, except those matters subject to public  
784 hearings by other multiple-member town bodies and not containing appropriations. The finance  
785 committee shall have such additional powers and duties as may be provided by the General  
786 Laws, by this charter or by by-law.

787 (b) The finance committee, town accountant and town treasurer-collector shall support  
788 the overall budget process. The town accountant and town treasurer-collector shall have ex-  
789 officio membership, without voting rights on the committee. The finance committee shall carry  
790 out its duties in accordance with the provisions of general law, this charter and by-law and it

791 shall have regular and free access and inspection rights to all books and accounts of any town  
792 department or office. The committee shall carefully examine all budget and appropriations  
793 proposals and shall issue its review thereon before consideration, debate and vote by the town  
794 council.

795 Section 6-10. Financial Management Standards

796 The town council may by ordinance establish reasonable standards relating to the  
797 management of financial systems and practices. Any standards adopted shall conform to modern  
798 concepts of financial management.

799 Section 6-11. Public Records

800 Copies of the budget, capital program, independent audits and appropriation and revenue  
801 ordinances shall be public records and shall be published on the town's website.

802 ARTICLE VII- ELECTIONS AND; RELATED MATTERS

803 Section 7-1. Town Elections

804 The regular town election of town officers shall be held annually on the Saturday  
805 preceding the last Monday in April.

806 Section 7-2. Non-Partisan Elections

807 All elections for town offices shall be non-partisan and election ballots shall be printed  
808 without any party mark, emblem or other designation whatsoever

809 Section 7-3. Signature Requirements; Information to Voters; Ballot Position

810 (a) Signature Requirements - The number of signatures of voters required to place the  
811 name of a candidate on the official ballot to be used at an election shall be as follows: For an  
812 office which is to be filled by the voters of the whole town, not less than 150. For an office  
813 which is to be filled by the voters of a district, not less than 100 from such district.

814 (b) Information to Voters - If the candidate in a regular town election is an incumbent  
815 elected by the voters to the office to which the candidate seeks election, against the candidate's  
816 name shall appear the phrase "candidate for re-election".

817 (c) Ballot Position - The order in which names of candidates appear on the ballot for each  
818 office in a regular town election shall be determined by a drawing by lot conducted by the  
819 elected town clerk. At least 35 days before the date of the election, the town clerk shall post in a  
820 conspicuous place in the town hall the names and residences of the candidates for election who  
821 have duly qualified as candidates for election. The order of the names as to appear on the ballot  
822 shall be drawn by the town clerk. In drawing by lot for position on the ballot the candidates shall  
823 have an opportunity to be present in person or by one representative each.

#### 824 Section 7-4. Districts

825 The territory of the town shall be divided into 7 districts so established as to consist of as  
826 nearly an equal number of inhabitants as it is possible to achieve based on compact and  
827 contiguous territory, bounded insofar as possible by the center line of known streets or ways or  
828 by other well defined limits. Each such district shall be composed of 1 or more voting precincts  
829 established in accordance with general laws. The town council shall from time to time, but at  
830 least once in each 10 years, review such districts to insure their uniformity in number of  
831 inhabitants.



832 Section 7-5. Application of State Laws

833 Except as expressly provided in the charter and authorized by any general or special law,  
834 all town elections shall be governed by federal, state and local laws relating to the right to vote,  
835 the registration of voters, the nomination of candidates, the conduct of elections, the submission  
836 of charter amendments and other propositions, the counting of votes and the declaration of  
837 results.

838 ARTICLE VIII- CITIZEN PARTICIPATION MECHANISMS

839 Section 8-1. Citizen Initiative Measures

840 (a) Commencement - Initiative procedures shall be started by the filing of a proposed  
841 initiative petition with the elected town clerk. The petition shall be addressed to the town  
842 council, shall contain a request for the passage of a particular measure which shall be set forth in  
843 full in the petition and shall be signed by at least 50 voters. The petition shall be accompanied by  
844 an affidavit signed by 10 voters and containing their residential addresses stating they will  
845 constitute the petitioners' committee and be responsible for circulating the petition and filing it in  
846 proper form. The person whose signature appears first on the affidavit accompanying such  
847 petition petitioner shall be designated as clerk.

848 (b) Referral to Town Attorney - The elected town clerk shall, forthwith following receipt  
849 of each such proposed petition, deliver a copy of the petition to the town attorney. The town  
850 attorney shall, within 15 days following receipt of a copy of the petition, in writing, advise the  
851 elected town clerk whether the measure as proposed may lawfully be proposed by the initiative  
852 process and whether, in its present form, it may be lawfully adopted by the town council. If the  
853 opinion of the town attorney is that the measure is not in proper form, the reply shall state the

854 reasons for such opinion, in full. A copy of the opinion of the town attorney shall also be mailed  
855 by the elected town clerk to the clerk of the petitioners' committee.

856 (c) Submission to elected Town Clerk - If the opinion of the town attorney is that the  
857 petition is in proper form, the elected town clerk shall provide blank forms for the use of  
858 subsequent signers and shall print at the top of each blank a fair, concise summary of the  
859 proposed measure, as determined by the town attorney, together with the names and addresses of  
860 the first 10 voters who signed the originating petition. Within 10 days following the date the  
861 blank forms are issued by the elected town clerk the petitions shall be returned and filed with the  
862 elected town clerk signed by at least 10 per cent of the total number of voters as of the date of the  
863 most recent town election. Signatures to an initiative petition need not all be on 1 paper, but all  
864 such papers pertaining to any 1 measure shall be fastened together and shall be filed as a single  
865 instrument, with the endorsement thereon of the name and residence address of the person  
866 designated as filing the same. With each signature on the petition there shall also appear the  
867 street and number of the residence of each signer. Within 10 days following the filing of the  
868 petition the board of registrars of voters shall ascertain by what number of voters the petition has  
869 been signed and what percentage that number is of the total number of voters as of the date of the  
870 most recent town election and shall return the petition along with a certificate showing the results  
871 of the examination of the registrars of voters to the elected town clerk. A copy of the certificate  
872 of the board of registrars of voters shall also be mailed to the person designated as clerk of the  
873 petitioners' committee.

874 (d) Action on Petitions - Within 30 days following the date a petition has been returned to  
875 the elected town clerk and after publication in accordance with this section, the town council  
876 may pass the measure without alteration, subject to the referendum vote provided by this charter

877 or, the town council shall call a special election to be held on a date fixed by it not less than 35  
878 nor more than 60 days after the date of the certificate hereinbefore mentioned and shall submit  
879 the proposed measure without alteration to a vote of the voters at that election; provided,  
880 however, that if a town election is otherwise to occur within 120 days after the date of the  
881 certificate, the town council may, at its discretion, omit the calling of a special election and  
882 submit the proposed measure to the voters at the approaching election. The ballots used when  
883 voting upon a proposed measure under this section shall state the nature of the measure in terms  
884 sufficient to show the substance thereof as set forth in subsection (f).

885 (e) Publication - The full text of any initiative measure which is submitted to the voters  
886 shall be published in a local newspaper and on the town's website not less than 7 nor more than  
887 14 days preceding the date of the election at which the question is to be voted upon. Additional  
888 copies of the full text shall be available for distribution to the public in the office of the elected  
889 town clerk and on the town's website.

890 (f) Form of Question - The ballots used when voting on a measure proposed by the voters  
891 under this section shall contain a question in substantially the following form:

892 Shall the following measure which was proposed by an initiative petition take effect?

893 (Here insert a fair, concise summary prepared by the town attorney.)

894 YES NO

895 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the  
896 affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified  
897 in the measure.

898 Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final  
899 Passage

900 If within 10 days after the final passage of a measure, a petition signed by voters equal in  
901 number to at least 5 per cent of the total number of voters and addressed to the town council,  
902 protesting against the measure or any part thereof taking effect, is filed with the elected town  
903 clerk, the same shall thereupon and thereby be suspended from taking effect and the town  
904 council, as the case may be, shall immediately reconsider the measure or part thereof and if such  
905 measure or part thereof is not entirely rescinded, the town council shall submit the same, to a  
906 vote of the voters either at the next regular town election or at a special election which may, in its  
907 discretion, be called for the purpose and the measure or part thereof shall forthwith become null  
908 and void unless a majority of the voters voting on the same at the election vote in favor thereof.

909 Section 8-3. Required Voter Participation

910 For a measure to be effective under the initiative procedure and for any measure to be  
911 declared null and void under a referendum procedure, at least 20 per cent of the voters shall vote  
912 at an election upon which an initiative or referendum question is submitted to the voters.

913 Section 8-4. Measures Not Subject to Initiative and Referendum

914 Measures which include the following subject matter shall not be subject to initiative and  
915 referendum procedures:

916 (1) Revenue loan orders;

917 (2) Appropriations for the payment of debt or debt service;

918 (3) Internal operational procedures of the town council;

- 919 (4) Emergency measures;
- 920 (5) The town budget as a whole or the school committee budget as a whole;
- 921 (6) Appropriation of funds to implement a collective bargaining agreement;
- 922 (7) Procedures relating to election, appointment, removal, discharge or other personnel  
923 action; and
- 924 (8) Proceedings providing for the submission or referral of a matter to the voters at an  
925 election.

926 Section 8-5. Submission of Proposed Measure to Voters

927 The town council may, of its own motion, submit any proposed measure or a proposition  
928 for the repeal or amendment of any measure, to a vote of the voters for adoption or rejection at a  
929 general or special town election. The town council shall also allow for the submissions upon  
930 request of the regional school committee if a measure originates with the committee and pertains  
931 to the affairs under its administration. Such action of the town council shall have the same force  
932 and effect as are provided herein for submission of the measures on petition by the voters.

933 Section 8-6. Measures with Conflicting Provisions

934 If 2 or more proposed measures passed at the same election contain conflicting  
935 provisions, only the one receiving the greater number of affirmative votes shall take effect.

936 Section 8-7. Free Petition

937 (a) Individual Petitions, Action Discretionary - The town council shall receive all  
938 petitions which are addressed to them and signed by a voter, as certified by the town board of

939 registrars of voters, or its successor, and may, at their discretion, take such action with regard to  
940 the petitions as they deem necessary and appropriate.

941 (b) Group Petitions; Action Required - The town council shall hold a public hearing and  
942 act by taking a vote on the merits of every petition which is addressed to it and is signed by at  
943 least 150 voters, as certified by the Town Board of Registrars of Voters, or its successor. The  
944 hearing shall be held by the town council or by a committee or subcommittee thereof and the  
945 action by the town council shall be taken not later than 2 months after the petition is filed with  
946 the elected town clerk. Hearings on 2 or more petitions filed under this section may be held at the  
947 same time and place. The elected town clerk shall mail notice of the hearing to the 10 petitioners  
948 whose names first appear on each petition at least 7 days before the hearing. Notice by  
949 publication at least 7 days before such hearings shall also be made and shall be at the public  
950 expense. No hearing shall be heard upon any one subject more than once in any given 12 month  
951 period. All papers with signatures shall be filed in the office of elected town clerk as one  
952 instrument on one date and time.

953 ARTICLE IX- GENERAL PROVISIONS

954 Section 9-1. Conflicts of Interest

955 (a) Conflicts of Interest - The use of public office for private gain is prohibited. The town  
956 council shall implement this prohibition by ordinance, the terms of which shall include, but not  
957 be limited to: (1) acting in an official capacity on matters in which the official has a private  
958 financial interest clearly separate from that of the general public; (2) the acceptance of gifts and  
959 other things of value; (3) acting in a private capacity on matters dealt with as a public official; (4)  
960 the use of confidential information; and (5) appearances by town officials before other town

961 agencies on behalf of private interests. This ordinance shall include a statement of purpose and  
962 shall provide for reasonable public disclosure of finances by officials with major decision-  
963 making authority over monetary expenditures and contractual and regulatory matters and, insofar  
964 as permissible under state law, shall provide for fines and imprisonment for violations.

965 Section 9-2- Prohibitions

966 (a) Activities Prohibited – The following activities are prohibited:

967 (1) No person shall be appointed to or removed from, or in any way favored or  
968 discriminated against with respect to a town position or appointive town administrative office  
969 because of race, gender, age, sexual orientation, disability, religion, country of origin or political  
970 affiliation;

971 (2) No person shall willfully make a false statement, certificate, mark, rating or report in  
972 regard to a test, certification or appointment under the provisions of this charter or the rules and  
973 regulations made there under or in any manner commit or attempt to commit any fraud  
974 preventing the impartial execution of the provisions, rules and regulations;

975 (3) No person who seeks appointment or promotion with respect to a town position or  
976 appointive town administrative office shall directly or indirectly give, render or pay any money,  
977 service or other valuable thing to a person for or in connection with the applicant or employee's,  
978 appointment, proposed appointment, promotion or proposed promotion.

979 (4) During working hours, no town employee shall knowingly or willfully participate in  
980 any aspect of a political campaign on behalf of, or opposition to, a candidate for town office.

981 This section shall not be construed to limit a person's right to exercise rights as a citizen to

982 express opinions or to cast a vote, nor shall it be construed to prohibit a person from active  
983 participation in political campaigns at any other level of government.

984 (b) Penalties - A person found to be in of a violation of this section shall be ineligible for  
985 a period 5 years following such conviction to hold a town office or position and, if an officer or  
986 employee of the town, shall immediately forfeit the employee's office or position. The town  
987 council shall establish by ordinance such further penalties as it may deem appropriate.

988 Section 9-3. Campaign Finance

989 (a) Disclosure - The town council shall enact ordinances to protect the ability of town  
990 residents to be informed of the financing used in support of, or against, campaigns for locally-  
991 elected office. The terms of the ordinances shall include, but not be limited to, requirements upon  
992 candidates and candidate committees to report in a timely manner to the appropriate town office:  
993 contributions received, including the name, address, employer, and occupation of each  
994 contributor who has contributed \$200 or more; expenditures made; and obligations entered into  
995 by the candidate or candidate committee. In so far as is permissible under general or special law,  
996 the regulations shall also provide for fines and imprisonment for violations. The ordinance shall  
997 provide for convenient public disclosure pursuant to section 26 of chapter 55.

998 (b) Contribution and Spending Limitations - In order to combat the potential for, and  
999 appearance of, corruption and to preserve the ability of all qualified citizens to run for public  
1000 office, the town shall, in so far as is permitted by general or special law and federal law, have the  
1001 authority to enact ordinances designed to limit contributions and expenditures by, or on behalf  
1002 of, candidates for locally-elected office. Ordinances under this section may include, but are not  
1003 limited to: limitations on candidate and candidate committees that affect the amount, time, place,



1004 and source of financial and in-kind contributions; and, voluntary limitations on candidate and  
1005 candidate committee expenditures tied to financial or non-financial incentives.

1006 Section 9-4. Charter Revision or Amendment

1007 (a) In General - The charter may be replaced, revised or amended in accordance with any  
1008 procedure made available by Article LXXXIX of the Amendments to the Constitution and any  
1009 general or special law enacted to implement the constitutional amendment.

1010 (b) Periodic Review - Not later than the first day of July, at 6-year intervals, the town  
1011 council shall provide for a review and propose revisions to the town charter. The review shall be  
1012 conducted by a special committee to consist of 7 residents of the town appointed by the council  
1013 president with the approval of the town council. The committee shall file a report within the year  
1014 recommending any changes in the charter which it may deem to be necessary or desirable, unless  
1015 an extension is granted by vote of the town council.

1016 Section 9-5. Severability

1017 The provisions of this charter are severable. If any of the provisions of this charter are  
1018 held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be  
1019 affected thereby. If the application of this charter, or any of its provisions, to any person or  
1020 circumstances is held to be invalid, the application of the charter and its provisions to other  
1021 persons or circumstances shall not be affected thereby.

1022 Section 9-6. Rules of Interpretation

1023 The following rules shall apply when interpreting the charter:

1024 (a) Specific Provisions to Prevail - To the extent that a specific provision of the charter  
1025 shall conflict with any provision expressed in general terms, the specific provision shall prevail;

1026 (b) Number and Gender - Words imparting the singular number may extend and be  
1027 applied to several persons or things, words imparting the plural number may include the singular  
1028 and words imparting the masculine gender shall include the feminine gender;

1029 (c) References to General Laws - All references to the general or special laws contained  
1030 in the charter refer to the general laws of the commonwealth and are intended to include any  
1031 amendments or revisions to the chapters and sections or to the corresponding chapters and  
1032 sections of any rearrangement of the general laws enacted subsequent to the adoption of the  
1033 charter; and

1034 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing  
1035 time under the charter, if 7 days or less, only business days, not including Saturdays, Sundays or  
1036 legal holidays shall be counted; if more than 7 days, every day shall be counted.

1037 Section 9-7. Removal of Member of Multiple Member Appointed Bodies

1038 An official appointed by the town manager to a multiple-member body, may be removed  
1039 from office by the town manager if the official fails to attend regularly scheduled meetings for a  
1040 period of 3 consecutive months without express leave from the chairman of the multiple member  
1041 body, unless the town manager shall determine otherwise. The appointed official shall be  
1042 automatically removed from office if the official is convicted of a felony or if the official is  
1043 absent from the duties for the period of 6 months notwithstanding the permission from the  
1044 council president to be absent.

1045 A removal shall be accomplished in accordance with the following procedure:

1046 (a) A written notice of the intent to remove and a statement of the reasons therefore shall  
1047 be delivered by registered mail to the last known address of the appointed official sought to be  
1048 removed.

1049 (b) Within 14 days of delivery of the notice the appointed official may request a public  
1050 hearing before the appointing authority;

1051 (c) If the appointed official fails to request a public hearing, then the appointed official  
1052 shall be discharged forthwith;

1053 (d) The appointed official may be represented by private counsel at the hearing and shall  
1054 be entitled to present evidence, to call witnesses and to examine any witness appearing at the  
1055 hearing;

1056 (e) Within 10 days after the public hearing is adjourned, the appointing authority may, by  
1057 a majority vote, remove the appointed official for good cause;

1058 (f) A notice of a decision to remove the appointed official and the reasons therefore shall  
1059 be delivered by registered mail to the last known address of the appointed official;

1060 (g) Within 14 days of delivery of the notice, the appointed official may request a public  
1061 hearing before the town council;

1062 (h) If the appointed official fails to request a public hearing, then the appointed official  
1063 shall be discharged forthwith;

1064 (i) The appointed official may be represented by private counsel at the hearing and shall  
1065 be entitled to present evidence, to call witnesses and to examine any witness appearing at the  
1066 hearing; and

1067 (j) Within 10 days after the public hearing is adjourned, the town council may, by a two-  
1068 thirds vote, reinstate the appointed official, but the appointed official shall otherwise be removed.

1069 Nothing in this section shall be construed as granting a right to a hearing when an  
1070 appointed official who has been appointed to a fixed term is not reappointed when the appointed  
1071 official's original term expires.

#### 1072 Section 9-8. Posting of Public Documents

1073 The board of selectmen and town manager shall ensure that all pertinent, public town  
1074 documents be posted to the town website. Examples of these documents include, but are not  
1075 limited to, the following: administrative code, audit results, budget, financial management  
1076 policies, ordinances and personnel policies and procedures.

### 1077 ARTICLE X- TRANSITIONAL PROVISIONS

#### 1078 Section 10-1. Continuation of Existing Laws

1079 All by-laws, resolutions, rules, regulations and votes of the town meeting which are in  
1080 force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall  
1081 continue in full force until amended or repealed.

1082 Where provisions of this charter conflict with provisions of town by-laws, rules,  
1083 regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All

1084 provisions of town by-laws, rules, regulations, orders and special acts not superseded by this  
1085 charter shall remain in force.

1086 Section 10-2. Existing Officials and Employees

1087 A person holding a town office or employment under the town, shall retain the office or  
1088 employment and shall continue to perform the duties of the office until provisions shall have  
1089 been made in accordance with this charter for the performance of the duties by another person or  
1090 agency.

1091 Section 10-3. Continuation of Government

1092 All town offices, boards, commissions or agencies shall continue to perform their duties  
1093 until re-appointed or re-elected, or until successors to their respective positions are fully  
1094 appointed or elected or until their duties have been transferred and assumed by another town  
1095 office, board, commission or agency.

1096 Section 10-4. Transfer of Records and Property

1097 All records, property and equipment whatsoever of an office, board, commission,  
1098 committee or agency or part thereof, the powers and duties of which are assigned in whole or in  
1099 part to another town office, board, commission or agency, shall be transferred forthwith to the  
1100 office, board, commission or agency.

1101 Section 10-5. Continuation of Personnel

1102 A person holding a town office or a position in the administrative service of the town, or  
1103 a person holding full-time employment under the town, shall retain the office, position or

1104 employment or be retained in a capacity as similar to their former capacity as it is practical to do  
1105 so.

1106           The person shall continue to perform the duties of the office, position or employment  
1107 until provisions have been made for the performance of those duties by another person or  
1108 agency; provided, however, that no person in the permanent full-time service of the town shall  
1109 forfeit the person's pay grade or time in service of the town.

1110           Section 10-6. Effect on Obligations, Taxes, Etc.

1111           All official bonds, recognizances, obligations, contracts and other instruments entered  
1112 into or executed by or to the town before the adoption of this charter and all taxes, assessments,  
1113 fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and  
1114 collected and all writs, prosecutions, actions and cause of action, except as herein otherwise  
1115 provided, shall continue without abatement and remain unaffected by the charter and no legal act  
1116 done by or in favor of the town shall be rendered invalid by reason of the adoption of this  
1117 charter.

1118           Section 10-7. Time of Taking Effect

1119           This charter shall become fully effective upon ratification by the voters as provided for  
1120 by the General Laws, except as provided in this section:

1121           (a) The election to elect the first town council under this charter shall be scheduled as  
1122 promptly as possible by the board of selectmen then in office, as a special transition election, not  
1123 later than 180 days after adoption of the charter.

1124 (b) The officials so elected shall take office on the first day in January that does not fall  
1125 on a weekend or holiday, of the year after adoption by the voters of the town. The expiration of  
1126 the initial transitional terms shall be determined by random draw conducted by the town clerk at  
1127 least 35 days before the date of the election subject to the following:.

1128 If the charter is approved by the voters at an annual town election:

1129 Three council members shall expire at the 2nd anniversary of the approval of the charter  
1130 by the voters;

1131 Three council members shall expire at the 3rd anniversary of approval of the charter by  
1132 the voters;

1133 Three council members shall expire at the 4th anniversary of approval of the charter by  
1134 the voters.

1135 If the charter is approved by the voters at an election other than an annual election:

1136 Three council members shall expire at the annual town election next prior to the 2nd  
1137 anniversary of approval of the charter by the voters;

1138 Three council members shall expire at the annual town election next prior to 3rd  
1139 anniversary of approval of the charter by the voters;

1140 Three council members shall expire at the annual town election next prior to the 4th  
1141 anniversary of approval of the charter by the voters.

1142 Section 10-8. Transition from Municipal Administrator to Town Manager

1143           Upon the effective date of this charter, the person serving in the position of municipal  
1144 administrator shall be deemed the appointed town manager as described in this charter in Article  
1145 4 to serve for the remaining term of the person’s contract with the town.

1146           Section 10-9. Town Council / Town Manager Transition Duties

1147           (a) As one of its first priorities during the transition period, the town manager working  
1148 with the town council shall begin development of the administrative code structure, which shall  
1149 describe the details of the departmental organization and associated operating rules and  
1150 regulations.

1151           A key input source to the creation of the administrative code shall be the final report of  
1152 the town government study committee, published in May 2009. This report shall guide the  
1153 functional re-alignment of all town offices, agencies, boards, and committees, as well as any  
1154 changes to elected or appointed positions, boards or committees.

1155           (b) The town council shall also begin a review of all town by-laws, to analyze and amend  
1156 as necessary, as a result of charter implementation.

1157           SECTION 4. Charter for a TOWN MANAGER – SELECTMEN – OPEN TOWN  
1158 MEETING form of government. In the event that the voters of the town of Bridgewater adopt the  
1159 charter for a town manager – selectmen – open town meeting form of government pursuant to  
1160 sections 1 and 2, the following charter shall become effective in accordance with its terms:-

1161           ARTICLE 1- INCORPORATION AND AUTHORITY

1162           Section 1-1. Incorporation



1163           The inhabitants of the town of Bridgewater, within its territorial limits as now or may  
1164 hereafter be established by law, shall continue to be a body politic and corporate, known as the  
1165 "Town of Bridgewater."

1166           Section 1-2. Short Title

1167           This instrument may be cited and shall be known as the Bridgewater home rule charter.

1168           Section 1-3. Division of Powers

1169           All legislative powers of the town shall be exercised by town meeting. The administration  
1170 of all town fiscal, business and municipal affairs shall be vested in the executive branch headed  
1171 by the town manager and a board of selectmen.

1172           Section 1-4. Powers of the Town

1173           The intent and purpose of this charter is to secure for the voters of the town of  
1174 Bridgewater, through the adoption of this charter, all the powers possible to secure for their  
1175 government under Article LXXXIX of the Amendments to the Constitution and laws of the  
1176 commonwealth, as fully and as though each such power were specifically and individually  
1177 enumerated herein.

1178           Section 1-5. Interpretation of Powers

1179           The powers of the town under the charter shall be construed and interpreted liberally in  
1180 favor of the town and the specific mention of any particular power is not intended to limit in any  
1181 way the general powers of the town as stated in section 1-4.

1182           Section 1-6. Intergovernmental Relations

1183           The town may enter into agreements with any other unit of government to perform jointly  
1184 or in cooperation, by contract or otherwise, any of its powers or functions.

1185           Section 1-7. Town Seal and Town Flag

1186           The town seal and town flag in existence at the time this charter is adopted, unless the  
1187 board of selectmen shall adopt another, shall continue to be the town seal and town flag and shall  
1188 be kept in the custody of the elected town clerk. Papers or documents issued from any office or  
1189 board of the town may be attested by use of the town seal. The town flag shall be displayed  
1190 within the board of selectmen chambers.

1191           Section 1-8                   Ethical Standards

1192           Elected and appointed officers and employees of the town are expected to demonstrate  
1193 the highest ethical standards, which shall be in compliance with all state and federal laws.  
1194 Elected and appointed officers and employees are expected to recognize that they act as agents of  
1195 the public, that they hold offices or positions for the benefit of the public, that the public interest  
1196 is their primary concern and that they are expected to faithfully discharge the duties of their  
1197 offices or positions regardless of personal considerations. Elected officers and employees shall  
1198 not use their official positions to secure or to grant special consideration, treatment, advantage,  
1199 privilege or exemption to themselves or to any other person beyond that which is available to  
1200 every other person.

1201           Section 1-9. Definitions

1202           As used in the charter, the following words shall, unless the context clearly requires  
1203 otherwise, have the following meanings:-

1204           “Administrative Code”, a written description of the administrative organization of town  
1205 offices, departments and multiple member bodies. The administrative code shall state the mode  
1206 of selection, either appointed or elected, term of office and general powers and duties of each  
1207 town office, department and multiple member body consistent with this charter and applicable  
1208 state law.

1209           “Charter”, this charter and any amendments to it made through any methods provided  
1210 under Article LXXXIX of the Amendments to the Constitution.

1211           ”Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition  
1212 which necessitates immediate action.

1213           “Majority vote”, a majority of those present and voting, provided a quorum is present  
1214 when a vote is taken, unless a higher number is required by-law, this charter or by the board of  
1215 selectmen's rules.

1216           “Measure”, an ordinance, order, resolution or other vote or proceeding adopted, or which  
1217 may be adopted by the board of selectmen.

1218           “Multiple member body”, a board, commission or committee.

1219           “Town”, the body politic and corporate called the town of Bridgewater.

1220           “Town agency or agency”, a board, commission, committee, department or office of town  
1221 government, whether elected, appointed or otherwise constituted.

1222           “Voters”, a registered voter of the town.

1223           “Town officer”, an individual who has been elected or appointed to exercise the functions  
1224 of a town office for the benefit of the public. Town officers are distinguishable from employees  
1225 in that they are required to take an oath of office and are appointed or elected to specified terms  
1226 of office.

## 1227           ARTICLE II- LEGISLATIVE BRANCH

### 1228           Section 2-1. Open Town Meeting

1229           The legislative powers of the town shall continue to be exercised by a town meeting open  
1230 to all registered voters of the town.

### 1231           Section 2-2. Presiding Officer

1232           The moderator, as provided for in Article III, shall preside at all sessions of the town  
1233 meeting using town meeting times, but the moderator shall have no vote unless those voters  
1234 present and voting are equally divided. The moderator shall, at the first session of the town  
1235 meeting following each annual town election, appoint a deputy moderator to serve in the event of  
1236 the moderator’s absence or disability, provided that the town meeting ratifies the appointment.  
1237 In the event of the absence or disability of the moderator and deputy moderator, the town  
1238 meeting shall elect from those voters present at the town meeting a temporary moderator to act  
1239 during the absences or disabilities. The moderator shall perform the duties as may from time to  
1240 time be assigned to the office of moderator by by-law, rule or other vote of town meeting.

### 1241           Section 2-3. Committees

1242           Subject to the provisions of this charter and to by-laws or other town meeting votes  
1243 regarding committees as may be provided, the town manager with the concurrence of the board

1244 of selectmen shall appoint for fixed terms the members of the committees of the town meeting,  
1245 special or standing, as may from time to time be established, other than those appointed by vote  
1246 of the town meeting.

1247 Section 2-4. Annual Town Meeting

1248 There shall yearly be held an annual town meeting, to transact business relating to the  
1249 prudential affairs of the town, which shall be held on the date fixed in the by-laws of the town.

1250 Section 2-5. Special Town Meetings

1251 Special town meetings shall be held at the call of the board of selectmen at such times as  
1252 it may deem appropriate and whenever a special town meeting is requested by the voters of the  
1253 town in accordance with procedures made available by any applicable general or special law.

1254 Section 2-6. Clerk of the Meeting

1255 The elected town clerk shall serve as the clerk of the town meeting. In the event of  
1256 unavoidable absence, the elected town clerk shall designate a substitute; otherwise, the  
1257 moderator shall appoint a clerk pro tempore, subject to the approval of a majority of the town  
1258 meeting members present. The elected town clerk shall give notice of all meetings to the public,  
1259 keep a journal of its proceedings and perform such other functions as may be provided by any  
1260 general or special law, by the charter, by by-law or by other town meeting vote.

1261 Section 2-7. Warrant Articles

1262 The board of selectmen shall at all times receive all petitions which are addressed to it  
1263 and which request the insertion of subjects in a warrant for a town meeting and are filed by: (1)  
1264 an individual elected town officer; (2) an appointed multiple member body, acting by a majority

1265 of its members; (3) any 10 voters for a regular town meeting and any 100 voters for a special  
1266 town meeting; or (4) any other person or entity who may be authorized by law. All submitted  
1267 petitions shall be reviewed by the town attorney, to determine whether the article as proposed,  
1268 may lawfully be proposed in its present form or may require amending. The original copy of  
1269 each petition filed hereunder shall be retained by the board of selectmen until at least 90 days  
1270 following the completion of the town meeting at which the petition is acted upon.

1271 Section 2-8. Warrants

1272 Every town meeting shall be called by a warrant issued by the board of selectmen which  
1273 shall state the date, time and place at which the meeting is to be convened and, by separate  
1274 articles, the subject matter to be acted upon. In addition to any notice required by any general or  
1275 special law, the board of selectmen shall cause the annual and any special town meeting warrant  
1276 to be posted on the official town website at least 14 days before the town meeting and make  
1277 available printed copies of the warrant in the board of selectmen's office. The original copies of  
1278 all warrants for town meeting shall be kept in the office of the elected town clerk in a record  
1279 book maintained for that purpose.

1280 Section 2-9. Availability of Town Officials at Town Meetings

1281 Every town officer, or in the case of a multiple member body, a designated representative  
1282 of such multiple member body and every town department head shall attend all sessions of the  
1283 annual town, meeting and any and all special town meetings for the purpose of providing the  
1284 town meeting with information pertinent to matters appearing on the warrant, unless deterred for  
1285 reasonable cause as determined by the town manager. If a person described above is so

1286 deterred, the person shall designate a designee to attend the town meeting in the person's place,  
1287 and shall notify the town manager of the designee.

1288 If any person required to attend the sessions of the town meeting under this section is not  
1289 a voter, the person shall, notwithstanding, be entitled to speak in order to provide the town  
1290 meeting with information on pertinent warrant articles.

## 1291 ARTICLE III- ELECTED OFFICIALS

### 1292 Section 3-1. General Provisions

1293 The offices to be filled by ballot of the voters of the entire town shall be a board of  
1294 selectmen, moderator, regional school committee members, elected town clerk and board of  
1295 library trustees and the members of regional authorities or districts as may be established by  
1296 general or special law, intergovernmental agreement or otherwise.

1297 Any voter shall be eligible to hold any elective town office, but no elected town official  
1298 shall simultaneously hold any other elected or appointed town office or be employed by the town  
1299 or the Bridgewater- Raynham regional school district in any capacity.

1300 The regular town election of town officers shall be held annually on the Saturday  
1301 preceding the last Monday in April.

1302 Notwithstanding their election by the voters, the town officers named in this section shall  
1303 be subject to the call of the board of selectmen or of the town manager, at all reasonable times,  
1304 for consultation, conference and discussion on any matter relating to their respective offices.

### 1305 Section 3-2. Board of Selectmen

1306 (a) Composition, Election - There shall be a board of selectmen consisting of 5 members,  
1307 all elected by and from the voters at large.

1308 (b) Term of Office - The terms of the members of the board of selectmen shall be  
1309 staggered for 3 years each beginning on the second Monday following election and continuing  
1310 until a successor is qualified.

1311 (c) Powers and Duties - The executive powers of the town shall be vested in the board of  
1312 selectmen which shall be deemed to be the chief executive office of the town. The board of  
1313 selectmen shall have all of the executive powers it is possible for a board of selectmen to have  
1314 and to exercise. The board of selectmen shall serve as the chief policy-making agency of the  
1315 town. The board of selectmen shall be responsible for the formulation and promulgation of  
1316 policy directives and guidelines to be followed by all town agencies serving under it, and in  
1317 conjunction with other elected town officers and multiple member bodies to develop and  
1318 promulgate policy guidelines designed to bring the operation of all town agencies into harmony;  
1319 provided, however, nothing in this section shall be construed to authorize any member of the  
1320 board of selectmen or a majority of the members, to become involved in the day-to-day  
1321 administration of any town agency. It is the intention of this provision that the board of  
1322 selectmen shall act only through the adoption of broad policy guidelines, which are to be  
1323 implemented by officers and employees serving under it.

1324 The board of selectmen shall cause the charter, by-laws and rules and regulations for the  
1325 government of the town to be enforced and shall cause an up-to-date record of all its official acts  
1326 to be kept.

1327 The board of selectmen shall appoint a town manager as provided for in Article IV.



1328           The board of selectmen may investigate the affairs of the town and the conduct of a  
1329 town agency including any doubtful claims against the town and for this purpose may subpoena  
1330 witnesses, administer oaths, take testimony and require the production of evidence. The report  
1331 of the results of the investigation shall be placed on file in the office of the town manager and a  
1332 report summarizing the results of the investigation shall be printed in the next annual town  
1333 report.

1334           The board of selectmen shall be the licensing board of the town and shall have the power  
1335 to issue licenses, to make all necessary rules and regulations regarding the issuance of the  
1336 licenses and to attach conditions and restrictions thereto as it deems to be in the public interest.  
1337 The board of selectmen shall enforce the laws relating to all businesses for which it issues  
1338 licenses. The board of selectmen may delegate the licensing authority unless specifically  
1339 prohibited by any general or special law.

1340           (d) Filling of Vacancies - Vacancies in the office of selectmen shall be filled by a special  
1341 election in accordance with the provisions of the General Laws.

1342           (e) Compensation; Expenses - The board of selectmen shall serve without compensation.

1343           Subject to appropriation, members of the board of selectmen shall be entitled to  
1344 reimbursement of their actual and necessary expenses incurred in the performance of their duties.

1345           Section 3-3. Moderator

1346           (a) Composition, Election - There shall be a moderator elected from the voters of the  
1347 town at large.

1348 (b) Term of Office - The term of the moderator shall be for a term of 3 years beginning  
1349 on the second Monday following election and continuing until a successor is qualified.

1350 (c) Powers and Duties - The moderator shall preside and regulate the procedure at all  
1351 sessions of the town meeting and shall have all of the powers and duties to which are given  
1352 moderators under the constitution and the General Laws and such additional powers and duties  
1353 as may be authorized by the charter, by by-law or by other vote of the town meeting.

1354 (d) Vacancy - If a vacancy occurs in the office of moderator, whether by failure to elect  
1355 or otherwise, the board of selectmen shall within 30 days from the date the vacancy is declared to  
1356 exist by the town clerk under section 109 of chapter 41 of the General Laws, act to fill the  
1357 vacancy by appointment. The appointee shall serve for the balance of the unexpired term. A  
1358 person so chosen shall be sworn and commence to serve forthwith.

1359 Section 3-4. Library Trustees

1360 (a) Composition, Election - There shall be a board of library trustees composed of 9  
1361 members, all elected by and from the voters of the town at large.

1362 (b) Term of Office - The terms of library trustee members shall be for 3 years beginning  
1363 on the second Monday following election and continuing until a successor is qualified. Terms of  
1364 office shall be so arranged that the terms of as nearly an equal number of members as is possible  
1365 shall expire at each regular biennial town election.

1366 (c) Powers and Duties - The library trustees shall insure that members of the Bridgewater  
1367 community have the right and means to free and open access to information and ideas. The  
1368 library protects intellectual freedom, promotes literacy and encourages life-long learning.

1369 (d) Vacancy - If a vacancy occurs in the membership of the board of library trustees  
1370 whether by failure to elect or otherwise, the library trustees shall within 30 days from the date the  
1371 vacancy is declared to exist by the town clerk under section 109 of chapter 41 of the General  
1372 Laws, act to fill the vacancy by appointment. The appointment is subject to approval by the  
1373 board of selectmen. If the vacancy is not filled within 30 days the appointment will defer to the  
1374 board of selectmen. The appointee shall serve for the balance of the unexpired term. A person so  
1375 chosen shall be sworn and commence to serve forthwith.

1376 Section 3-5. Town Clerk

1377 (a) Composition, Election – A town clerk shall be elected by and from the voters at large

1378 (b) Term of Office – The term of the office of town clerk shall be for 3 years beginning  
1379 on the second Monday following election and continuing until a successor is qualified.

1380 (c) Powers and Duties - The town clerk shall be the keeper of vital statistics of the town,  
1381 the custodian of the town seal and of all records of the town, shall administer the oath of office to  
1382 all town officers, shall issue licenses and permits as may be provided by law and shall be  
1383 responsible for the conduct of elections and all matters relating thereto. The town Clerk shall  
1384 have the powers and duties provided that office by any general or special law, the charter,  
1385 ordinance or other town meeting vote.

1386 ARTICLE IV - TOWN MANAGER

1387 Section 4-1. Appointment, Qualifications, Term of Office

1388 The board of selectmen shall appoint by a majority vote of the full board, a town  
1389 manager. The town manager shall be a person of proven administrative ability, especially

1390 qualified by education and training with prior experience as a city or town manager or an  
1391 assistant city or town manager or the equivalent public or private sector level experience. The  
1392 board of selectmen may from time to time establish additional qualifications as deemed  
1393 necessary and appropriate. The town manager shall devote full time to the duties of the office  
1394 and shall not hold any other elective or appointive office under the town, nor shall the town  
1395 manager engage in any other business unless the business is approved in advance by a majority  
1396 vote in public session of the board of selectmen. The town manager need not be a resident of the  
1397 town, but shall be a United States citizen.

1398           Section 4-2. Administrative Powers and Duties

1399           The town manager shall be the chief administrative officer of the town and shall be  
1400 responsible to the board of selectmen for the proper operation of town affairs for which the town  
1401 manager is given responsibility under this charter. The powers, duties and responsibilities of the  
1402 town manager shall apply to all municipal departments, excluding the Bridgewater Raynham  
1403 regional school district. The powers, duties and responsibilities shall include, but not be limited  
1404 to, the following:

1405           (1) to supervise, direct and be responsible for the efficient administration of all officers  
1406 appointed by the town manager and their respective departments and of all functions for which  
1407 the town manager is given responsibility under this charter, by ordinance or by vote of the board  
1408 of selectmen;

1409           (i) With the consent of the board of selectmen, the town manager may serve as the head  
1410 of 1 or more departments, offices, or agencies or may appoint 1 person as the head of 2 or more  
1411 of them;

1412 (2) to administer either directly or through a person or persons supervised by the town  
1413 manager, in accordance with this charter, all provisions of general or special laws applicable to  
1414 the town, all ordinances and all regulations established by the board of selectmen;

1415 (3) to coordinate all activities of town departments or appointed boards, committees or  
1416 agencies;

1417 (4) to provide consultative services to elected boards, committees or agencies;

1418 (5) to attend all regular and special meetings of the board of selectmen, unless excused,  
1419 and to answer all questions addressed to the town manager which are related to matters under the  
1420 general supervision of the town manager;

1421 (6) to have the right to take part in discussions of the Board of Selectmen, but shall not  
1422 vote;

1423 (7) to keep the board of selectmen fully informed as to the needs of the town, and to  
1424 recommend to the board for adoption such measures requiring action by them as the town  
1425 manager deems necessary or expedient;

1426 (8) to make recommendations to the board of selectmen concerning the affairs of the  
1427 town and facilitate the work of the board of selectmen in developing policy;

1428 (9) to ensure that complete and full records of the financial and administrative activity of  
1429 the town are maintained and to render reports to the board of selectmen and finance committee as  
1430 may be required;

1431 (10) to be responsible for the rental, use, maintenance and repair of all town facilities;

1432 (11) to be responsible for the purchase of all supplies, materials, and equipment and  
1433 approve the award of all contracts;

1434 (12) to develop and maintain a full and complete inventory of all town owned real and  
1435 personal property;

1436 (13) to administer personnel policies, practices, or rules and regulations, compensation  
1437 plan and any related matters for all town employees and to administer all collective bargaining  
1438 agreements, entered into by the town;

1439 (14) to fix the compensation of all town employees and officers appointed by the town  
1440 manager within the limits established by appropriation and any applicable compensation plan;

1441 (15) to be responsible for the negotiation of all contracts with town employees over  
1442 wages, and other terms and conditions of employment. The town manager may employ special  
1443 counsel to assist in the performance of these duties. If a contract requires an appropriation it shall  
1444 be subject to the approval of the board of selectmen;

1445 (16) to prepare and submit an annual operating budget, capital improvement program and  
1446 a long term financial forecast as provided in Article VI;

1447 (17) to ensure that the chairman of the board of selectmen is kept fully informed of and  
1448 fully involved in the town's emergency preparedness planning and preparation;

1449 (18) to keep the board of selectmen fully informed as to the financial condition of the  
1450 town and to make recommendations to the board of selectmen as the town manager determines  
1451 necessary or expedient;

1452 (19) to assist the board to develop long term goals for the town and strategies to  
1453 implement these goals;

1454 (20) to investigate or inquire into the affairs of any town department, agency or office;

1455 (21) to delegate, authorize or direct any subordinate or employee of the town to exercise  
1456 any power, duty or responsibility which the office of town manager is authorized to exercise;  
1457 provided, however, that all acts that are performed under such delegation shall be considered to  
1458 be the acts of the town manager;

1459 (22) to perform such other duties as necessary or as may be assigned by this charter, by  
1460 ordinance, or by vote of the board of selectmen;

1461 (23) to provide staff support services for the chairman of the board of selectmen and  
1462 other board of selectmen members;

1463 (24) to serve as the town's liaison to a regional entity of which the town is a member and  
1464 to explore opportunities for intergovernmental cooperation;

1465 (25) to promote partnerships among board, staff, citizens and businesses in developing  
1466 public policy and building a sense of community; and

1467 (26) to hold regular informational sessions with departments and community-based  
1468 organizations.

1469 Section 4-3. Powers of Appointment

1470 (a) Department Heads - Except as otherwise provided by this charter, the town manager  
1471 shall appoint, based upon merit and fitness alone, all department heads. All appointments of

1472 department heads, as defined within the administrative code, shall be subject to the ratification of  
1473 the board of selectmen. The town manager shall also appoint officers, subordinates and  
1474 employees for whom no other method of selection is provided in this charter, except employees  
1475 of the regional school department and persons serving under officers elected directly by the  
1476 voters of the town. In accordance with the procedures set forth in Article V, the town manager  
1477 may be required to consult with, or engage in a joint recruitment and selection process with,  
1478 multiple member bodies, before the appointment of department heads or employees who perform  
1479 tasks under the jurisdiction of the multiple member bodies.

1480 (b) Boards, Committees, and Agencies - Except as otherwise provided by this charter, the  
1481 town manager shall appoint all boards, committees and agencies. Members of all appointed  
1482 boards and committees shall be residents of the town. All appointments of boards, committees  
1483 and agencies, as defined within the administrative code, shall be subject to the ratification of the  
1484 board of selectmen. The town manager shall form a citizen's advisory committee to help in  
1485 evaluating and selecting those individuals for appointment. The number and terms of office of  
1486 the committee shall be established by ordinance.

#### 1487 Section 4-4. Powers of Suspension, Removal

1488 Except as otherwise provided by this charter, the town manager shall have the authority  
1489 to suspend or remove department heads and appointive administrative officers provided for by or  
1490 under this charter, except as otherwise provided by-law, collective bargaining agreements, this  
1491 charter or personnel rules adopted pursuant to this charter. The town manager may authorize any  
1492 administrative officer subject to the town manager's direction and supervision to exercise these  
1493 powers with respect to subordinates in that officer's department, office or agency.



1494           Section 4-5. Compensation

1495           The town manager shall receive compensation for services as the board of selectmen  
1496 shall determine, but such compensation shall be within the limits of available appropriations.

1497           Section 4-6. Vacancy in Office

1498           A vacancy in the office of town manager shall be filled as soon as possible by the board  
1499 of selectmen. Pending appointment of the town manager or the filling of a vacancy, the board of  
1500 selectmen shall forthwith appoint some other qualified person to perform the duties of the town  
1501 manager as acting town manager. The appointment of the acting town manager shall be for a  
1502 term not to exceed 3 months; provided, however, a renewal, not to exceed an additional 3 months  
1503 may be provided.

1504           Section 4-7. Temporary Absence

1505           The town manager shall designate by letter filed with the board of selectmen and elected  
1506 town clerk, a qualified officer of the town to perform the duties of the town manager during a  
1507 temporary absence or disability. The board of selectmen may not revoke such designation until at  
1508 least 14 days have elapsed whereupon it may appoint such other person to perform the duties of  
1509 the town manager. In the event of failure of the town manager to make the designation or if the  
1510 person so designated is for any reason unable to serve, or is deemed not qualified by the board of  
1511 selectmen, the board of selectmen may designate some other qualified person to perform the  
1512 duties of the town manager until the town manager returns.

1513           Section 4-8. Removal of Town Manager

1514           The board of selectmen by affirmative vote of a majority of the full board may vote to  
1515 terminate, remove or suspend the town manager from office in accordance with the following  
1516 procedure: Before removal or termination the board of selectmen shall adopt a preliminary  
1517 resolution of removal by the affirmative vote of a majority of the full board. The preliminary  
1518 resolution may suspend the town manager for a period not to exceed 30 days. A copy of the  
1519 resolution shall be delivered to the town manager forthwith. If so requested by the town  
1520 manager, the board of selectmen shall provide a written statement setting forth the reasons for  
1521 the removal or termination. Within 5 days after the receipt of the preliminary resolution, the  
1522 town manager may request a public hearing by filing a written request for the hearing with the  
1523 board of selectmen. If a hearing is requested, the hearing shall be held at a meeting of the board  
1524 of selectmen not later than 20 days from the date of request. At the hearing the town manager  
1525 shall be entitled to address the board of selectmen and make comments related to the preliminary  
1526 resolution. If a public hearing has not been requested by the town manager, the board of  
1527 selectmen may adopt a final resolution of removal, which may be effective immediately, by the  
1528 affirmative vote of a majority of the full board at any time after 10 days following the date of  
1529 delivery of a copy of the preliminary resolution to the town manager. If the town manager  
1530 requests a public hearing, the board of selectmen may, at the conclusion of the hearing or within  
1531 5 days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote  
1532 of majority of the full board. The board of selectmen may suspend by an affirmative vote of the  
1533 majority of the full board, the town manager pending and during a public hearing as requested by  
1534 the town manager. The town manager shall continue to receive a salary until the final date of  
1535 removal becomes effective unless provided otherwise. The action of the board of selectmen in  
1536 terminating, removing or suspending the town manager shall be final.

1537 Section 4-9. Annual Review of the Town Manager

1538 Annually, the board chairman shall cause the board of selectmen to prepare and deliver to  
1539 the town manager a written evaluation of the town manager's performance. The evaluation shall  
1540 be conducted in accordance with any applicable general or special law.

1541 ARTICLE V- ADMINISTRATIVE ORGANIZATION

1542 Section 5-1. Organization of Town Agencies; Adoption of Administrative Code

1543 The organization of the town into operating agencies for the provision of services and the  
1544 administration of government may, under charter powers granted in section 20 of chapter 43B of  
1545 the General Laws, be accomplished through either of 2 methods provided in this section. For the  
1546 convenience of the public, the administrative code and any amendments thereto shall be printed  
1547 as an appendix to, but not an integral part, of the ordinances of the town.

1548 (a) Ordinance - Subject only to the express prohibitions in any general or special law or  
1549 the provisions of this charter, the board of selectmen may, by ordinance, reorganize, consolidate,  
1550 create, merge, divide or abolish any town agency, in whole or in part, establish new town  
1551 agencies as it deems necessary or advisable, determine the manner of selection, the term of office  
1552 and prescribe the functions of all such agencies.

1553 (b) Executive Reorganizations - The town manager may from time to time prepare and  
1554 submit to the board of selectmen plans of organization or reorganization which establish  
1555 operating divisions for the orderly, efficient or convenient conduct of business of the town.  
1556 Whenever the town manager prepares such plan, the town manager shall hold 1 or more public  
1557 hearings on the proposal giving notice by publication in a local newspaper, which notice shall

1558 describe the scope of the proposal and the time and place at which the public hearing will be  
1559 held, not less than 7 nor more than 14 days following the date of the publication. Following the  
1560 public hearing, the proposal, which may have been amended by the town manager subsequent to  
1561 the public hearing, shall be submitted to the board of selectmen. An organization or  
1562 reorganization plan shall become effective at the expiration of the 60 days following the date of  
1563 submission of such proposal to the board of selectmen unless the board of selectmen votes, by a  
1564 majority vote, to disapprove the plan. The board of selectmen may vote only to approve or  
1565 disapprove the plan and no vote to amend or alter it shall be deemed in order. The town manager  
1566 may propose reorganization plans and subject only to express prohibitions in any general or  
1567 special law or this charter, reorganize, consolidate or abolish in whole or in part town agencies,  
1568 or establish such new town agencies as is deemed necessary to the same extent as is provided in  
1569 subsection (a), for ordinances and for such purpose may transfer the duties and powers and so far  
1570 as is consistent with the use for which the funds were voted by the board, transfer the  
1571 appropriation of 1 town agency to another. Whenever a reorganization proposal becomes  
1572 effective, whether under the provisions of subsections (a) or (b), no proposal to again reorganize  
1573 which deals with substantially the same subject matter shall be acted upon within 18 months  
1574 following the first reorganization, except on the petition of the town manager.

1575           Section 5-2. Personnel Administration

1576           The town manager shall adopt rules and regulations establishing a personnel system. The  
1577 personnel system shall make use of modern concepts of personnel management and may include,  
1578 but not be limited to, the following elements:

1579           (1) a method of administration;

- 1580 (2) personnel policies indicating the rights, obligations and benefits of employees;
- 1581 (3) a classification plan;
- 1582 (4) a compensation plan;
- 1583 (5) a method of recruiting and selecting employees based upon merit principles;
- 1584 (6) a centralized record keeping system;
- 1585 (7) a merit based performance evaluation system;
- 1586 (8) disciplinary procedures; and
- 1587 (9) other elements that are determined necessary.

1588 All town agencies and positions shall be subject to the rules and regulations adopted  
1589 under this section excluding employees of the regional school department.

1590 Department heads shall have the authority to appoint, suspend and remove based upon  
1591 merit and fitness alone, all department subordinates and employees, except as otherwise provided  
1592 by law, collective bargaining agreements, this charter or personnel rules adopted pursuant to this  
1593 charter. Employees of the regional school department and persons serving under officers  
1594 elected directly by the voters of town are excluded.

1595 Section 5-3. Town Attorney

1596 (a) Appointment - There shall be a legal officer of the town appointed by the town  
1597 manager subject to confirmation by the board of selectmen.

1598 (b) Role - The legal officer shall serve as chief legal adviser to the board, the town  
1599 manager and all town departments, offices and agencies shall represent the town in all legal  
1600 proceedings and shall perform any other duties prescribed by any general or special law, by this  
1601 charter or by ordinance.

1602 ARTICLE VI - FINANCIAL MANAGEMENT

1603 Section 6-1. Annual Budget Policy

1604 The chairman of the board of selectmen shall call a joint meeting of the board of  
1605 selectmen, the regional school committee chairman or the chairman's designee, the finance  
1606 committee, the town manager and any other committee established for said purposes, before the  
1607 commencement of the budget process to review the financial condition of the town, revenue and  
1608 expenditure forecasts and other relevant information in order to develop a coordinated budget.

1609 The fiscal year of the town shall begin on the first day of July and end on the last day of  
1610 June.

1611 Section 6-2. Submission of Budget; Budget Message

1612 Within the period prescribed by the General Laws and the regional school district  
1613 agreement, the town manager shall submit to the board of selectmen a proposed operating budget  
1614 for all town agencies. The budget message submitted by the town manager shall explain the  
1615 budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the  
1616 proposed fiscal policies of the town for the ensuing fiscal year; describe important features of the  
1617 proposed budget and indicate any major variations from the current budget, fiscal policies,  
1618 expenditures and revenues together with reasons for the change. The proposed budget shall

1619 provide a complete fiscal plan of all town funds and activities and shall be in the form the town  
1620 manager deems desirable.

1621 The regional school district proposed budget, as adopted by the school committee for the  
1622 ensuing fiscal year, with an accompanying budget message and supporting documents shall be  
1623 presented to the board of selectmen by the town manager.

1624 On a date as determined from time to time by ordinance, but not later than February 1st  
1625 of each year, the town manager shall submit to the board of selectmen a preliminary budget for  
1626 the ensuing fiscal year and an accompanying message. The final budget should be submitted by  
1627 the first board meeting in April, unless the town manager requests an extension of time. The  
1628 extension may be granted at the discretion of the board of selectmen, but shall provide for a  
1629 reasonable and timely review of the proposed budget.

1630 (a) Budget - The budget shall provide a complete financial plan of all town funds and  
1631 activities for the ensuing fiscal year and, except as required by-law or this charter, shall be in the  
1632 form the town manager deems desirable or the board of selectmen may require for effective  
1633 management and an understanding of the relationship between the budget and the town's  
1634 strategic goals. The budget shall be realistic, based on a forecast of those scenarios most likely to  
1635 occur in the coming year.

1636 The budget shall begin with a clear general summary of its contents, shall show in detail  
1637 all estimated income, indicating the proposed property tax levy and all proposed expenditures,  
1638 including debt service, for the ensuing fiscal year and shall be so arranged as to show  
1639 comparative figures for actual and estimated income and expenditures of the current fiscal year

1640 and actual income and expenditures of the preceding fiscal year. It shall indicate in separate  
1641 sections:

1642 (1) The proposed goals and expenditures for current operations during the ensuing fiscal  
1643 year, detailed for each fund by department or by other organization unit, and program, purpose or  
1644 activity, method of financing such expenditures and methods to measure outcomes and  
1645 performance related to the goals;

1646 (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year,  
1647 detailed for each fund by department or by other organization unit when practical, the proposed  
1648 method of financing each capital expenditure and methods to measure outcomes and  
1649 performance related to the goals; and

1650 (3) The proposed goals, anticipated income and expense, profit and loss for the ensuing  
1651 year for each utility or other enterprise fund or internal service fund operated by the town and  
1652 methods to measure outcomes and performance related to the goals. For any fund, the total of  
1653 proposed expenditures shall not exceed the total of estimated income plus carried forward fund  
1654 balance exclusive of reserves.

1655 (b) Budget Message - The town manager's message shall explain the budget both in fiscal  
1656 terms and in terms of the work programs, linking those programs to organizational goals and  
1657 community priorities. It shall outline the proposed financial policies of the town for the ensuing  
1658 fiscal year and the impact of those policies on future years. It shall describe the important  
1659 features of the budget, indicate any major changes from the current year in financial policies,  
1660 expenditures, and revenues together with the reasons for such changes, summarize the town's



1661 debt position, including factors affecting the ability to raise resources through debt issues and  
1662 include such other material as the town manager deems desirable.

1663 Section 6-3. Action of the Budget

1664 (a) Public Hearing - The board of selectmen shall publish in a newspaper of general  
1665 circulation in the town, a summary of the proposed operating budget as submitted by the town  
1666 manager by a notice stating: (1) the times and places where copies of the entire proposed budget  
1667 are available for inspection by the public; and (2) the date, time and place not less than 14 days  
1668 after the publication, when a public hearing on the proposed budget shall be held by the board of  
1669 selectmen. For the purpose of this section, the summary of the proposed operating budget that is  
1670 required to be published shall contain proposed appropriations, funding sources and any  
1671 narrative summary deemed necessary by the board of selectmen. The proposed budget shall be  
1672 published on the town's website not less than 14 days before the date of the public hearing.

1673 (b) Adoption of the Budget - Town meeting shall adopt the budget, with or without  
1674 amendments, at the annual town meeting. In amending the budget, town meeting may delete or  
1675 decrease any programs or amounts except expenditures required by-law or for debt service.  
1676 Town meeting shall not increase any line item without a corresponding decrease in an identified  
1677 line item and the total proposed budget may not be increased from what was proposed unless  
1678 otherwise authorized by the laws. If town meeting fails to take action with respect to any item in  
1679 the budget within 45 days after the annual Town Meeting, the amount shall, without any action  
1680 by town meeting become a part of the appropriations for the year and be available for the  
1681 purposes specified. The adopted budget will be published on the town's website not less than 14  
1682 days after adoption.

1683 (c) Budget to Actual Assessments - The town manager shall conduct a mid-year budget to  
1684 actual comparison, showing significant variances, for review and presentation to the public. The  
1685 mid-year assessment will be published on the town's website not less than 14 days after review  
1686 with the public.

1687 Section 6-4. Supplementary Budgets and Appropriations

1688 Whenever the town manager submits to the board of selectmen a request for an  
1689 appropriation of a sum of money, whether as a supplement to the annual operating budget or for  
1690 an item not included therein, the board of selectmen shall not act upon the request until it has  
1691 given notice by publication in a local newspaper of the request and held a public hearing  
1692 concerning the request. The publication and the public hearing shall be in conformity with  
1693 subsection (a) of section 6-3 concerning the proposed annual operating budget.

1694 (a) Supplemental Appropriations - If during or before the fiscal year begins, the town  
1695 manager certifies that there are available for appropriation, revenues in excess of those estimated  
1696 in the budget, town meeting by ordinance may make supplemental appropriations for the year up  
1697 to the amount of the excess.

1698 (b) Emergency Appropriations - To address a public emergency affecting life, health,  
1699 property or the public peace, the board of selectmen may make emergency appropriations. The  
1700 appropriations may be made by emergency ordinance in accordance with the provisions of  
1701 Article VII. To the extent that there are no available unappropriated revenues or a sufficient fund  
1702 balance to meet the appropriations, the board of selectmen may by emergency ordinance  
1703 authorize the issuance of emergency notes, which may be renewed from time to time, but the  
1704 emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt

1705 not later than the last day of the fiscal year next succeeding that in which the emergency  
1706 appropriation was made.

1707 (c) Reduction of Appropriations - If at any time during the fiscal year it appears probable  
1708 to the town manager that the revenues or fund balances available will be insufficient to finance  
1709 the expenditures for which appropriations have been authorized, the town manager shall report to  
1710 the board of selectmen without delay, indicating the estimated amount of the deficit, any  
1711 remedial action taken by the town manager and recommendations as to any other steps to be  
1712 taken. The board shall then take such further action as it deems necessary to prevent or reduce  
1713 any deficit and for that purpose it may by ordinance reduce or eliminate 1 or more  
1714 appropriations.

1715 (d) Transfer of Appropriations - At any time during or before the fiscal year, the  
1716 town manager, with concurrence from the finance committee and the board of selectmen, may  
1717 transfer up to a maximum of \$25,000 of the unencumbered appropriation balance from 1  
1718 department, fund, service, strategy or organizational unit to the appropriation for other  
1719 departments or organizational units or a new appropriation and shall report the transfers to the  
1720 board of selectmen in writing within a 14-day period. The town manager may also, with  
1721 concurrence from the finance committee and board of selectmen, transfer funds among line items  
1722 within a department, fund, service, strategy or organizational unit and shall report the transfers to  
1723 the board of selectmen in writing within a 14-day period.

1724 (e) Limitation; Effective Date - No appropriation for debt service may be reduced or  
1725 transferred, except to the extent that the debt is refinanced and less debt service is required, and  
1726 no appropriation may be reduced below an amount required by-law to be appropriated or by

1727 more than the amount of the unencumbered balance thereof. The supplemental and emergency  
1728 appropriations and reduction or transfer of appropriations authorized by this section may be  
1729 made effective immediately upon adoption.

1730 Section 6-5. Administration and Fiduciary Oversight of the Budget

1731 The board of selectmen shall provide by ordinance the procedures for administration and  
1732 fiduciary oversight of the budget.

1733 Section 6-6. Capital Improvements Program

1734 (a) Preparation - The town manager shall, in conjunction with any committee established  
1735 for the purpose, annually submit a 5-year capital improvement program to the board of selectmen  
1736 at least 30 days before the date for submission of the operating budget, unless some other time is  
1737 provided by ordinance.

1738 (b) Contents - The capital program shall include:

1739 (1) A clear general summary of its contents;

1740 (2) Identification of the long-term goals of the community;

1741 (3) A list of all capital improvements and other capital expenditures which are proposed  
1742 to be undertaken during the fiscal years next ensuing, with appropriate supporting information as  
1743 to the necessity for each;

1744 (4) Cost estimates and recommended time schedules for each improvement or other  
1745 capital expenditure;

1746 (5) Method of financing upon which each capital expenditure is to be reliant;

1747 (6) The estimated annual cost of operating and maintaining the facilities to be constructed  
1748 or acquired;

1749 (7) A commentary on how the plan addresses the sustainability of the community and the  
1750 region of which it is a part; and

1751 (8) Methods to measure outcomes and performance of the capital plan related to the long-  
1752 term goals of the community.

1753 The above shall be revised and extended each year with regard to capital improvements  
1754 still pending or in process of construction or acquisition.

1755 (c) Public Hearing – The board of selectmen shall publish in a newspaper of general  
1756 circulation in the town a summary of the proposed capital improvement plan as submitted by the  
1757 town manager by a notice stating: (1) the times and places where copies of the entire proposed  
1758 capital improvement plan are available for inspection by the public; and (2) the date, time and  
1759 place not less than 14 days after the publication, when a public hearing on the proposed capital  
1760 improvement plan is to be held by the board of selectmen. The proposed capital improvement plan  
1761 shall be published on the town’s website not less than 14 days before the date of the public  
1762 hearing.

1763 (d) Adoption of the Capital Improvement Program - Town meeting shall adopt the capital  
1764 improvement plan, with or without amendments, at the annual town meeting; provided, however  
1765 that each amendment must be voted separately and that any increase in the capital improvement  
1766 plan as submitted must clearly identify and approve the method of financing proposed to  
1767 accomplish the increase. The proposed capital improvement plan shall be published on the  
1768 town’s website upon adoption.

1769           Section 6-7. Long-Term Financial Forecast

1770           (a) The town manager shall annually prepare a 5-year financial forecast of town revenue,  
1771 expenditures and the general financial condition of the town. The forecast shall include, but not  
1772 be limited to: an identification of factors which will impact on the financial condition of the  
1773 town; revenue and expenditure trends; potential sources of new or expanded revenues; and any  
1774 long or short-term actions which may be taken that may enhance the financial condition of the  
1775 town. The forecast shall be submitted to the board of selectmen and finance committee and shall  
1776 be available to the public for inspection. The long-term financial forecast shall be published on  
1777 the town's website and when updates occur, they shall be posted in a timely manner.

1778           Section 6-8. Annual Independent Audit

1779           The board of selectmen shall provide for an independent annual audit of all town  
1780 accounts and may provide for more frequent audits as it deems necessary. An independent  
1781 certified public accountant or firm of accountants shall make the audits. The audits should be  
1782 performed in accordance with generally-accepted auditing standards and generally-accepted  
1783 governmental auditing standards.

1784           The board of selectmen shall designate not fewer than 3 of its members to serve as an  
1785 audit committee. This audit committee shall:

1786           (1) Lead the process of selecting an independent auditor;

1787           (2) Direct the work of the independent auditor as to the scope of the annual audit and any  
1788 matters of concern with respect to internal controls; and

1789 (3) Receive the report of the internal auditor and present that report to the board with any  
1790 recommendations from the audit committee.

1791 The board of selectmen shall, using competitive bidding, designate an accountant or firm  
1792 annually, or for a period not exceeding 5 years, but the designation for a particular fiscal year  
1793 shall be made not later than 30 days after the beginning of the fiscal year. The standard for  
1794 independence is that the auditor must be capable of exercising objective and impartial judgment  
1795 on all issues encompassed within the audit engagement. No accountant or firm may provide  
1796 other services to the town during the time it is retained to provide independent audits to the town.  
1797 The board of selectmen may waive this requirement by a majority vote at a public hearing. If the  
1798 commonwealth makes such an audit, the board may accept it as satisfying the requirements of  
1799 this section.

1800 Section 6-9. Financial Committee

1801 (a) There shall be a finance committee consisting of 9 members, appointed each for a 3-  
1802 year staggered term, the members of which shall be appointed as follows: 3 members by the  
1803 town manager; 3 members by the board of selectmen; and 3 members by the town moderator.  
1804 The finance committee shall report its recommendations on finance related articles contained in a  
1805 town meeting warrant, in writing, at least 10 days before a scheduled town meeting. Before  
1806 preparing its recommendations, the finance committee shall hold 1 or more meetings to permit  
1807 discussion of the subject matter of all finance articles contained in the warrant, except those  
1808 articles subject to public hearings by other multiple-member town bodies and not containing  
1809 appropriations. The finance committee shall have such additional powers and duties as may be  
1810 provided by the General Laws, by this charter or by by-law.

1811 (b) The finance committee, town accountant and town treasurer-collector shall support  
1812 the overall budget process. The town accountant and treasurer-collector shall have ex-officio  
1813 membership, without voting rights on the committee. The finance committee shall carry out its  
1814 duties in accordance with the provisions of the General Laws, this charter and by-law and it shall  
1815 have regular and free access and inspection rights to all books and accounts of all town  
1816 departments or offices. The committee shall carefully examine all budget and appropriations  
1817 proposals and shall issue its review thereon before consideration, debate and vote by the board of  
1818 selectmen.

1819 Section 6-10. Financial Management Standards

1820 The board of selectmen may by ordinance establish reasonable standards relating to the  
1821 management of financial systems and practices. Any standards adopted shall conform to modern  
1822 concepts of financial management.

1823 Section 6-11. Public Records

1824 Copies of the budget, capital program, independent audits and appropriation and revenue  
1825 ordinances shall be public records and shall be published on the town's website.

1826 ARTICLE VII - ELECTIONS AND RELATED MATTERS

1827 Section 7-1. Town Elections

1828 The regular town election of town officers shall be held annually on the Saturday  
1829 preceding the last Monday in April.

1830 Section 7-2. Non-Partisan Elections



1831 All elections for town offices shall be non-partisan and election ballots shall be printed  
1832 without any party mark, emblem or other designation whatsoever.

1833 Section 7-3. Signature Requirements; Information to Voters; Ballot Position

1834 (a) Signature Requirements - The number of signatures of voters required to place the  
1835 name of a candidate on the official ballot to be used at an election shall be as follows: For an  
1836 office which is to be filled by the voters of the whole town, not less than 150; and for an office  
1837 which is to be filled by the voters of a precinct, not less than 100 from such precinct.

1838 (b) Information to Voters - If the candidate in a regular town election is an incumbent  
1839 elected by the voters to the office to which the candidate seeks election, against the candidate's  
1840 name shall appear the phrase "candidate for re-election."

1841 (c) Ballot Position - The order in which names of candidates appear on the ballot for each  
1842 office in a regular town election shall be determined by a drawing by lot conducted by the  
1843 elected town clerk. At least 34 days before the date of the election, the town clerk shall post in a  
1844 conspicuous place in the town hall the names and residences of the candidates for election who  
1845 have duly qualified as candidates for election. The order of the names as to appear on the ballot  
1846 shall be drawn by the town clerk. In drawing by lot for position on the ballot the candidates shall  
1847 have an opportunity to be present in person or by one representative each.

1848 Section 7-4. Districts

1849 The territory of the town shall be divided into 7 districts so established as to consist of as  
1850 nearly an equal number of inhabitants as it is possible to achieve based on compact and  
1851 contiguous territory, bounded insofar as possible by the center line of known streets or ways or

1852 by other well defined limits. Each district shall be composed of 1 or more voting precincts  
1853 established in accordance with the General Laws. The board of selectmen shall from time to  
1854 time, but at least once in each 10 years, review the districts to insure their uniformity in number  
1855 of inhabitants.

1856 Section 7-5. Application of State Laws

1857 Except as expressly provided in the charter and authorized by statute, all town elections  
1858 shall be governed by federal, state and local laws relating to the right to vote, the registration of  
1859 voters, the nomination of candidates, the conduct of elections, the submission of charter  
1860 amendments and other propositions, the counting of votes and the declaration of results.

1861 ARTICLE VIII - CITIZEN PARTICIPATION MECHANISMS

1862 Section 8-1. Citizen Initiative Measures

1863 (a) Commencement - Initiative procedures shall be started by the filing of a proposed  
1864 initiative petition with the elected town clerk. The petition shall be addressed to the board of  
1865 selectmen, shall contain a request for the passage of a particular measure which shall be set forth  
1866 in full in the petition and shall be signed by at least 50 voters. The petition shall be accompanied  
1867 by an affidavit signed by 10 voters and shall contain their residential addresses stating they shall  
1868 constitute the petitioners' committee and be responsible for circulating the petition and filing it in  
1869 proper form. The person whose signature appears first on the affidavit accompanying the petition  
1870 shall be designated as clerk.

1871 (b) Referral to Town Attorney - The elected town clerk shall, forthwith following receipt  
1872 of each proposed petition, deliver a copy of the petition to the town attorney. The town attorney

1873 shall, within 15 days following receipt of a copy of the petition, in writing, advise the elected  
1874 town clerk whether the measure, as proposed, may lawfully be proposed by the initiative process  
1875 and whether, in its present form, it may be lawfully adopted by the board of selectmen. If the  
1876 opinion of the town attorney is that the measure is not in proper form, the reply shall state the  
1877 reasons for the opinion, in full. A copy of the opinion of the town attorney shall also be mailed  
1878 by the elected town clerk to the clerk of the petitioners' committee.

1879 (c) Submission to elected Town Clerk - If the opinion of the town attorney is that the  
1880 petition is in a proper form, the elected town clerk shall provide blank forms for the use of  
1881 subsequent signers and shall print at the top of each blank a fair, concise summary of the  
1882 proposed measure, as determined by the town attorney, together with the names and addresses of  
1883 the first 10 voters who signed the originating petition. Within 10 days following the date the  
1884 blank forms are issued by the elected town clerk, the petitions shall be returned and filed with the  
1885 elected town clerk signed by at least 10 per cent of the total number of voters as of the date of the  
1886 most recent town election. Signatures to an initiative petition need not all be on 1 paper, but all  
1887 such papers pertaining to any 1 measure shall be fastened together and shall be filed as a single  
1888 instrument, with the endorsement thereon of the name and residence address of the person  
1889 designated as filing the same. With each signature on the petition there shall also appear the  
1890 street and number of the residence of each signer. Within 10 days following the filing of the  
1891 petition the board of registrars of voters shall ascertain by what number of voters the petition has  
1892 been signed and what percentage that number is of the total number of voters as of the date of the  
1893 most recent town election and shall return the petition along with a certificate showing the results  
1894 of the examination of the registrars of voters to the elected town clerk. A copy of the certificate

1895 of the board of registrars of voters shall be mailed to the person designated as clerk of the  
1896 petitioners' committee.

1897 (d) Action on Petitions - Within 30 days following the date a petition has been returned  
1898 to the elected town clerk, and after publication in accordance with the provisions of this section,  
1899 the board of selectmen may pass the measure without alteration, subject to the referendum vote  
1900 provided by this charter or, the board of selectmen shall call a special election to be held on a  
1901 date fixed by it not less than 35 nor more than 60 days after the date of the certificate  
1902 hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of  
1903 the voters of the town at that election; provided, however, that if a town election is otherwise to  
1904 occur within 120 days after the date of the certificate, the board of selectmen may, at its  
1905 discretion, omit the calling of a special election and submit the proposed measure to the voters at  
1906 the approaching election. The ballots used when voting upon a proposed measure under this  
1907 section shall state the nature of the measure in terms sufficient to show the substance thereof as  
1908 set forth in subsection (f).

1909 (e) Publication - The full text of an initiative measure which is submitted to the voters  
1910 shall be published in a local newspaper and on the town's website not less than 7 nor more than  
1911 14 days preceding the date of the election at which the question is to be voted upon. Additional  
1912 copies of the full text shall be available for distribution to the public in the office of the elected  
1913 town clerk and on the town's website.

1914 (f) Form of Question - The ballots used when voting on a measure proposed by the voters  
1915 under this section shall contain a question in substantially the following form:

1916 Shall the following measure which was proposed by an initiative petition take effect?

1917 (Here insert a fair, concise summary prepared and approved by the town attorney.)

1918 YES NO

1919 (g) Time of Taking Effect - If a majority of the votes cast on the question is in the  
1920 affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified  
1921 in the measure.

1922 Section 8-2. Citizen Referendum Procedures; Referendum Petition; Effect on Final  
1923 Passage

1924 If within 10 days after the final passage of a measure, a petition signed by voters equal in  
1925 number to at least 5 per cent of the total number of voters and addressed to the board of  
1926 selectmen, protesting against the measure or any part thereof taking effect, is filed with the  
1927 elected town clerk, the same shall thereupon and thereby be suspended from taking effect and the  
1928 board of selectmen shall immediately reconsider the measure or part thereof and if the measure or  
1929 part thereof is not entirely rescinded, the board of selectmen shall submit the same to a vote of  
1930 the voters either at the next regular town election or at a special election which may, in the board  
1931 of selectmen's discretion, be called for the purpose and the measure or part thereof shall  
1932 forthwith become null and void unless a majority of the voters voting on the same at the election  
1933 vote in favor thereof.

1934 Section 8-3. Required Voter Participation

1935 For any measure to be effective under initiative procedure and for any measure to be  
1936 declared null and void under any referendum procedure, at least 20 per cent of the voters shall  
1937 vote at an election upon which an initiative or referendum question is submitted to the voters.

1938 Section 8-4. Measures Not Subject to Initiative and Referendum

1939 Measures which include the following subject matter shall not be subject to initiative and  
1940 referendum procedures:

1941 (1) revenue loan orders;

1942 (2) appropriations for the payment of debt or debt service;

1943 (3) internal operational procedures of the board of selectmen;

1944 (4) emergency measures;

1945 (5) the town budget as a whole or the school committee budget as a whole;

1946 (6) appropriation of funds to implement a collective bargaining agreement;

1947 (7) procedures relating to election, appointment, removal, discharge or other personnel  
1948 action; and

1949 (8) proceedings providing for the submission or referral of a matter to the voters at an  
1950 election.

1951 Section 8-5. Submission of Proposed Measure to Voters

1952 The board of selectmen may, of its own motion, submit a proposed measure or a  
1953 proposition for the repeal or amendment of a measure, to a vote of the voters for adoption or  
1954 rejection at a general or special town election. The board shall also allow for the submissions  
1955 upon request of the regional school committee if a measure originates with that committee and  
1956 pertains to the affairs under its administration. Any action of the board of selectmen shall have

1957 the same force and effect as are provided herein for submission of the measures on petition by  
1958 the voters.

1959 Section 8-6. Measures with Conflicting Provisions

1960 If 2 or more proposed measures passed at the same election contain conflicting  
1961 provisions, only the 1 receiving the greater number of affirmative votes shall take effect.

1962 Section 8-7. Free Petition

1963 (a) Individual Petitions, Action Discretionary - The board of selectmen shall receive all  
1964 petitions which are addressed to them and signed by a voter, as certified by the town board of  
1965 registrars of voters, or its successor, and may, at their discretion, take action with regard to  
1966 petitions as they deem necessary and appropriate.

1967 (b) Group Petitions; Action Required - The board of selectmen shall hold a public hearing  
1968 and act by taking a vote on the merits of every petition which is addressed to it and which is  
1969 signed by at least 150 voters, as certified by the town board of registrars of voters, or its  
1970 successor. The hearing shall be held by the board of selectmen or by a committee or  
1971 subcommittee thereof and the action by the board of selectmen shall be taken not later than 2  
1972 months after the petition is filed with the elected town clerk. Hearings on 2 or more petitions  
1973 filed under this section may be held at the same time and place. The elected town clerk shall mail  
1974 notice of the hearing to the 10 petitioners whose names first appear on each petition at least 7  
1975 days before the hearing. Notice by publication at least 7 days before all hearings shall also be  
1976 made and shall be at public expense. No hearing shall be heard upon any 1 subject more than  
1977 once in any given 12 month period. All papers with signatures shall be filed in the office of  
1978 elected town clerk as 1 instrument on 1 date and time.

1979 ARTICLE IX - GENERAL PROVISIONS

1980 Section 9-1. Conflicts of Interest

1981 (a) Conflicts of Interest - The use of public office for private gain is prohibited. The  
1982 board of selectmen shall implement this prohibition by ordinance, the terms of which shall  
1983 include, but not be limited to: acting in an official capacity on matters in which the official has a  
1984 private financial interest clearly separate from that of the general public; the acceptance of gifts  
1985 and other things of value; acting in a private capacity on matters dealt with as a public official;  
1986 the use of confidential information; and appearances by town officials before other town  
1987 agencies on behalf of private interests. This ordinance shall include a statement of purpose and  
1988 shall provide for reasonable public disclosure of finances by officials with major decision-  
1989 making authority over monetary expenditures and contractual and regulatory matters and, insofar  
1990 as permissible under any general or special law, shall provide for fines and imprisonment for  
1991 violations.

1992 Section 9-2. Prohibitions.

1993 (a) Activities Prohibited - The following activities are prohibited:

1994 (1) No person shall be appointed to or removed from, or in any way favored or  
1995 discriminated against with respect to a town position or appointive town administrative office  
1996 because of race, gender, age, sexual orientation, disability, religion, country of origin or political  
1997 affiliation.

1998 (2) No person shall willfully make a false statement, certificate, mark, rating or report in  
1999 regard to a test, certification or appointment under the provisions of this charter or the rules and



2000 regulations made there under, or in any manner commit or attempt to commit fraud preventing  
2001 the impartial execution of the provisions, rules and regulations.

2002 (3) No person who seeks appointment or promotion with respect to a town position or  
2003 appointive town administrative office shall directly or indirectly give, render or pay money,  
2004 service or other valuable thing to a person for or in connection with his test, appointment,  
2005 proposed appointment, promotion or proposed promotion.

2006 (4) During working hours, no town employee shall knowingly or willfully participate in  
2007 any aspect of a political campaign on behalf of or opposition to a candidate for town office. This  
2008 section shall not be construed to limit a person's right to exercise rights as a citizen to express  
2009 opinions or to cast a vote, nor shall it be construed to prohibit a person from active participation  
2010 in political campaigns at any other level of government.

2011 (b) Penalties - A person found to be in of a violation of this section shall be ineligible for  
2012 a period of 5 years following the conviction to hold a town office or position and, if an officer or  
2013 employee of the town, shall immediately forfeit the person's office or position. The board of  
2014 selectmen may establish by ordinance further penalties as it may deem appropriate.

2015 Section 9-3. Campaign Finance

2016 (a) Disclosure - The board of selectmen shall enact ordinances to protect the ability of  
2017 town residents to be informed of the financing used in support of, or against, campaigns for  
2018 locally elected office. The terms of the ordinances shall include, but not be limited to:  
2019 requirements upon candidates and candidate committees to report in a timely manner to the  
2020 appropriate town office; contributions received, including the name, address, employer and  
2021 occupation of each contributor who has contributed \$200 or more; expenditures made; and

2022 obligations entered into by the candidate or candidate committee. In so far as is permissible  
2023 under any general or special laws, the regulations shall also provide for fines and imprisonment  
2024 for violations. The ordinance shall provide for convenient public disclosure pursuant to section  
2025 26 of chapter 55.

2026 (b) Contribution and Spending Limitations - In order to combat the potential for, and  
2027 appearance of, corruption, and to preserve the ability of all qualified citizens to run for public  
2028 office, the town shall, in so far as is permitted by state and federal law, have the authority to  
2029 enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates  
2030 for locally elected office. Ordinances under this section may include, but are not limited to:  
2031 limitations on candidate and candidate committees that affect the amount, time, place and source  
2032 of financial and in-kind contributions; and voluntary limitations on candidate and candidate  
2033 committee expenditures tied to financial or non-financial incentives.

2034 Section 9-4. Charter Revision or Amendment

2035 (a) In General - The charter may be replaced, revised or amended in accordance with any  
2036 procedure made available by Article LXXXIX of the Amendments to the Constitution and any  
2037 general or special laws enacted to implement the constitutional amendment.

2038 (b) Periodic Review - No later than the first day of July, at 6-year intervals, the board of  
2039 selectmen shall provide for a review and propose revisions to the town charter. The review shall  
2040 be conducted by a special committee to consist of 7 residents of the town appointed by the  
2041 chairman of the board of selectmen with the approval of the board of selectmen. The committee  
2042 shall file a report within the year recommending any changes in the charter which it may deem to  
2043 be necessary or desirable, unless an extension is granted by vote of the board of selectmen.

2044 Section 9-5. Severability

2045 The provisions of this charter are severable. If any of the provisions of this charter are  
2046 held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be  
2047 affected thereby. If the application of this charter, or any of its provisions, to any person or  
2048 circumstances is held to be invalid, the application of the charter and its provisions to other  
2049 persons or circumstances shall not be affected thereby.

2050 Section 9-6. Rules of Interpretation

2051 The following rules shall apply when interpreting the charter:

2052 (a) Specific Provisions to Prevail - To the extent that a specific provision of the charter  
2053 shall conflict with any provision expressed in general terms, the specific provision shall prevail.

2054 (b) Number and Gender - Words imparting the singular number may extend and be  
2055 applied to several persons or things, words imparting the plural number may include the singular  
2056 and words imparting the masculine gender shall include the feminine gender.

2057 (c) References to General Laws - All references to the General Laws or the laws of the  
2058 Commonwealth contained in the charter refer to the General Laws of the commonwealth of  
2059 Massachusetts and are intended to include any amendments or revisions to the chapters and  
2060 sections or to the corresponding chapters and sections of any rearrangement of the General Laws  
2061 enacted subsequent to the adoption of the charter.

2062 (d) Computation of Time - Unless otherwise specified by the General Laws, in computing  
2063 time under the charter, if 7 days or less, only business days, not including Saturdays, Sundays, or  
2064 legal holidays shall be counted and if more than 7 days, every day shall be counted.

2065 Section 9-7. Removal of Member of Multiple Member Bodies

2066 Any official appointed by the town manager to a multiple-member body, may be  
2067 removed from office by the town manager if the appointed official fails to attend regularly  
2068 scheduled meetings for a period of 3 consecutive months without express leave from the  
2069 chairman of the multiple member body, unless the town manager shall determine otherwise. A  
2070 appointed official shall be automatically removed from office if the appointed official is  
2071 convicted of a felony or if the appointed official is absent from the duties for the period of 6  
2072 months notwithstanding the permission from the chairman of the board of selectmen to be  
2073 absent.

2074 A removal shall be accomplished in accordance with the following procedure:

2075 (1) A written notice of the intent to remove and a statement of the reasons therefore shall  
2076 be delivered by registered mail to the last known address of the appointed official sought to be  
2077 removed;

2078 (2) Within 14 days of delivery of the notice the appointed official may request a public  
2079 hearing before the appointing authority;

2080 (3) If the appointed official fails to request a public hearing, then the appointed official  
2081 shall be discharged forthwith;

2082 (4) The appointed official may be represented by private counsel at the hearing and shall  
2083 be entitled to present evidence, to call witnesses and to examine any witness appearing at the  
2084 hearing;

2085 (5) Within 10 days after the public hearing is adjourned, the appointing authority may, by  
2086 a majority vote, remove the appointed official for good cause;

2087 (6) A notice of a decision to remove the member and the reasons therefore shall be  
2088 delivered by registered mail to the last known address of the appointed official;

2089 (7) Within 14 days of delivery of the notice, the appointed official may request a public  
2090 hearing before the board of selectmen;

2091 (8) If the appointed official fails to request a public hearing, then the appointed official  
2092 shall be discharged forthwith;

2093 (9) The appointed official may be represented by private counsel at the hearing and shall  
2094 be entitled to present evidence, to call witnesses and to examine any witness appearing at the  
2095 hearing; and

2096 (10) Within 10 days after the public hearing is adjourned, the board of selectmen may, by  
2097 a two-thirds vote, reinstate the appointed official, but the appointed official shall otherwise be  
2098 removed.

2099 Nothing in this section shall be construed as granting a right to such a hearing when an  
2100 appointed official who has been appointed to a fixed term is not reappointed when the appointed  
2101 official's original term expires.

#### 2102 Section 9-8. Posting of Public Documents

2103 The board of selectmen and town manager shall ensure that all pertinent, public town  
2104 documents be posted to the town's website. Examples of these documents shall include, but not

2105 limited to, the following: administrative code, audit results, budget, financial management  
2106 policies, ordinances and personnel policies and procedures.

2107           ARTICLE X- TRANSITIONAL PROVISIONS

2108           Section 10-1. Continuation of Existing Laws

2109           All by-laws, resolutions, rules, regulations and votes of the town meeting which are in  
2110 force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall  
2111 continue in full force until amended or repealed. If the provisions of this charter conflict with  
2112 provisions of town by-laws, rules, regulations, orders or special acts or acceptances of laws, the  
2113 charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and  
2114 special acts not superseded by this charter shall remain in force.

2115           Section 10-2. Existing Officials and Employees

2116           A person holding a town office or employment under the town, shall retain the office or  
2117 employment and shall continue to perform the duties of the office until provisions shall have  
2118 been made in accordance with this charter for the performance of the the duties by another  
2119 person or agency.

2120           Section 10-3. Continuation of Government

2121           All town offices, boards, commissions or agencies shall continue to perform their duties  
2122 until re-appointed, re-elected or until successors to their respective positions are fully appointed  
2123 or elected or until their duties have been transferred and assumed by another town office, board,  
2124 commission or agency.

2125           Section 10-4. Transfer of Records and Property

2126 All records, property and equipment whatsoever of any office, board, commission,  
2127 committee or agency or part thereof, the powers and duties of which are assigned in whole or in  
2128 part to another town office, board, commission or agency, shall be transferred forthwith to the  
2129 office, board, commission or agency.

2130 Section 10-5. Continuation of Personnel

2131 A person, holding a town office or a position in the administrative service of the town, or  
2132 a person holding full-time employment under the town, shall retain the office, position or  
2133 employment or be retained in a capacity as similar to their former capacity as it is practical to do  
2134 so.

2135 The person holding a town office or position shall continue to perform the duties of the  
2136 office, position or employment until provisions have been made for the performance of those  
2137 duties by another person or agency; provided, however, that no person in the permanent full-time  
2138 service of the town shall forfeit the person's pay grade or time in service of the town.

2139 Section 10-6. Effect On Obligations, Taxes, Etc.

2140 All official bonds, recognizances, obligations, contracts and other instruments entered  
2141 into or executed by or to the town before the adoption of this charter and all taxes, assessments,  
2142 fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and  
2143 collected and all writs, prosecutions, actions and cause of action, except as herein otherwise  
2144 provided, shall continue without abatement and remain unaffected by the charter and no legal act  
2145 done by or in favor of the town shall be rendered invalid by reason of the adoption of this  
2146 charter.

2147 Section 10-7. Time of Taking Effect

2148 This charter shall become fully effective upon ratification by the voters as provided for  
2149 by the General Laws.

2150 Section 10-8. Transition from Municipal Administrator to Town Manager

2151 Upon the effective date of this charter, the person serving in the position of municipal  
2152 administrator shall be deemed the appointed town manager as described in Article 4, to serve for  
2153 the remaining term of the person's contract with the town.

2154 Section 10-9. Board of Selectmen / Town Manager Transition Duties

2155 (a) As 1 of its first priorities following adoption of this charter, the board of selectmen  
2156 and town manager shall begin development of the administrative code structure, which shall  
2157 describe the details of the departmental organization and associated operating rules and  
2158 regulations.

2159 A key input source to the creation of the administrative code shall be the final report of  
2160 the town government study committee, published in May of 2009. This report shall guide the  
2161 functional re-alignment of all town offices, agencies, boards and committees, as well as any  
2162 changes to elected or appointed positions, boards or committees.

2163 (b) The board of selectmen and town manager shall also begin a review of all town by-  
2164 laws, to analyze and amend as necessary, as a result of charter implementation.

2165 SECTION 5. This act shall take effect upon its passage.