

HOUSE No. 4652

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Relative to the Charter of the Town of Franklin..

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 Article Two, Section 1, Paragraph 2-1-4 of the home rule charter of the Town
2 of Franklin, which is on file in the office of the archivist of the commonwealth as provided in
3 Section 12 of Chapter 43B of the General Laws, is hereby amended by striking "first" and
4 substituting "second".

5 Section 2 Said Article Two is further amended by striking existing paragraphs 2-3-1 and
6 2-3-2 of Section 3 and substituting a new combined paragraph as follows:

7 2-3-1 At the first council meeting following each regular Town election, the Council
8 shall choose from its membership a Chairman, Vice-Chairman, and Clerk each to serve for a
9 one-year term of office. The Council shall have the right to reorganize itself at any time during
10 the year by a two-thirds vote of its membership to do so. The Chairman shall preside at meetings
11 of the Council and perform such other duties as provided by this Charter, bylaw, or Council vote.
12 The Vice-Chairman shall act as Chairman during the absence or disability of the Chairman. The
13 Clerk shall see that proper notice of all council meetings is given to its members and to the
14 public, that all votes of the council are recorded and that minutes of all council proceedings are

15 kept and shall perform such other duties as may be assigned by this Charter, bylaw or other vote
16 of the Council.

17 and by renumbering the existing paragraph 2-3-3 to 2-3-2.

18 Section 3 Said Article Two is further amended by striking "for a journal" in Paragraph
19 2-4-3 of Section 3 and substituting "minutes".

20 Section 4 Said Article Two is further amended by striking "twice" in Paragraph 2-5-1 of
21 Section 5 and substituting "once", by striking "twenty-four (24)" in said paragraph and
22 substituting "forty-eight (48)" before "hours" and by adding a comma and "except in case of an
23 emergency" following "each Council member".

24 Section 5 Said Article Two is further amended by adding a comma and "resolution, or
25 other action." following "any bylaw" in Paragraph 2-6-4 of Section 6 and by striking "journal"
26 and substituting "minutes in Paragraph 2-6-5 of said section.

27 Section 6 Article Three of said Charter is hereby amended by adding "concurrent" before
28 "terms of two years" in Clause b of Paragraph 3-1-1 of Section 1.

29 Section 7 Said Article Three is further amended by striking existing Paragraph 3-1-2 of
30 Section 1 and substituting a new paragraph as follows:

31 3-1-2 Officers of the Town to be elected at large for a four-year term of office shall be:
32 (a) Town Clerk and (b) three Constables.

33 Section 8 Said Article Three is further amended by striking "Town Treasurer-Collector"
34 in Section 3-3-2 of Section 3.

35 Section 9 Article Four of said Charter is hereby amended by adding "executive and"
36 following "chief" and before "administrative officer" in Paragraph 4-2-1 of Section 2.

37 Section 10 Said Article Four is further amended striking the existing Paragraph 4-2-2 of
38 Section 2 and substituting a new paragraph as follows:

39 4-2-2 The Administrator shall hold no elective or other appointive Town office, but may
40 be appointed by the Council to serve on committees, both standing and ad hoc; the Administrator
41 shall devote full-time to the duties of the office and shall engage in no other business or
42 occupation without the advance written authorization of the Council.

43 Section 11 Said Article Four is further amended by striking existing clauses (g) and (h)
44 of Paragraph 4-2-3 of Section 2 and substituting new clauses as follows:

45 (g) be responsible for all aspects of the personnel system, (h) serve as chief
46 procurement officer;

47 Section 12 Said Article Four is further amended by striking existing Paragraph 4-2-5 of
48 Section 2 and substituting a new paragraph as follows:

49 4-2-5 Subject to ratification by the Town Council, the Administrator shall have the
50 power to appoint; on the basis of merit and fitness alone: (a) a Fire Chief, a Police Chief, a
51 Director of Public Works, a Town Comptroller, a Town Attorney, a Library Director, and three
52 (3) registrars of voters; (b) five (5) members of a Board of Library Trustees, nine (9) members of
53 a Council on Aging, seven (7) members of a Conservation Commission, seven (7) members of
54 an Historic Commission and three (3) members of a Zoning Board of Appeals, all for three-year
55 overlapping terms of office; (c) four (4) members of a Housing Authority, all for five-year

56 overlapping terms of office with the fifth member to be appointed under the authority of the
57 Commonwealth; and (d) members of such other boards, commissions and committees as are
58 authorized by general law, this Charter or bylaw and for whom appointment is not otherwise
59 provided.

60 Section 13 Said Article Four is further amended by adding a new Paragraph 4-2-6 to
61 Section 2 as follows:

62 4-2-6 Subject to ratification by the Town Council, the Town Administrator shall also
63 appoint, on the basis of merit and fitness alone, a Treasurer-Collector.

64 Section 14 Said Article Four is further amended by striking existing Paragraph 4-4-1 of
65 Section 4 and substituting new paragraphs as follows:

66 4-4-1 The Town Administrator may designate a qualified person to serve as Acting
67 Town Administrator and to perform the duties of the office for up to 21 days on account of the
68 Town Administrator's temporary absence or unavailability.

69 4-4-2 The Town Council may designate a qualified person to serve as Acting Town
70 Administrator and to perform the duties of the office during the period of any vacancy caused by
71 the Administrator's absence, or unavailability for more than 21 days, or his illness, suspension,
72 removal or resignation. The appointment shall be for a period not to exceed one hundred eighty
73 (180) days, but such appointment may be extended for two (2) additional ninety (90) day periods
74 by vote of the Council.

75 Section 15 Article Six of said Charter is amended by striking "eleven" and substituting
76 "nine" before "members", and by striking "one" and substituting "staggered three" before "year"

77 in the first sentence of Paragraph 6-2-1 of Section 2, and by striking "Town Accountant" and
78 substituting "Town Comptroller" in the third sentence of said paragraph.

79 Section 16 Article Six of said Charter is further amended by striking existing Paragraph
80 6-2-2 of Section 2 and substituting a new paragraph:

81 6-2-2 For its initial appointment of a Finance Committee, the Town Council shall
82 appoint three members for a three-year term, three members for a two-year term, and three
83 members for a one-year term; thereafter, the Town Council shall annually appoint three members
84 for a three-year term. Vacancies on the Finance Committee shall be filled promptly by the
85 Council for the unexpired term.

86 Section 17 Said Article Six is further amended by striking "Committee" and substituting
87 "Department" and by adding a period after "deems desirable" and striking "or the Finance
88 Committee may require" in Paragraph 6-5-1 of Section 5.

89 Section 18 Said Article Six is further amended by striking "(a)" by striking "agency"
90 and substituting "department", and by placing a period after "financing methods" and striking the
91 balance of the sentence in Paragraph 6-5-2 of Section 5.

92 Section 19 Said Article Six is further amended by adding "Town Administrator's" before
93 "proposed budget" in the first sentence of Paragraph 6-6-1 of Section 6.

94 Section 20 Said Article Six is further amended by striking "within the period provided by
95 general law," and by striking "six (6)" and substituting "five (5)" in the two places where it
96 appears in Paragraph 6-7-1 of Section 7.

97 Section 21 Article Seven of said Charter is amended by striking "a journal" and
98 substituting "minutes" in Paragraph 7-4-1 of Section 4.

99 Section 22 Said Article Seven is amended by striking existing Section 7 and its
100 Paragraphs 7-7-1 through 7-7-5 in their entirety.

101 Section 23 Article Eight of said Charter is amended by striking existing Section 1 and
102 Paragraph 8-1-1 in its entirety and by renumbering the remaining sections and paragraphs.

103 Section 24 The incumbent holding the office of Treasurer-Collector upon the effective
104 date of this act shall retain his office and continue to serve until the expiration of his elected term
105 of office or his resignation, whichever occurs first, but this position shall thereafter be filled by
106 appointment as provided in Article Four, Section 2, Paragraph

107 4-2-6.

108 Section 25 The state secretary shall cause the following two questions to be placed on
109 the official ballot to be used in the Town of Franklin at the biennial state election to be held on
110 November 2, 2010:

111 1. Shall an act passed by the General Court in the year 2010 entitled "An Act
112 Relative to the Charter of the Town of Franklin" be accepted?

113 2. Shall the Town Treasurer-Collector be appointed, as provided in Sections 7, 8, 13,
114 and 24 of said act, rather than elected?

115 followed by the summaries required by Section 58A of Chapter 54 of the General Laws,
116 which the Town Attorney shall ensure that the state secretary receives not later than September
117 3, 2010.

118 Section 26 Sections 25 and 26 of this act shall take effect upon its passage. Sections 1
119 through 6, 9 through 12, and 14 through 23, inclusive, shall take effect upon acceptance by a
120 majority of the voters of the Town voting in the affirmative on the first ballot question specified
121 in Section 25, but not otherwise. Sections 7, 8, 13, and 24 shall take effect upon acceptance by a
122 majority of the voters of the Town voting in the affirmative on the second ballot question
123 specified in Section 25, but not otherwise.