

HOUSE No. 4845

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

2 SECTION 1. Paragraph 2-1-4 of section 1 of article two of the home rule charter of the
3 town of Franklin, known as the “Franklin home rule charter”, which is on file in the office of the
4 archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is
5 hereby amended by striking out the word “first” and inserting in place thereof the following
6 word:- second .

7 SECTION 2. Section 3 of said article two of said charter is hereby amended by striking
8 out paragraphs 2-3-1 and 2-3-2 and inserting in place thereof the following paragraph:-

9 2-3-1 At the first council meeting following each regular town election, the council shall
10 choose from its membership a chairman, vice-chairman, and clerk each to serve for a 1-year term
11 of office. The council shall have the right to reorganize itself at any time during the year by a
12 two-thirds vote of its membership to do so. The chairman shall preside at meetings of the council

13 and perform such other duties as provided by this charter, by-law, or council vote. The
14 vice-chairman shall act as chairman during the absence or disability of the chairman. The clerk
15 shall see that proper notice of all council meetings is given to its members and to the public, that
16 all votes of the council are recorded and that minutes of all council proceedings are kept and
17 shall perform such other duties as may be assigned by this charter, by-law or other vote of the
18 council.

19 SECTION 3. Paragraph 2-4-3 of section 4 of said article two of said charter is hereby
20 further amended by striking out the words “for a journal” and inserting in place thereof the
21 following word:- minutes .

22 SECTION 4. Section 5 of said article two of said charter is hereby amended by striking
23 out paragraph 2-5-1 and inserting in place thereof the following paragraph:-

24 2-5-1 The town council shall meet regularly at least once each month. Special meetings
25 may be held at any time if called by the chairman or by 4 members of the council, provided that
26 for any special meeting at least 48 hours personal notice shall be given to each council member,
27 except in case of an emergency. All council meetings shall be conducted in accordance with the
28 open meeting provisions of the General Laws.

29 SECTION 5. Paragraph 2-6-4 of section 6 of said article two of said charter is hereby
30 amended by inserting after the word “by-law” the following words:- ,resolution, or other action .

31 SECTION 6. Paragraph 2-6-5 of said section 6 is hereby amended by striking out the
32 word “journal” and inserting in place thereof the following word:- minutes .

33 SECTION 7. Paragraph 3-1-1 of section 1 of article three of said charter is hereby
34 amended in clause (a) by inserting after the word “for”, in line 3, the following word:- concurrent
35 .

36 SECTION 8. Said article three of said charter is hereby further amended by striking out
37 paragraph 3-1-2 and inserting in place thereof the following paragraph:-

38 3-1-2 Officers of the town to be elected at large for a 4-year term of office shall
39 be: (a) town clerk and (b) 3 constables.

40 SECTION 9. Paragraph 3-3-2 of said article three is hereby amended by striking out the
41 words “,Town treasurer-collector”.

42 SECTION 10. Paragraph 4-2-1 of section 2 of article four of said charter is hereby
43 amended by inserting after the word “chief”, in line 1, the following words:- executive and .

44 SECTION 11. Said section 2 of said article four is hereby further amended by striking out
45 paragraph 4-2-2 and inserting in place thereof the following paragraph:-

46 4-2-2 The administrator shall hold no elective or other appointive town office, but may
47 be appointed by the council to serve on committees, both standing and ad hoc; the administrator
48 shall devote full-time to the duties of the office and shall engage in no other business or
49 occupation without the advance written authorization of the council.

50 SECTION 12. Paragraph 4-2-3 of said section 2 of said article four is hereby amended by
51 striking out clauses (g) and (h) and inserting in place thereof the following clauses:-

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

54 SECTION 13. Said section 2 is hereby further amended by striking out paragraph 4-2-5
55 and inserting in place thereof the following paragraph:-

56 4-2-5 Subject to ratification by the town council, the administrator shall have the
57 power to appoint, on the basis of merit and fitness alone: (a) a fire chief, a
58 police chief, a director of public works, a town comptroller, a town attorney, a library
59 director, and 3 registrars of voters; (b) 5 members of a board of library trustees, 9 members of a
60 council on aging, 7 members of a conservation commission, 7 members of an historic
61 commission and

62 3 members of a zoning board of appeals, all for 3-year overlapping terms of office; (c) 4
63 members of a housing authority, all for 5-year overlapping terms of office with the fifth
64 member to be appointed under the authority of the commonwealth; and (d) members of
65 such other boards, commissions and committees as are authorized by the General Laws, this
66 charter or

67 by-law and for whom appointment is not otherwise provided.

68 SECTION 14. Said section 2 is hereby further amended by adding the following
69 paragraph:-

70 4-2-6 Subject to ratification by the town council, the town administrator shall also
71 appoint, on the basis of merit and fitness alone, a treasurer-collector.

72 SECTION 15. Section 4 of said article four is hereby amended by striking out paragraph
73 4-4-1 and inserting in place thereof the following 2 paragraphs:-

74 4-4-1 The town council may designate a qualified person to serve as acting town
75 administrator and to perform the duties of the office for up to 21 days on account of the town
76 administrator's temporary absence or unavailability.

77 4-4-2 The town council may designate a qualified person to serve as acting town
78 administrator and to perform the duties of the office during the period of any vacancy caused by
79 the administrator's absence, or unavailability for more than 21 days, or his illness, suspension,
80 removal or resignation. The appointment shall be for a period not to exceed 180 days, but such
81 appointment may be extended for 2 additional 90- day periods by vote of the council.

82 SECTION 16. Paragraph 6-2-1 of section 2 of article six of said charter is hereby
83 amended by striking out the first sentence and inserting in place thereof the following sentence:-
84 A finance committee of 9 members shall be appointed by the town council for staggered 3-year
85 terms of office.

86 SECTION 17. Said paragraph 6-2-1 is hereby further amended by striking out the word
87 "Accountant" and inserting in place thereof the following word:- comptroller .

88 SECTION 18. Said section 2 of said article six is hereby further amended by striking out
89 paragraph 6-2-2 and inserting in place thereof the following paragraph:-

90 6-2-2 For its initial appointment of a finance committee, the town council shall appoint 3
91 members for a 3-year term, 3 members for a 2-year term, and 3 members for a 1-year term;

92 thereafter the town council shall annually appoint 3 members for a 3-year term. Vacancies on
93 the finance committee shall be filled promptly by the council for the unexpired term.

94 SECTION 19. Section 5 of said article six is hereby amended by striking out paragraph
95 6-5-1 and inserting in place thereof the following paragraph:-

96 6-5-1 The proposed budget shall provide a complete financial plan for all town funds and
97 activities, including the proposed school department budget of the ensuing year.

98 Except for the school budget or as may be required by general law, it shall be in such
99 form as the town administrator deems desirable.

100 SECTION 20. Section 6 of said article six is hereby amended by striking out paragraph
101 6-5-2 and inserting in place thereof the following paragraph:-

102 6-5-2 In submitting the proposed budget, the town administrator shall utilize modern
103 fiscal principals so as to afford maximum information and financial control. The budget shall
104 detail all estimated revenue from the property tax levy and other sources and all proposed
105 expenditures,

106 including debt service to: the previous, current and ensuing years, and shall indicate
107 separately: proposed expenditures for 50th current operations and capital projects during the
108 ensuing year, detailed by department, purpose and position, together with proposed financing
109 methods.

110 SECTION 21. Paragraph 6-6-1 of said section 6 of said article six is hereby amended by
111 inserting after the word “the”, in line 2, the following words:- town administrator”s .

112 SECTION 22. Paragraph 6-7-1 of said section 6 of said article six is hereby amended by
113 striking out, in line 3, the word “six” and by striking out, in lines 6 and 7, the word “six (6)” and
114 inserting in place thereof, in each instance, the following figure:- 5 .

115 SECTION 23. Paragraph 7-4-1 of section 4 of article seven of said charter is hereby
116 amended by striking out the words “a journal” and inserting in place thereof the following word:-
117 minutes .

118 SECTION 24. Section 7 of said article seven is hereby amended by striking out
119 paragraphs 7-7-1 to 7-7-5, inclusive.

120 SECTION 25. Article eight of said charter is hereby amended by striking out section 1.

121 SECTION 26. The incumbent holding the office of treasurer-collector upon the effective
122 date of this act shall retain his office and continue to serve until the expiration of his elected term
123 of office or his resignation, whichever occurs first, but this position shall thereafter be filled by
124 appointment as provided in paragraph 4-2-6 of section 2 of article four.

125 SECTION 27. The state secretary shall cause the following two questions to be placed
126 on the

127 official ballot to be used in the Town of Franklin at the biennial state election to be held

128 on

129 November 2, 2010:

130 1. Shall an act passed by the General Court in the year 2010 entitled "An Act

131 Relative to the Charter of the Town of Franklin" be accepted?

132 2. Shall the Town Treasurer-Collector be appointed, as provided in Sections 7,
133 8, 13, and 24 of said act, rather than elected?
134 followed by the summaries required by section 58A of chapter 54 of the General Laws,
135 which
136 the town attorney shall ensure that the state secretary receives no later than September 3,
137 2010.

138 SECTION 28. Sections 27 and 28 of this act shall take effect upon its passage.

139 SECTION 29. Sections 1 to 7, inclusive, sections 10 to 13, inclusive, and sections 15 to
140 25, inclusive, shall take effect upon acceptance by a majority of the voters of the town voting in
141 the affirmative on the first ballot question specified in section 27, but not otherwise.

142 SECTION 30. Sections 8, 9, 14, and 26 shall take effect upon acceptance by a majority
143 of the voters of the town voting in the affirmative on the second ballot question specified in
144 section 27, but not otherwise..