

HOUSE No. 5043

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Amending the Charter of the Town of Eastham..

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. The charter of the town of Eastham, which is on file in the office of the
2 archivist of the Commonwealth, as provided in section 12 of chapter 43B of the General Laws, is
3 hereby amended as follows:

4 C2-8B: Delete the words, “to new voters at time of registration” so that the section reads
5 as follows:

6 C2-8B: The Town Clerk shall prepare, in consultation with the Moderator, rules of
7 parliamentary procedure in simplified form, which shall be available for distribution to all those
8 requesting them and to those in attendance at Town Meeting.

9 C3-4E: Delete “All” at beginning, and replace with “Unless otherwise specified,” so that
10 the section reads as follows:

11 C3-4E: Unless otherwise specified, appointed boards, committees and commissions shall
12 be responsible to the Board of Selectmen through the Town Administrator and shall respond to
13 all requests from the office of the Town Administrator.

14 C3-8G: Insert “Eastham” before the words, “school committee” in lines 3 and 6 so that
15 the section reads as follows:

16 C3-8G: There shall be an Eastham Elementary School Committee consisting of five
17 members elected for terms of three years each, so arranged that the terms of as nearly an equal
18 number of members as is possible shall expire each year. The Eastham Elementary School
19 Committee shall have all the powers and duties, which are given to school committees by
20 General Laws and it, shall have such additional powers and duties as may be authorized by this
21 Charter, by Bylaw, or by Town Meeting vote. The powers of the Eastham Elementary School
22 Committee shall include, but are not intended to be limited to the following:

23 C3-8H: Delete in its entirety and replace with the following:

24 C3-8H: At least one representative shall be elected to the Nauset Regional School
25 Committee for a term of three years. Any terms shall be arranged so that they will expire in
26 different years.

27 C3-8I: Replace the word, “three,” with the word “five,” before the word, “members,” so
28 that the section reads:

29 C3-8I: There shall be a Board of Library Trustees of five members, elected for three-year
30 overlapping terms at an annual election.

31 C4-3C (5): Add “simultaneously” after “present” and add “and the Finance Committee
32 after “Selectmen”, so that the section reads as follows:

33 C4-3C(5): Prepare and present simultaneously to the Board of Selectmen and the Finance
34 Committee, in the manner provided in Article VI of this Charter, a draft annual operating budget
35 for the Town and a proposed capital outlay program;

36 C4-5.C: Insert “shall” after “action” so that the section reads as
37 follows:

38 C4-5C: The creation of any new full-time compensated position shall require approval by
39 the Board of Selectmen, and such action shall not be effective until the position has been funded
40 by Town Meeting vote.

41 C5-2. Strike entire section and replace with new section as follows:

42 C5-2. Organizations and Procedures.

43 A. Each multimember body shall act in accord with the particular charge adopted for it by
44 the Board of Selectmen, subject to any state law requirements.

45 B. In addition all multimember bodies shall:

46 1. Organize annually at the first meeting of the fiscal year.

47 2. Elect a chairperson, clerk and any other necessary officers

48 3. Adopt rules of procedure and voting.

49 4. Establish that a quorum, which is by statute a majority of committee members, must be
50 present at all meetings.

51 5. Maintain minutes and all other records of proceedings, copies of which shall be a
52 public record and shall be filed with the Town Clerk within five (5) days of approval of the
53 minutes.

54 6. Report to the Board of Selectmen annually.

55 7. Submit a report for inclusion in the Annual Report

56 8. Conduct all meetings in accordance with the open meeting provision of the General
57 Laws.

58 C. Each appointed body shall consist of an odd number of members, who shall be
59 appointed for three-year overlapping terms unless otherwise specified in the charge to that body.

60 D. No member shall be appointed for more than three consecutive full terms. After
61 reaching maximum service, an individual may be reappointed after one year elapses.

62 E. No member may be appointed to more than three committees or multi-member bodies.

63 F. Any person duly appointed or elected to any office or multimember body shall take up
64 the duties of the office immediately upon the date specified by statute or as soon as such person
65 shall have been sworn to the faithful performance of those duties by Town Clerk.

66 G. The absence without appropriate explanation of any member of an appointed body
67 from three consecutive meetings may serve to vacate the office. The decision to recommend that
68 the office be vacated shall be made by majority vote of the multimember body. After such a
69 majority vote, the Chairperson of the body shall advise the appointing authority forthwith. Upon
70 receipt of such a recommendation, the appointing authority shall vote on whether to declare a

71 vacancy. For any vacancy created in this manner, the appointing authority shall fill the vacancy
72 in accordance with the General Laws and this Charter.

73 H. A compensated Town employee may serve on a multi-member body, with the
74 exception of the Finance Committee, provided such body shall have no administrative
75 responsibility over any
76 such employee.

77 C6-1F: Add “and Finance Committee after “Selectmen” and before “a comprehensive” so
78 that the new section reads as follows:

79 C6-1F: At least 120 days prior to the scheduled date of the Annual Town Meeting, the
80 Town Administrator shall submit to the Board of Selectmen and Finance Committee,
81 simultaneously, a comprehensive draft budget for all Town functions for the ensuing fiscal year
82 and an accompanying draft budget message.

83 C6-2. Strike entire section and replace with new section:

84 C6-2. Action on Proposed Budget

85 A. Within thirty (30) days following the submission of the draft budget to the Board of
86 Selectmen and the Finance Committee by the Town Administrator, the Board of Selectmen shall
87 adopt its proposed budget, with or without amendments, and submit same with its
88 recommendations to the Finance Committee.

89 B. On receipt of the budgets for the Eastham Elementary School Committee, Nauset
90 Regional School Committee, and Vocational School Committee, each budget shall be submitted
91 simultaneously to the Board of Selectmen and the Finance Committee. The Board of Selectmen

92 shall, within thirty (30) days of each submission, submit its recommendations of the school
93 committee budgets to the Finance Committee.

94 C. Meeting jointly, the Board of Selectmen and the Finance Committee shall conduct at
95 least one public hearing on the proposed Town budget and the school budgets. The Board of
96 Selectmen and/or the Finance Committee may hold additional non-joint public hearings on the
97 budgets, if deemed necessary. The Board of Selectmen and the Finance Committee may jointly
98 and/or separately require the Town Administrator, any Town Department, Office, Board,

99 Commission and/or committee to appear or furnish appropriate financial reports and
100 budgetary information.

101 D. The Finance Committee shall vote and issue its recommendations and detailed
102 explanations of all financial articles in an Annual Finance Committee Report, which shall be
103 made available, at least fourteen (14) days prior to the scheduled date of the Annual Town
104 Meeting.

105 E. The Board of Selectmen shall present the proposed budget to the Annual Town
106 Meeting.

107 C9-2D: Replace in its entirety, so the new section reads as follows:

108 C9-2D: A notice of the availability of the warrant shall be
109 published in a local newspaper at least 14 days prior to any such
110 Town Meeting.

111 C9-2E: Replace “on or before the day of their publication in a local newspaper” with “at
112 least 14 days prior to any such Town Meeting” so the new section reads as follows:

113 C9-2E: All said warrants shall also be posted in every post office in the Town 14 days
114 prior to any such Town Meeting, and shall remain so posted until the date of the meeting.

115 C9-4A: Delete “preferably in public administration,” so the new section reads in part:

116 C9-4A: The Town Administrator shall be appointed on the basis of education, executive
117 and administrative qualifications. The educational qualifications shall consist of at least a
118 bachelor’s degree, granted by an accredited degree-granting college or university. Professional...

119 C9-5A: Replace in its entirety with new language so the new
120 section reads:

121 C9-5A: Search Committee. A Search Committee consisting of seven (7) members shall
122 be appointed for three-year overlapping terms. Three (3) members shall be appointed by the
123 Board of Selectmen; two (2) members shall be appointed by the Moderator; and two (2)
124 members shall be appointed by the Finance Committee. The committee shall advise the

125 Board of Selectmen and the Moderator concerning the names and qualifications of
126 residents of the Town available to serve on multi-member bodies. The Search Committee may
127 establish procedures for soliciting candidates for consideration and may consult with Town
128 committee members or chairs to assist in determining preferred skills for the individuals to be
129 considered.

130 The Search Committee shall periodically review all Town committee charges. Upon the
131 appointment and qualification of the Search Committee, the office of Search Coordinator shall be

132 abolished.

133 C9-5J. Insert the words, “and two alternates”, so the new section reads in part: C9-5J: A
134 Planning Board of seven members and two alternates shall be appointed ...”

135 C9-5L. Replace in its entirety with new language so the new section reads:

136 C9-5L: A Water Management Committee of nine members shall be appointed by the
137 Board of Selectmen for three-year overlapping terms. Upon the appointment and qualification
138 of the Water Management Committee, the Water Resources Advisory Board shall be
139 abolished.

140 C9-5N. A new section shall be added to read:

141 C9-5N: Capital Projects Committee. Upon any successful votes at Town Meeting and
142 Town election which bonds a municipal project of \$500,000 or more, there shall be activated a
143 Capital Projects Committee to oversee the management of the project, including the expenditure
144 of funds. The Capital Projects Committee shall consist of three (3) voting members and other
145 non-voting members, as follows:

146 (1) A Selectman, to be appointed by the Board of Selectmen (voting member);

147 (2) A member of the Finance Committee, to be appointed by the Finance Committee
148 (voting member);

149 (3) The Town Administrator (voting member); and other non-voting members as may be
150 required by statute or specified by Town Meeting vote. Should the project not be completed

151 when either the Selectman or the member of the Finance Committee have completed their tenure
152 on those bodied, then the respective body shall appoint a replacement.

153 Section 2. This act shall take effect immediately upon its passage.