

HOUSE No. 3256

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the charter of the town of Eastham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>3/2/2011</i>
<i>Daniel A. Wolf</i>		

HOUSE No. 3256

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 3256) of Sarah K. Peake and Daniel Wolf (by vote of the town) for legislation to make certain changes in the charter of the town of Eastham. [Local Approval Received.] [Municipalities and Regional Government].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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. Subsection B of section 2-8 of the charter of the town of Eastham, on file
2 in the office of the archivist of the commonwealth as provided by section 12 of chapter 43B of
3 the General Laws, is hereby amended by striking out the words “to new voters at time of
4 registration,” .

5 SECTION 2. Subsection E of section 3-4 of said charter is hereby amended by striking
6 out, in line 1, the word “All” and inserting in place thereof the following words:- Unless
7 otherwise specified,

8 SECTION 3. Subsection G of section 3-8 of said charter is hereby amended by striking
9 out, in each instance they appear, the words “school committee” and inserting in place thereof in
10 each instance, the following words:- Eastham Elementary School Committee .

11 SECTION 4. Said section 3-8 is hereby further amended by striking out subsection H
12 and inserting in place thereof the following subsection:-

13 H. At least one representative shall be elected to the Nauset Regional School Committee
14 for a term of three years. Any terms shall be arranged so that they will expire in different years.

15 SECTION 5. Said section 3-8 is hereby further amended by striking out subsection I and
16 inserting in place thereof the following subsection:-

17 I. There shall be a board of library trustees of 5 members, elected for 1- or 2-year
18 overlapping terms at an annual election.

19 SECTION 6. Paragraph (5) of subsection C of section 4-3 of said charter is hereby
20 amended by striking out the words "Prepare and present to the board of selectmen" and inserting
21 in place thereof the following words:- Prepare and present simultaneously to the board of
22 selectmen and the finance committee.

23 SECTION 7. Subsection C of section 4-5 of said charter is hereby amended by inserting
24 after the word "action" the following word:- shall.

25 SECTION 8. Said charter is hereby further amended by striking out section 5-2, and
26 inserting in place thereof the following section:-

27 Section 5-2. Organizations and Procedures.

28 A. Each multi-member body shall act in accordance with the particular charge adopted
29 for it by the board of selectmen, subject to any state law requirements.

30 B. In addition, all multi-member bodies shall:

- 31 1. Organize annually at the first meeting of the fiscal year.
- 32 2. Elect a chairperson, clerk, and any other necessary officers.
- 33 3. Adopt rules of procedure and voting.
- 34 4. Establish that a quorum, which is by statute a majority of committee members, must
35 be present at all meetings.
- 36 5. Maintain minutes and all other records of proceedings, copies of which shall be a
37 public record and shall be filed with the town clerk within 5 days of approval of the minutes.
- 38 6. Report to the board of selectmen annually.
- 39 7. Submit a report for inclusion in the annual report.
- 40 8. Conduct all meetings in accordance with the open meeting provisions of the General
41 Laws. C. Each appointed body shall consist of an odd number of members who shall be
42 appointed for 3-year overlapping terms unless otherwise specified in the charge to that body.
- 43 D. No member shall be appointed for more than 3 consecutive full terms. After reaching
44 maximum service, an individual may be reappointed after 1 year elapses.
- 45 E. No member may be appointed to more than 3 committees or multi-member bodies.
- 46 F. Any person duly appointed or elected to any office or multi-member body shall take
47 up the duties of the office immediately upon the date specified by statute or as soon as such
48 person shall have been sworn to the faithful performance of those duties by the town clerk.

49 G. The absence without appropriate explanation of any member of an appointed body
50 from 3 consecutive meetings may serve to vacate the office. The decision to recommend that the
51 office be vacated shall be made by majority vote of the multi-member body. After such majority
52 vote the chairperson of the body shall advise the appointing authority forthwith. Upon receipt of
53 such a recommendation, the appointing authority shall vote on whether to declare a vacancy. For
54 any vacancy created in this manner, the appointing authority shall fill the vacancy in accordance
55 with the General Laws and this charter.

56 H. A compensated town employee may serve on a multi-member body, with the
57 exception of the finance committee, provided such body shall have no administrative
58 responsibility over any such employee.

59 SECTION 9. Subsection F of section 6-1 of said charter is hereby amended by inserting,
60 after the word “Selectmen”, the following words:- and Finance Committee, simultaneously,

61

62 SECTION 10. Said charter of the town of Eastham is hereby further amended by
63 striking out section 6-2 and inserting in place thereof the following section:-

64 Section 6-2. Action on Proposed Budget.

65 A. Within 30 days following the submission of the draft budget to the board of selectmen
66 and the finance committee by the town administrator, the board of selectmen shall adopt its
67 proposed budget, with or without amendments, and submit same with its recommendations to the
68 finance committee.

69 B. On receipt of the budgets for the Eastham Elementary School Committee, Nauset
70 Regional School Committee and Vocational School Committee, each budget shall be submitted
71 simultaneously to the board of selectmen and the finance committee. The board of selectmen
72 shall, within 30 days of each submission, submit its recommendations of the school committee
73 budgets to the finance committee.

74 C. Meeting jointly, the board of selectmen and the finance committee shall conduct at
75 least 1 public hearing on the proposed town budget and the school budgets. The board of
76 selectmen and the finance committee may hold additional non-joint public hearings on the
77 budgets, if deemed necessary. The board of selectmen and the finance committee may jointly or
78 separately require the town administrator, any town department, office, board, commission and
79 committee to appear or furnish appropriate financial reports and budgetary information.

80 D. The finance committee shall vote and issue its printed recommendations and detailed
81 explanations of all financial articles in an annual finance committee report, which shall be made
82 available at least 14 days prior to the scheduled date of the annual town meeting.

83 E. The board of selectmen shall present the proposed budget to the annual town meeting.

84 SECTION 11. Section 9-2 of said charter is hereby amended by striking out subsection
85 D and inserting in place thereof the following subsection:-

86 D. A notice of the availability of the warrant shall be published in a local newspaper at
87 least 14 days prior to any such town meeting.

88 SECTION 12. Subsection E of section 9-2 of said charter is hereby amended by striking
89 out the words “on or before the day of their publication in a local newspaper” and inserting in
90 place thereof the following words:- at least 14 days prior to any such town meeting .

91 SECTION 13. Subsection A of section 9-4 of said charter is hereby amended by striking
92 out the words “preferably in public administration,”.

93 SECTION 14. Section 9-5 of said charter is hereby further amended by striking out
94 subsection A and inserting in place thereof the following subsection:-

95 A. Search Committee. A search committee consisting of 7 members shall be appointed
96 for 3-year overlapping terms. Three members shall be appointed by the board of selectmen; 2
97 members shall be appointed by the moderator; and 2 members shall be appointed by the finance
98 committee. The committee shall advise the board of selectmen and the moderator concerning the
99 names and qualifications of residents of the town available to serve on multi-member bodies.
100 The search committee may establish procedures for soliciting candidates for consideration and
101 may consult with town committee members or chairs to assist in determining preferred skills for
102 the individuals to be considered. The search committee shall periodically review all town
103 committee charges. Upon the appointment and qualification of the search committee, the office
104 of search coordinator shall be abolished.

105 SECTION 15. Subsection J of said section 9-5 is hereby amended by inserting, after the
106 words “seven members” the following words:- and two alternates .

107 SECTION 16. Said section 9-5 is hereby further amended by striking out subsection L
108 and inserting in place thereof the following subsection:-

109 L. Water Management Committee. A water management committee of 9 members shall
110 be appointed by the board of selectmen for 3-year overlapping terms. Upon the appointment and
111 qualification of the water management committee, the water resources advisory board shall be
112 abolished.

113 SECTION 17. Said section 9-5 is hereby further amended by striking out subsection N
114 and inserting in place thereof the following 2 subsections:-

115 N. Capital Projects Committee. Upon any successful votes at town meeting and town
116 election which bonds a municipal project of \$500,000.00 or more, there shall be activated a
117 capital projects committee to oversee the management of the project, including the expenditure
118 of funds. The capital projects committee shall consist of 3 voting members and other non-voting
119 members, as follows:

120 (1) A selectman, to be appointed by the board of selectmen (voting member);

121 (2) A member of the finance committee, to be appointed by the finance committee
122 (voting member);

123 (3) The town administrator (voting member); and other non-voting members as may be
124 required by statute or specified by town meeting vote. Should the project not be completed when
125 either the selectman or the member of the finance committee have completed their tenure on
126 those bodies, then the respective body shall appoint a replacement.

127 O. Other. The board of selectmen shall also have the power to appoint some or all
128 members to such other boards, committees, or commissions as may be in existence on the
129 effective date of this charter and for whom no other method of appointment is provided. The

130 board of selectmen shall also appoint the members of such other boards, committees, or
131 commissions as may be hereafter established by General Laws, charter, by-law, town meeting
132 vote, or vote of the board of selectmen.

133 SECTION 18. This act shall take effect upon its passage.