

HOUSE No. 3763

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3763) of Paul McMurtry (by vote of the town) relative to a revised charter for the town of Westwood. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

AN ACT PROVIDING FOR A CHARTER FOR THE TOWN OF WESTWOOD.

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 following shall be the Charter of the Town of Westwood:

2

3 Chapter C

4 CHARTER

5 PREAMBLE: We, the people of the Town of Westwood, Massachusetts, in order to
6 reaffirm the customary and traditional liberties of the people with respect to the conduct of our
7 local government and to take the fullest advantages inherent in the Home Rule Amendment of
8 the Constitution of the Commonwealth, do hereby adopt the following Home Rule Charter for
9 this town.

10 CHAPTER 1

11 POWERS OF THE TOWN

12 SECTION 1. Incorporation

13 1-1-1. The present Town of Westwood, Massachusetts, within its corporate limits as now
14 established, shall continue to be a body politic and corporate under the name, Town of
15 Westwood.

16 SECTION 2. Scope of Town Powers

17 1-2-1. The town shall possess and exercise all powers possible under the constitution and
18 laws of the Commonwealth of Massachusetts as fully and completely as though those powers
19 were expressly enumerated in this chapter.

20 SECTION 3. Form of Government

21 1-3-1. This charter provides for a selectmen — open town meeting — town
22 administrator form of town government.

23 SECTION 4. Construction of Charter

24 1-4-1. The power of the town under this charter shall be construed liberally in favor of
25 the town, and the specific mention of particular powers in the charter shall not be construed as
26 limiting in any measure the general powers of the town as stated in section 1-2-1.

27 SECTION 5. Intergovernmental Relations

28 1-5-1. The town may exercise, consistent with the provisions of law, any of its powers,
29 or perform any of its functions and may participate in the financing thereof, jointly or in
30 cooperation, by contract or otherwise, with any one or more civil divisions, subdivisions, or
31 agencies of the Commonwealth, other states, or of the United States government.

32 CHAPTER 2

33 ELECTIONS AND TOWN MEETING

34 SECTION 1. Legislative Power

35 2-1-1. The legislative powers of the town shall be exercised by a town meeting open to
36 all registered voters of the town.

37 SECTION 2. Town Elections

38 2-2-1. The annual town meeting shall be held on the last Tuesday in April of each year,
39 but the only business to be conducted on that day shall be the election of town officers and the
40 balloting on all matters which are to be determined by official ballot.

41 2-2-2. All General Laws regarding town elections shall apply, except as provided by this
42 charter, or by special act of the legislature.

43 SECTION 3. Elections to be Nonpartisan

44 2-3-1. All elections of town officers shall be nonpartisan, and election ballots for town
45 officers shall be printed without any party mark, emblem or vignette, or designation whatsoever.

46 SECTION 4. Eligibility of Town Voters

47 2-4-1. Any registered voter of the town shall be eligible for election to any elective
48 office or board of the town. Any person duly elected to any such office or board shall take up the
49 duties of the office the day after the adjournment sine die of the town meeting at which the
50 individual was elected, unless such office was vacant at the time of the election, in which case
51 the individual shall take up the duties of the office immediately; provided, however, the

52 individual shall first have been sworn to the faithful performance of the individual's duties by the
53 Town Clerk.

54 SECTION 5. Initiative

55 2-5-1. Petition. Any 10 voters of the town may secure, by written petition to the board
56 of selectmen, the inclusion of an article for the warrant of any duly scheduled annual town
57 meeting, and at least 100 registered voters may secure the same for any duly scheduled special
58 town meeting.

59 2-5-1.1. Pre-Petition.

60 (a) Any 5 voters of the town may submit to the board of selectmen or the finance and
61 warrant commission by a date set by by-law prior to the annual town meeting a proposed warrant
62 article, and shall designate a lead petitioner.

63 (b) The board of selectmen or the finance and warrant commission shall include the
64 proposed article on an agenda at a regular or special meeting for discussion, and provide the lead
65 petitioner with nonbinding guidance, if any, concerning the same by a date set by by-law which
66 shall be no later than 7 days prior to the close of the warrant.

67 (c) Failure to submit an article under this section shall not prevent the filing of a
68 petition under section 2-5-1 and any guidance to the petitioners under this section shall not be
69 binding on the finance and warrant commission or board of selectmen in the event the same
70 petition is submitted under section 2-5-1.

71 SECTION 6. Business Sessions of the Town Meeting

72 2-6-1. Business sessions of the annual town meeting shall be held on the first Monday in
73 May, and may be continued on such additional days as may be decided by the town meeting.
74 There shall also be a second business session of the annual town meeting held in the last 3
75 months of the calendar year on a date to be determined by the board of selectmen, which meeting
76 shall be deemed an “annual town meeting” for purposes of the General Laws; provided,
77 however, that the board of selectmen may at its discretion, cancel said fall annual town meeting
78 no later than September 15 in any year, so long as no more than 10 petitioned articles have been
79 submitted for inclusion on the warrant at said fall annual town meeting, and notice of the board’s
80 action with regard to such meeting shall be posted on the Town’s website and principal bulletin
81 board. The board’s decision as to whether to hold a fall town meeting shall not prohibit the
82 board from calling for a special town meeting from time to time at its discretion.

83 2-6-2. Rules of procedure of the town meeting shall be determined through by-law.

84 2-6-3. A journal of the proceedings of the town meeting shall be kept, and it shall be a
85 public record.

86 SECTION 7. Finance and Warrant Commission Recommendation

87 2-7-1. The finance and warrant commission shall consider all articles in warrants for all
88 town meetings and shall report in writing before each town meeting in the manner provided by
89 by-law its advice, estimates, and recommendations for consideration by the town meeting, and it
90 shall hold a public meeting with respect to the warrant at least 14 days prior to any town
91 meeting. Failure to timely post, publish or mail such advice, estimates, and recommendations in
92 the manner provided by by-law shall not affect the validity of the town meeting.

93 SECTION 8. Quorum

94 2-8-1. The town meeting shall establish by by-law a quorum requirement for the conduct
95 of its business, but a smaller number than the established quorum may adjourn forthwith any
96 meeting to a stated date, time, and place.

97 SECTION 9. Presiding Officer

98 2-9-1. A moderator, who shall be a registered voter of the town, shall be elected for a 1
99 year term. The moderator shall preside at all sessions of the town meeting.

100 2-9-2. If the office of moderator becomes vacant, or if the moderator is absent, the board
101 of selectmen shall appoint an acting moderator for a particular meeting or to serve until the next
102 regular election of town officers.

103 2-9-3. No elected town officer shall be eligible to be appointed acting moderator.

104 CHAPTER 3

105 THE BOARD OF SELECTMEN

106 SECTION 1. Composition and Terms

107 3-1-1. A board of selectmen of 3 members shall be elected for 3 year overlapping terms.
108 At each annual town election, 1 selectman shall be elected to fill the office the term of which is
109 expiring. Members may receive such compensation as may be appropriated by the town meeting.

110 SECTION 2. Powers and Duties

111 3-2-1. The board shall exercise those powers and duties prescribed by the General Laws,
112 this charter, and town by-laws.

113 3-2-2. The board shall have the power to establish, in the performance of its duties, rules
114 and regulations not otherwise governed by the General Laws, this charter, and town by-laws.

115 SECTION 3. Power of Investigation

116 3-3-1. The board may conduct investigations into the conduct and operation of any town
117 department as authorized by the General Laws.

118 SECTION 4. Power to Appoint Town Officers

119 3-4-1. The board shall have the power to fill by appointment the offices of: police
120 chief, fire chief, department of public works director and town counsel.

121 SECTION 5. Power to Appoint Town Boards and Commissions

122 3-5-1. The board shall have the power to appoint: a board of health, a council on aging, a
123 conservation commission, a recreation commission, election officers, registrars of voters and
124 such other boards, commissions and committees as are authorized by the General Laws, this
125 charter, town by-laws or the town meeting, for whom appointment is not otherwise provided.

126 SECTION 6. Power to Rescind Appointments

127 3-6-1. The board shall have the power to rescind any appointment to any board,
128 commission, committee or individual office made under this chapter, provided that the appointee
129 shall first have been served with written notice of the board's intention, and reasons, for
130 rescinding said appointment.

131 CHAPTER 4

132 ELECTED TOWN BOARDS AND OFFICERS

133 SECTION 1. School Committee

134 4-1-1. A school committee of 5 members shall be elected for 3 year overlapping terms.
135 Members shall serve without compensation.

136 4-1-2. The committee shall have general charge of all public schools in the town, under
137 the General Laws, this charter and town by-laws.

138 SECTION 2. Board of Assessors

139 4-2-1. A board of assessors of 3 members shall be elected for 3 year overlapping terms.
140 Members may receive such compensation as may be appropriated by the town meeting.

141 SECTION 3. Sewer Commission

142 4-3-1. A board of sewer commissioners of 3 members shall be elected for 3 year
143 overlapping terms. Members may receive such compensation as may be appropriated by the
144 town meeting.

145 4-3-2. The board of sewer commissioners shall be responsible for the development of
146 general goals and long term plans for the town's sewer system and shall also establish the fees,
147 user charges or rates necessary to fully fund the sewer system operations.

148 SECTION 4. Planning Board

149 4-4-1. A planning board of 5 members shall be elected for 3 year overlapping terms.
150 Members shall serve without compensation.

151 4-4-2. The board shall meet regularly and shall maintain a public record of its
152 proceedings, resolutions and determinations. It shall be responsible for the general, physical,

153 economic and environmental planning of the town under the general laws, this charter and town
154 by-laws.

155 SECTION 5. Library Trustees

156 4-5-1. A board of 6 library trustees shall be elected for 3 year overlapping terms.
157 Members shall serve without compensation.

158 4-5-2. The board shall be responsible for the administration and operation of the town
159 library, including staffing, acquisitions, maintenance and the promulgation of library rules
160 and regulations.

161 SECTION 6. Associate Members

162 4-6-1. Notwithstanding any general or special law to the contrary, there shall be not
163 more than 2 associate members of each board elected under this chapter who may participate in
164 all board matters. The chairman of the elected board may designate the associate member(s) to
165 sit on the board in the case of absence, inability to act, or conflict of interest, on the part of any
166 member of the board or in the event of a vacancy on the board. The associate members shall be
167 appointed for 3-year rotating terms by majority vote of a joint meeting of the board of selectmen
168 and the elected board being augmented with the associate members. Any vacancies arising in
169 said position shall be filled in the same manner as the original appointment for the remainder of
170 the unexpired term.

171 SECTION 7. Elected Officers

172 4-7-1. The following town officers shall be elected by ballot of the whole town: a
173 moderator for a term of 1 year, and a town clerk, a town treasurer, and a tax collector for terms

174 of 3 years. Each officer may receive such compensation as may be appropriated by the town
175 meeting.

176 SECTION 8. Recall

177 4-8-1. A holder of an elected office in the Town of Westwood may be recalled from that
178 office by the registered voters of the town under this section, except that the maximum number
179 of members of a board that may be recalled shall be a majority or as otherwise limited by section
180 4-8-7.

181 4-8-2. Any 200 registered voters of the Town of Westwood may initiate a recall petition
182 by filing with the town clerk an affidavit containing the name of the officer sought to be recalled
183 and a statement of the grounds for recall. Not more than 33 1/3 per cent of the signatures
184 appearing on the affidavit may be from any 1 precinct of the town. The town clerk shall
185 thereupon prepare a sufficient number of copies of petition blanks demanding such recall, a
186 supply of which shall be kept on hand. Such blanks shall be issued by the town clerk, with the
187 clerk's signature and official seal attached. Further, such blanks shall be dated, shall be
188 addressed to the selectmen of the town and shall contain the names of the first 10 signers to the
189 affidavit, as designated by the person identified as the lead petitioner at the time of filing of the
190 affidavit, the name and office of the person whose recall is sought and the grounds of recall as
191 stated in the affidavit, and shall demand the election of a successor to said office. A copy of the
192 affidavit shall be entered in a record book to be kept in the office of the town clerk. The recall
193 petition shall be returned and filed with the town clerk within 20 days after the recall petition
194 blanks are made available to the lead petitioner and shall be signed by at least 15 per cent of the
195 registered voters of the town as of the date of the most recent regular town election, who shall

196 add to their signatures their place of residence, including their street, number and precinct;
197 provided, however, that not more than 33 1/3 per cent of the total number shall be from any 1
198 precinct.

199 The town clerk shall, within 24 hours of receipt of the petition, submit the signed petition
200 to the registrars of voters in the town and said registrars shall, within 5 working days, certify on
201 the petition the number of signatures which are names of registered voters of the town.

202 4-8-3. If the petition shall be found and certified to be sufficient the town clerk shall
203 submit the petition with a certificate to the selectmen within 5 working days, and the selectmen
204 shall, within 5 working days, give written notice of the receipt of the certificate to the officer
205 sought to be recalled and shall, if the officer does not resign within 5 days thereafter, forthwith
206 order an election to be held on a date fixed by them not less than 65 nor more than 90 days after
207 the date the board of selectmen calls for said election; provided, however, that if any other town
208 election is to occur within 100 days thereafter, the selectmen shall postpone the holding of the
209 recall election to the date of such other election. If a vacancy occurs in said office after a recall
210 election has been ordered, the election shall proceed as provided in this section.

211 4-8-4. An officer sought to be removed may be a candidate at such election and, unless
212 such officer requests otherwise in writing, the town clerk shall place the officer's name on the
213 ballot without nomination. The nomination of other candidates, the publication of the warrant
214 for and the conduct of the removal election, shall be in accordance with the law relative to
215 elections unless otherwise provided in this chapter.

216 4-8-5. An incumbent shall continue to perform the duties of the office until a recall
217 election is held. If not recalled, such officer shall continue in office for the remainder of the

218 unexpired term subject to recall as before, except as provided in Section 4-8-7. If such officer is
219 recalled in the recall election, the officer shall be deemed removed upon certification of the
220 election results. If a successor fails to qualify within 15 days after receiving notification of
221 election, the office shall thereupon be deemed vacant.

222 4-8-6. Ballots used in a recall election shall submit the following propositions in the
223 order indicated:

224

225 For the recall of (name and title of officer).

226 Against the recall of (name and title of officer).

227

228 Immediate at the right of each proposition there shall be a location in which a voter may
229 vote for either of said propositions. Under the propositions shall appear the word "Candidates",
230 the directions to the voters required by section 42 of chapter 54 of the General Laws and, beneath
231 this, the names of candidates nominated in accordance with the provisions of law relating to
232 elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the
233 candidate receiving the highest number of votes shall be declared elected. If more than one-third
234 of the votes on the question are in the negative, the ballots for candidates need not be counted.

235 4-8-7. No recall petition shall be filed against an officer within 90 days after the officer
236 takes office, nor shall any officer be subject to recall if the officer's term of office expires within
237 90 days of the town clerk's certificate issued under Section 4-8-3. In the case of an officer
238 subjected to a recall election and not recalled thereby, no recall petition shall be filed against

239 such officer until at least 90 days after the election at which the officer's recall was submitted to
240 the voters.

241 4-8-8. No person who has been recalled from an office or who has resigned from office
242 after the filing of a recall petition shall be appointed to town office within 1 year after such recall
243 or such resignation.

244

245 CHAPTER 5

246 APPOINTED TOWN BOARDS

247 SECTION 1. Board of Health

248 5-1-1. A board of health of 3 members shall be appointed by the board of selectmen for 3
249 year overlapping terms. Members shall serve without compensation. One member of the board,
250 who shall not necessarily be the chairman, shall be a doctor of medicine, certified to practice
251 medicine in Massachusetts or a registered nurse with current and valid Massachusetts
252 registration.

253 5-1-2. The board shall exercise such public health functions as may be prescribed by the
254 General Laws, this charter and town by-laws.

255 SECTION 2. Council on Aging

256 5-2-1. A council on aging of 9 members shall be appointed by the board of selectmen for
257 3 year overlapping terms. No member will be eligible for reappointment to a third term until and

258 unless 1 year has elapsed from and after the expiration of that member's second full term.

259 Members shall serve without compensation.

260 5-2-2. The council shall coordinate and carry out programs designed to meet the
261 problems of aging persons, in accordance with the General Laws, this charter and town by-laws.

262 SECTION 3. Conservation Commission

263 5-3-1. A conservation commission of 7 members shall be appointed by the board of
264 selectmen for 3 year overlapping terms in accordance with the General Laws. Members shall
265 serve without compensation.

266

267 5-3-2. The conservation commission shall exercise such conservation-related functions
268 as may be prescribed by the General Laws, this charter and town by-laws.

269 SECTION 4. Recreation Commission

270 5-4-1. A recreation commission of 7 members shall be appointed by the board of
271 selectmen for 3 year overlapping terms. Members shall serve without compensation.

272 5-4-2. The commission shall be responsible for the development and supervision of a
273 town recreation program.

274 SECTION 5. Zoning Board of Appeals

275 5-5-1. A zoning board of appeals of 3 regular members and 6 associate members shall
276 be appointed by the board of selectmen for 3 year overlapping terms. Members shall serve
277 without compensation.

278 5-5-2. The zoning board of appeals shall exercise such zoning-related functions as may
279 be prescribed by the General Laws, this charter and town by-laws.

280 SECTION 6. Youth and Family Services

281 5-6-1. A youth and family services commission consisting of no fewer than 3 nor more
282 than 17 members shall be appointed by the board of selectmen for 3 year overlapping terms. A
283 quorum of the commission shall be a majority of those members then in office; provided
284 however, that a lesser number may adjourn from time to time.

285 5-6-2. The youth and family services commission shall carry out programs designed or
286 established to support the development of youth of the town as may be prescribed by the General
287 Laws, this charter and town by-laws.

288 SECTION 7. Associate Members

289 5-7-1. There shall be not more than 2 associate members of each board appointed under
290 this chapter, other than the zoning board of appeals, and chapter 7, who shall be eligible to
291 participate in all board matters. The chairman of the appointed board may designate the
292 associate members to sit on the board in the case of absence, inability to act, or conflict of
293 interest, on the part of any member of the appointed board or in the event of a vacancy on the
294 appointed board. The associate members shall be appointed for 3-year rotating terms by the
295 board or officer responsible for appointing the board itself, and any vacancies arising in said
296 position shall be filled in the same manner as the original appointment for the remainder of the
297 unexpired term.

298 CHAPTER 6

299 TOWN ADMINISTRATOR

300 SECTION 1. Town Administrator

301 6-1-1. The board of selectmen shall appoint a town administrator for an indefinite term
302 to serve at its pleasure, and shall fix the compensation for such person, annually, within the
303 amount appropriated by the town. The board of selectmen may establish an employment
304 contract with the town administrator for salary, fringe benefits and other conditions of
305 employment, including, but not limited to, severance pay, relocation expenses, reimbursement
306 for expenses incurred in the performance of the duties or office, liability insurance, conditions of
307 discipline, termination, dismissal, and reappointment, performance standards and leave.

308 6-1-2. The town administrator shall not have served in an elective office in the town
309 government for at least 12 months prior to appointment.

310 6-1-3. The town administrator shall devote full time to the office and shall not hold any
311 other public office, elected or appointed, nor engage in any business or occupation during such
312 service, unless such action is approved in advance by the board of selectmen; provided, however,
313 that this section shall not prevent the town administrator from serving, at the direction of the
314 board of selectmen, on any committee as an ex officio member, or as the board of selectmen's
315 designee on other committees and boards. The board of selectmen shall provide for an annual
316 review of the job performance of the town administrator.

317 SECTION 2. Duties

318 6-2-1. The town administrator shall be the chief administrative officer of the town and
319 shall be directly responsible to the board of selectmen. The town administrator shall supervise,

320 direct and be responsible for the efficient administration of all functions under the
321 administrator's control as may be authorized by the charter, by by-law, by town meeting vote or
322 by the vote of the board of selectmen, including all department heads and employees appointed
323 by the town administrator or the board of selectmen, and their respective departments, and shall
324 coordinate activities of all town departments. The powers and duties of the town administrator
325 shall include, but not be limited to, the power or duty to:

326 (a) (i) appoint, discipline, suspend, or remove town officers, department heads or
327 principal deputies or agents of elected and appointed boards or officers, and other employees,
328 including employees in civil service positions, for whom no other method of selection is
329 provided by the charter or general or special laws, consistent with the town's personnel policies
330 and subject to the terms of any applicable collective bargaining agreements; provided, however,
331 that the town administrator shall keep the chairman of the board of selectmen, or the chairman's
332 designee, informed as to status of all personnel decisions made or to be made hereunder, and
333 shall consult with the appropriate department head or principal deputy or agent prior to hiring an
334 employee for that department;

335 (ii) appointments or removals of town officers, department heads or principal deputies or
336 agents of elected and appointed boards or officers made by the town administrator under the
337 preceding paragraph shall become effective on the 15th day following the day notice of proposed
338 appointment or removal is filed with the board of selectmen unless said board shall, within that
339 period, reject such appointment or removal, or has sooner voted to affirm it; copies of notices of
340 proposed appointments as filed with the board of selectmen shall simultaneously be posted on
341 the town bulletin board.

342 (iii) the town administrator shall consult with the board of selectmen prior to appointing a
343 finance director in accordance with the provisions of section 8-1-2 of this charter; such
344 appointment shall be subject to all other provisions of section 6-2-1(a).

345 (b) supervise and direct all appointed department heads and principal deputies or agents
346 of part-time or volunteer elected and appointed boards or officers in a manner consistent with the
347 town's personnel policies;

348 (c) coordinate the activities of all town agencies serving under the office of the town
349 administrator and the office of the board of selectmen with those under the control of other
350 officers and multiple member bodies elected directly by the voters; for this purpose, the town
351 administrator shall have authority to require the persons so elected, or their representatives, to
352 meet with the town administrator, at reasonable times, for the purpose of effecting coordination
353 and cooperation among all agencies of the town; the town administrator shall have the right to
354 attend and speak at any public meeting of any multiple member body;

355 (d) administer and enforce, to the extent required, the General Laws, special acts of the
356 commonwealth applicable to the town or town by-laws, and all regulations established by the
357 board of selectmen;

358 (e) attend all regular and special meetings of the board of selectmen, unless excused, and
359 shall have a voice but not a vote in all discussions;

360 (f) attend all sessions of the town meeting and answer all questions addressed to the town
361 administrator which are related to the warrant articles and to matters under the general
362 supervision of the town administrator;

363 (g) keep the board of selectmen fully informed as to the needs of the town and
364 recommend to the selectmen for adoption such measures requiring action by them or by the town
365 as the town administrator deems necessary or expedient;

366 (h) ensure that the complete and full records of the financial and administrative activity of
367 the town are maintained and render reports to the board of selectmen as may be required;

368 (i) serve as the chief procurement officer under chapter 30B of the General Laws, and be
369 responsible for the procurement and award of all contracts for supplies, services materials, and
370 equipment other than those for the school department and the library; provided, however, that
371 any contract over \$100,000 shall require approval by the board of selectmen;

372 (j) develop and maintain a formal and complete inventory of all town-owned real and
373 personal property and equipment;

374 (k) administer personnel policies, practices, rules and regulations, compensation and
375 classification plan and related matters, in consultation with the personnel board, for all municipal
376 employees; and administer all collective bargaining agreements entered into by the town;

377 (l) subject to the approval of the board of selectmen, fix the compensation of all officers,
378 department heads, officers and employees appointed by the town administrator or the board of
379 selectmen within the limits established by appropriation and any applicable compensation plan
380 and collective bargaining agreement;

381 (m) be responsible for the negotiation all contracts with town employees, except
382 employees of the school department, regarding wages and other terms and conditions of
383 employment; collective bargaining agreements negotiated under the authority of this section

384 shall be subject to the approval of the board of selectmen and to chapter 150E of the General
385 Laws;

386 (n) prepare, in consultation with the finance director, and submit an annual operating
387 budget and capital improvement plan as provided in section 9-3-1 of this charter and be
388 responsible for its administration after its adoption; transfer funds between individual line-items
389 within a department account at any time during the fiscal year, with the approval of the board of
390 selectmen, provided, that notice of such proposed transfer shall be provided to the board of
391 selectmen and the finance and warrant commission, and shall be posted on the town bulletin
392 board, no less than 14 days prior to said transfer;

393 (o) keep the board of selectmen and the finance and warrant commission fully informed
394 as to the financial condition of the town and make recommendations to the board of selectmen;

395 (p) prepare and submit to the board of selectmen at the end of the fiscal year a
396 comprehensive report on the finances and the activities and operations of all departments, boards
397 and committees of the town;

398 (q) investigate or inquire into the affairs of any town department or office;

399 (r) delegate, authorize or direct any subordinate or employee in the town to exercise any
400 power, duty, or responsibility which the office of town administrator may exercise; provided,
401 however, that all acts performed under such delegation shall be deemed to be the acts of the town
402 administrator;

403 (s) seek out and work to obtain resources from federal, state and other governmental
404 jurisdictions that further town purposes;

405 (t) approve all payroll and expense warrants for payment of town funds; in the event of
406 the absence of the town administrator, the board of selectmen shall approve such warrants; if a
407 vacancy exists in the office of town administrator, the board of selectmen shall approve all such
408 warrants or may delegate such responsibility to an acting or temporary town administrator
409 appointed pursuant to sections 6-5-1 or 6-5-2 of this charter;

410 (u) represent the board of selectmen, at its direction, at any county, regional, state, and
411 federal meetings;

412 (v) supervise the issuance by the board of selectmen of licenses and permits, and
413 schedule all related hearings;

414 (w) serve as emergency management director, convening meetings and monitoring the
415 centralized management issues during emergencies;

416 (x) coordinate litigation; authorize and monitor use of town counsel, special counsel and
417 consultants; and

418 (y) perform such other duties as necessary or as may be assigned by this charter, town by-
419 law, town meeting vote or vote of the board of selectmen.

420 SECTION 3. Qualifications

421 6-3-1. The town administrator shall be appointed solely on the basis of educational,
422 executive, and administrative qualifications and experience. The educational qualifications shall
423 consist of a master's degree granted by an accredited degree granting college or university, in
424 public or business administration or related field, and professional experience shall include at
425 least five years of full-time, compensated service in finance, government law, personnel

426 administration, collective bargaining and/or organization development or extensive experience in
427 working with the public and responding to customer service requests. The board of selectmen
428 may waive the education or experience requirements listed herein if the board determines that an
429 applicant's qualifications provide an equivalent combination of education and experience and
430 that such waiver is in the best interest of the town.

431 SECTION 4. Acting and Temporary Town Administrator

432 6-4-1. Acting Town Administrator. The board of selectmen may designate a qualified
433 person to exercise the rights and perform the duties of the town administrator during a temporary
434 vacancy caused by the suspension, removal or resignation of the town administrator. Members
435 of the board of selectmen shall be ineligible to serve in this capacity.

436 6-4-2. Temporary Town Administrator. With the approval of the board of selectmen, the
437 town administrator may designate a qualified town administrative officer or employee to exercise
438 the powers and perform the duties of the town administrator during an absence of the town
439 administrator. Such delegation shall be made by letter filed with the town clerk and the board of
440 selectmen.

441 6-4-3. Powers and Duties. The powers and duties of the acting or temporary town
442 administrator, under sections 6-4-1 and 6-4-2 shall be limited to matters not admitting of delay
443 and shall include authority to make temporary, emergency appointments or designations to town
444 office or employment but not to make permanent appointments or designations, unless otherwise
445 authorized by the board of selectmen.

446 CHAPTER 7

447 BOARDS AND COMMISSIONS APPOINTED BY MODERATOR

448 SECTION 1. Moderator's Power of Appointment

449 7-1-1. The moderator shall have the power to appoint members of those boards and
450 commissions authorized under this chapter. Appointments made by the moderator shall in each
451 instance be for a fixed term, and such appointments shall not be subject to review or
452 confirmation by any other person or group.

453 SECTION 2. Power to Rescind Appointments

454 7-2-1. The moderator may rescind any appointment to any board or commission made
455 under the authority of this chapter; provided that the appointee shall first have been served with a
456 written notice of the moderator's intention, and the moderator's reasons, for rescinding the
457 appointment.

458 SECTION 3. Finance and Warrant Commission

459 7-3-1. A finance and warrant commission of 15 members shall be appointed for 3 year
460 overlapping terms. Members shall serve without compensation, and no member may hold any
461 other elective or appointive town position during the member's term of office.

462 7-3-2. In making appointments to the commission, the moderator shall take into
463 consideration the demographic composition of the town.

464 SECTION 4. Personnel Board

465 7-4-1. A personnel board of 5 persons shall be appointed for 3 year overlapping terms.
466 Members shall serve without compensation.

467 7-4-2. It shall be the responsibility of the board to administer, and to propose periodic
468 revisions of the town classification and compensation plan, in accordance with the provisions of
469 the General Laws.

470 SECTION 5. Permanent Building Commission

471 7-5-1. A permanent building commission of not more than 7 members shall be appointed
472 for 3 year overlapping terms. In making appointments to the permanent building commission, the
473 moderator shall endeavor to include town residents with architecture, engineering or construction
474 experience, or knowledge of state public bidding laws. Members shall serve without
475 compensation.

476 7-5-2. Temporary members. For each municipal project, a temporary member who is a
477 member or representative of the appointed or elected board or committee sponsoring or
478 requesting the project, or whose facility would benefit from the project, which project has an
479 estimated cost of more than \$100,000, shall be appointed and may participate for the duration of
480 the project as a voting member of the commission.

481 7-5-3. Ex officio members. For each project, the moderator may appoint town
482 employees or other town residents, with particular expertise or knowledge, to advise the
483 commission related to the particular project. Any such request shall be made to the town
484 moderator, who shall consult with the town administrator with regard to appointment of town
485 employees other than school department employees, and to the superintendent of schools for
486 school department employees. Ex officio members shall have a voice, but no vote, in the
487 proceedings of the commission and shall not count towards the quorum needed to conduct
488 business.

489 7-5-4. The commission shall have charge and direction of the construction and
490 reconstruction of all buildings owned, leased or occupied by the town, and it shall have the
491 power to make recommendations concerning the design, plans, specifications and location of
492 other buildings financed, in whole or in part, by other public funds. From time to time the
493 commission shall consult with the ultimate user of such buildings concerning said design, plans,
494 specifications and locations of such buildings.

495 CHAPTER 8

496 DEPARTMENTS

497 SECTION 1. Finance Department

498 8-1-1. There shall be a department of municipal finance which shall be responsible for
499 the coordination of all financial services and activities of the town, the maintenance of all
500 accounting records and other financial statements, payment of all obligations, receipt of all funds
501 due, monitoring of and reporting on all fiscal and financial activities of the town, supervision of
502 all purchases of goods, materials and supplies, and maintenance of inventory controls. The
503 department shall include the offices and functions of the town accountant, town treasurer, tax
504 collector and board of assessors; provided, however that although the offices of the town
505 treasurer, tax collector and board of assessors shall be part of the department of municipal
506 finance, such officers shall continue to exercise their respective duties and responsibilities under
507 the General Laws, except as otherwise provided in this charter. The department shall have such
508 additional powers, duties and responsibilities with respect to municipal finance-related functions
509 and activities as the town may from time to time provide by by-law.

510 8-1-2. Finance Director. The department of municipal finance shall be under the direct
511 control and supervision of a director of municipal finance who shall be appointed by the town
512 administrator, after consultation with the board of selectmen, and whose salary shall be fixed
513 annually within the amount appropriated by the town. The appointment, and any discipline,
514 suspension or removal of said finance director shall be undertaken in accordance with the
515 provisions of section 6-2-1(a)(i) through (iii).

516 8-1-3. Finance Director, Qualifications. The director of municipal finance shall be a
517 person especially fitted by education, experience and training to perform the duties of the office.
518 The educational qualifications shall consist of a master's degree in finance, accounting or public
519 or business administration, granted by an accredited degree-granting college or university, and
520 professional qualifications shall include at least 3 years of prior full-time compensated service in
521 accounting or business administration, or 5 years or more of such professional experience and a
522 bachelor's degree in an appropriate discipline. At the request of the town administrator, the
523 board of selectmen may waive the education or experience requirements listed herein if the board
524 determines that an applicant's qualifications provide an equivalent combination of education and
525 experience and that such waiver is in the best interests of the town.

526 The salary, fringe benefits and other conditions of employment of the director of
527 municipal finance, including but not limited to, severance pay, relocation expenses,
528 reimbursement for expenses incurred in the performance of the duties of office, liability
529 insurance, conditions of discipline, termination, dismissal and reappointment, performance
530 standards and leave may be established by contract.

531 8-1-4. Finance Director, Duties and Responsibilities. The director shall be responsible
532 for the supervision and coordination of all financial personnel, tasks and activities of the
533 department in accordance with the charter, General Laws, town by-laws and any applicable rules
534 and regulations. The director of municipal finance may serve as the town accountant and shall
535 be responsible for coordinating the fiscal management procedures of the offices of the town
536 treasurer, tax collector and board of assessors and shall be the administrator of budgeting,
537 including financial reporting, accountability and control, as well as an advisor to the board of
538 selectmen, town administrator, finance and warrant commission, and all other town departments,
539 concerning financial and programmatic implications of current and future financial policies. The
540 director of municipal finance shall provide such assistance to the town administrator as the town
541 administrator shall request with regard to the preparation of the town budget and capital plan,
542 and have such additional duties and responsibilities with regard thereto as set forth in section 6-
543 2-1(n) and chapter 9 of the charter.

544 SECTION 2. Other Departments

545 8-2-1. Department of Public Works.

546 There shall be a department of public works, as established by Chapter 140 of the Acts of
547 1992, with the powers, duties and responsibilities set forth in that chapter, as said chapter may be
548 amended from time to time.

549 8-2-2. Fire Department.

550 There shall be a fire department, as established by vote of the September 9, 1945 Town
551 Meeting accepting the provisions of G.L. c.48, §§42, 43 and 44, with the powers, duties and
552 responsibilities as set forth in such statutes.

553 8-2-3. Police Department.

554 There shall be a police department, as established by vote of the March 12, 1951 Town
555 Meeting accepting the provisions of chapter 595 of the Acts of 1948, now codified as G.L. c.41,
556 §97A, with the powers, duties and responsibilities as set forth in that section.

557 CHAPTER 9

558 FINANCIAL PROCEDURES

559 SECTION 1. Fiscal Year

560 9-1-1. The fiscal year of the town shall commence on July 1 and end on June 30, unless
561 another uniform fiscal year for all towns shall be specified by state law.

562 SECTION 2. Audit Committee

563 9-2-1. There shall be an audit committee consisting of 3 members appointed by the board
564 of selectmen for overlapping 3 year terms. The audit committee shall: review annual financial
565 statements of the town financial offices; review the independent auditor's management
566 recommendations; and provide advice and counsel to the board of selectmen, town administrator
567 and other financial staff.

568 SECTION 3. Budget - Preparation and Schedule

569 9-3-1. The town administrator shall prepare an annual operating budget for the town as
570 described in Section 9-4-3. For such purposes, the town administrator shall establish a budget
571 schedule for the development and submission of all departmental budgets to the town
572 administrator and finance director, and for the compilation of a proposed consolidated operating

573 budget for the town, or such schedule may be established by by-law. The town administrator
574 shall also prepare, in consultation with the finance director, a 5-year capital plan.

575 SECTION 4. Budgetary Procedures

576 9-4-1. Not less than 3 months before the business session of the spring annual town
577 meeting, the town administrator shall submit to the board of selectmen for its review and
578 approval a proposed operating budget for the town with a summary budget message and
579 supporting documents, and, in conjunction therewith, a 5-year capital plan. The board of
580 selectmen may make such changes to the proposed operating budget and budget message as it
581 deems appropriate. Following approval by the board of selectmen, the proposed annual
582 operating budget, with summary budget message and supporting documents, and 5-year capital
583 plan, shall forthwith be forwarded to the finance and warrant commission.

584 9-4-2. The summary budget message shall explain the budget both in fiscal terms and in
585 terms of work programs. It shall outline the proposed financial policies of the town for the
586 ensuing year and shall indicate any major changes from the current year in financial policies,
587 expenditures and revenues, together with the reasons for such changes.

588 9-4-3. The operating budget shall provide a complete financial plan for all town funds
589 and activities and shall be in such form as the finance and warrant commission may require, but
590 it shall indicate proposed expenditures for both current operations and capital projects during the
591 ensuing year, detailed by purpose, offices, departments, commissions and committees.

592 9-4-4. The five-year capital plan shall be designed to address unmet long-range needs
593 and to implement the capital goals and objectives of the town, and shall include all town
594 activities and departments. The capital improvements plan shall include: a clear summary of its

595 contents; a list of all capital improvements proposed to be undertaken during the next 5 years,
596 together with supporting data; cost estimates, methods of financing and recommended time
597 schedules; and the estimated annual cost of operating and maintaining the facilities or equipment
598 to be constructed or acquired. The information required by this section may be revised and
599 extended each year by the town administrator and shall apply each year to capital improvements
600 pending or in the process of construction or acquisition.

601 9-4-5. The finance and warrant commission shall conduct 1 or more public meetings on
602 the proposed operating budget at least 14 days prior to its submission at the annual town
603 meeting.

604 9-4-6. The board of selectmen shall be responsible for presenting the proposed operating
605 budget to the town meeting.

606 9-4-7. Town meeting may, by by-law, establish additional procedures applicable to
607 consideration and adoption of the budget as are not inconsistent with this charter.

608 CHAPTER 10

609 TOWN BY-LAWS

610 SECTION 1. How Proposed

611 10-1-1. Town by-laws may be proposed in warrant article form in accordance with the
612 provisions of the General Laws and section 2-5-1 of this charter.

613 SECTION 2. How Adopted and Revised

614 10-2-1. Adoption of a new by-law or by-law revision shall be by a two-thirds vote of
615 those voting at an annual or special town meeting.

616 SECTION 3. Revision and Publication

617 10-3-1. The board of selectmen shall ensure that the by-laws are reviewed and prepared
618 for any necessary revision at least every 5 years.

619 10-3-2. The town clerk shall codify and republish the by-laws every 5 years. Copies shall
620 be made available to all registered voters who request them.

621 SECTION 4. Continuation of By-Laws

622 10-4-1. All special acts, by-laws, town meeting resolutions, rules and regulations of the
623 town in force at the time this charter takes effect, not inconsistent with the provisions of this
624 charter, shall continue in force.

625 CHAPTER 11

626 SEVERABILITY

627 SECTION 1.

628 11-1-1. If any section or partial section of this charter shall be held invalid by a court of
629 competent jurisdiction, such holding shall not affect the validity of the remainder of this charter,
630 nor the context in which such section or partial section so held invalid may appear.

631 CHAPTER 12

632 CHARTER REVISION

633 SECTION 1. Proposal of Amendments

634 12-1-1. Amendments to this charter relating in any way to the composition, mode of
635 election or appointment, or terms of office of the legislative body, board of selectmen, or the
636 town administrator may be proposed only by a charter commission elected under the General
637 Laws, or proposed as otherwise authorized by the Massachusetts constitution.

638 12-1-2. Amendments to the charter relating to other matters may be proposed by a two-
639 thirds vote at a duly called town meeting in accordance with the General Laws, or proposed as
640 otherwise authorized by the Massachusetts constitution.

641 SECTION 2. Adoption of Amendments

642 12-2-1 Proposed amendments under this charter shall be acted upon by ballot of the
643 whole town at a regular or special town meeting for the election of town officers in accordance
644 with the General Laws, or approved as otherwise authorized by the Massachusetts constitution.

645 SECTION 3. Periodic Review

646 12-3-1. The board of selectmen shall appoint a committee of no fewer than 5 nor more
647 than 9 members to review the charter and by-laws not less than once every 10 years from the
648 date of the last review undertaken in accordance with this section and said committee may make
649 recommendations to a subsequent town meeting to amend said charter and by-laws.

650 CHAPTER 13

651 TRANSITIONAL PROVISIONS

652 SECTION 1. Effective Date

653 13-1-1. This charter shall take effect immediately upon acceptance of a special act
654 enacted by the general court establishing this charter as the charter of the town of Westwood.

655 SECTION 2. Continuation of Government

656 13-2-1. Each appointed or elected town official holding office on the effective date of
657 this charter shall continue to serve until the expiration of that official's term. All appointed
658 officials serving on the effective date of this charter shall be eligible for reappointment.

659 13-2-2. No officer holding tenure of office by act of the legislature, or vote of the town,
660 or both, shall have the same set aside as the result of the adoption of this charter.

661 13-2-3. Upon the effective date of this charter, the position of executive secretary shall be
662 abolished. The person serving the town in the capacity of executive secretary/town administrator
663 as of the effective date of this charter shall be deemed to be the first appointee to the newly
664 created position of town administrator; provided, however, that nothing in this charter shall
665 restrict the board of selectmen from reappointing, terminating or taking other employment action
666 with regard to said appointee in accordance with the provisions of this charter.

667 13-2-4. Upon the effective date of this charter, the position of assistant town
668 administrator/finance director shall be abolished. The person serving the town in the capacity of
669 assistant town administrator/finance director as of the effective date of this charter shall be
670 deemed to be the first appointee to the newly created position of finance director. Provided,
671 however, that nothing in this charter shall restrict the town administrator from reappointing,
672 terminating or taking other employment action with regard to said appointee in accordance with
673 the provisions of this charter.

674 13-2-5. No contracts or liabilities in force on the effective date of this charter shall be
675 affected by the abolition or creation of appointed offices, the consolidation of financial functions
676 of the town as provided for in this charter, or the newly created appointed offices and municipal
677 finance department and all such newly created offices and departments shall in all respects be the
678 lawful successor of offices and departments so abolished or consolidated.

679 13-2-6. All records, property and equipment whatsoever of any office, department, or
680 part thereof, the powers and duties of which are assigned in whole or in part to another office or
681 department shall be assigned to such office or department.

682

683 SECTION 2. This act shall be submitted for acceptance to the voters of the town of
684 Westwood at an annual or special town election in the form of the following question which shall
685 be placed on the official ballot: "Shall an act passed by the General Court in the year 2011,
686 entitled 'An Act Providing for a Charter for the Town of Westwood' be accepted?"

687 The town counsel shall prepare a fair and concise summary of the charter set forth in
688 section 1 of this act to include the most significant proposed changes from the charter currently
689 applicable to the town, subject to approval by the board of selectmen, which summary shall
690 appear below the question on the ballot.

691 If a majority of the votes cast in answer to the question is in the affirmative, the town
692 shall be taken to have accepted the charter of the town of Westwood

693

694

SECTION 3. This act shall take effect upon its passage.