

HOUSE No. 4473

The committee on Municipalities and Regional Government, to whom was recommitted the Bill relative to the charter of the town of Chatham (House, No. 4141), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4473). October 11, 2012.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to the charter of the town of Chatham.

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. Section 1-4 of the Charter of the Town of Chatham is hereby amended by
2 striking in the fourth line the words “as fully and as though” and replacing it with “as fully as
3 though”

4 SECTION 2. Section 1-6 of the Charter of the Town of Chatham is hereby amended by
5 renumbering it Section 1-7 and adding the following:

6 Section 1-6, Consistency with Town Bylaws

7 Where provisions of this charter conflict with provisions of town bylaws, rules,
8 regulations, orders, general laws, special acts and acceptances of general laws, the charter
9 provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special acts
10 not superseded by this charter shall remain in force.

11 SECTION 3. Section 1 of the Charter of the Town of Chatham is hereby amended by
12 adding the following:

13 Section 1-8, Ethical Standards

14 Elected and appointed officers, officials and employees of the Town of Chatham are
15 expected to demonstrate, in their general conduct and in the performance of their duties and
16 responsibilities, the highest ethical standards.. Elected and appointed officers, officials and
17 employees of the Town of Chatham are expected to recognize that they hold their offices or
18 positions for the benefit of the public and that while acting in their official capacity they are
19 expected to faithfully discharge the duties of their offices in the public interest, regardless of
20 personal considerations. Elected and appointed officers, officials and employees of the Town of
21 Chatham shall not use their official positions to secure or to grant special consideration,
22 treatment, advantage, privilege or exemption to themselves or to any other person beyond that
23 which is available to every person.

24 SECTION 4. Section 2 of the Charter of the Town of Chatham is hereby amended by
25 adding the following:

26 Section 2-8, Town Meeting Action

27 The exercise of the legislative power by a vote of Town Meeting shall be presumed to be
28 binding, and shall be implemented by a designated town agency or department in conformance
29 with the law or such vote.

30 SECTION 5. Section 3-2(b) of the Charter of the Town of Chatham is hereby amended
31 by inserting in line 6, after the words “duties of a water and sewer commission,” the words
32 “unless they choose to delegate those powers and duties to another town agency.”

33 SECTION 6. Section 3-2(c) of the Charter of the Town of Chatham is hereby amended
34 by striking in the second line “and members of boards, commissions, or committees for which no
35 other provision is made in this charter” and inserting in place thereof “The board of selectmen
36 shall further appoint members of boards, commissions or committees for which no other
37 appointment provision is made in this charter.”

38 SECTION 7. Section 5-1(a) of the Charter of the Town of Chatham is hereby amended
39 by adding in the eleventh line after the first appearance of the word “selectmen” the following:

40 and the office of the town clerk

41 The section is further amended by adding the following after line 7:

42 At a minimum, the town manager shall provide for the following governmental functions:

43 administrative and finance; law enforcement; fire protection and rescue service; operation
44 and maintenance of the town’s roads, parks, buildings and other facilities; management and
45 protection of coastal resources; town planning and enforcement of zoning and building codes;
46 enforcement of health and environmental regulations; operation of the water and sewer systems.

47 SECTION 8. Section 5-1(b) of the Charter of the Town of Chatham is hereby amended
48 by adding in the seventh line after the word “functions,” the word “purpose”

49 The section is further amended by striking in the eleventh line the words “any ad hoc
50 study or research committee” and replacing it with “one or more committees. Votes of Town

51 Meeting which authorize the formation of such committees shall state the charge, composition
52 and town agency to be the appointing authority, if other than the Board of Selectmen. The tenure
53 of any such committee shall continue pursuant to its charge and until abolition by or change by a
54 subsequent town meeting.

55 SECTION 9. Section 5-1(d) of the Charter of the Town of Chatham is hereby amended
56 by adding in the third line after the word “manager” the following:

57 and from the office of the town clerk

58 SECTION 10. Section 5-2 of the Charter of the Town of Chatham is hereby amended by
59 striking in the first line “during the course of the budget preparation process the town manager”
60 and inserting in place thereof “the board of selectmen”

61 And further in said section by adding in third line after the word “committees” the
62 following: “under its jurisdiction”

63 And further in said section by striking in the third line the words “town manager” and
64 inserting in place thereof “board of selectmen”

65 And further in said section by striking in the sixth line the words “town manager” and
66 inserting in place thereof “board of selectmen”

67 And in said section by striking in the eighth line the following:

68 “town manager shall report such findings and make any recommendations deemed
69 appropriate to the board of selectmen. The board of selectmen shall hold a public hearing on any
70 finding or recommendation made by the town manager”

71 And inserting in place thereof “board of selectmen”

72 SECTION 11. Section 5-3 of the Charter of the Town of Chatham is hereby amended by
73 striking in the fourth line the word “may” and replacing it with “shall” and the by striking also in
74 the fourth line the words “but not be limited to” and replacing them with “at least”

75 And further in said section by adding after the words “grievance procedures;” the words
76 “a written performance evaluation system for all full-time year-round employees;”

77 And further in said section by striking the last paragraph and inserting in place thereof the
78 following:

79 “The Board of Selectmen may appoint a three member personnel committee which shall
80 serve in an advisory capacity to the Town Manager One member of the personnel committee
81 shall be a Town employee who is subject to the Personnel Rules and Regulations. Said member
82 shall be appointed by the Board of Selectmen upon a majority vote of the non-union employees
83 who are subject to the Personnel Rules and Regulations. The remaining two members shall have
84 training background and education in Human Resource issues.”

85 SECTION 12. Section 6-1 of the Charter of the Town of Chatham is hereby amended by
86 adding in the second line after the words “of selectmen” the words “and finance committee”

87 And further in said section by striking in the third line “budget and capital improvement
88 plan” and inserting in place thereof “operating and capital budgets”

89 And further in said section by adding before line one the following as a new paragraph:

90 “At the onset of the annual budget process, the town manager shall meet with the board
91 of selectmen, the school committee and the finance committee to discuss the upcoming operating
92 and capital budgets.”

93 And further in said section by adding, after the following after the paragraph ending with
94 the words “and supporting documents,” the new paragraph as follows:

95 The budget adopted by the school committee shall be submitted to the town manager in
96 sufficient time to enable the town manager to consider the effect of the school committee’s
97 requested appropriation on the total town budget which is required to be submitted under this
98 section.”

99 And further in said section by striking the words “Within a time fixed by law bylaw the
100 board of selectmen shall review the operating and capital budget improvements program and
101 make changes as deemed appropriate prior to transmitting the budget and capital improvement
102 program to the finance committee. The budget as adopted by the school committee shall be
103 submitted to the town manager in sufficient time to enable the town manager to consider the
104 effect of the school department’s requested appropriation on the town total budget which is
105 required to be submitted under this section” and replace it with the words “Upon receipt of the
106 Town Manager’s proposed operating budget, the Board of Selectmen shall announce the date on
107 which they intend to act on the budget, but in no case earlier than 30 days after receipt.”

108 SECTION 13. Section 6-2 of the Charter of the Town of Chatham is hereby amended by
109 adding at the end of the section the following:

110 “Year one of the five year capital improvements program shall be submitted with the
111 operating budget for the ensuing fiscal year.

112 Upon receipt of the Town Manager’s proposed capital improvement budget, the Board of
113 Selectmen shall announce the date on which they intend to act on the budget, but in no case
114 earlier than 30 days after receipt.”

115 And further in said section by adding in line two after the word “selectmen” the words
116 “and the finance committee”

117 And further in said section by striking in line four the word “concerning” and replacing it
118 with the word “regarding”

119 SECTION 14. Section 6-3 of the Charter of the Town of Chatham is hereby amended by
120 striking in the first line the words “budget improvements from the board of selectmen” and
121 inserting in place thereof the word “budgets from the town manager”

122 And further in said section by striking the words as follows:

123 “The finance committee shall file a report of its recommendations for action prior to the
124 date on which the town meeting is to act on the proposed budget. The report of the finance
125 committee shall include the fiscal and tax implications of the proposed budget and a statement
126 outlining support or opposition to the proposed budget or sections of the proposed budget. The
127 report of the finance committee shall be prepared in sufficient time to be incorporated in the
128 annual town meeting warrant. The budget to be acted upon by the town manager shall be the
129 budget approved by the board of selectmen with the accompanying recommendations of the
130 finance committee.” and replacing with the following:

131 “The finance committee shall make budget recommendations and report those
132 recommendations to the board of selectmen in sufficient time for the board of selectmen to

133 consider those recommendations prior to the board of selectmen voting on the operating and
134 capital budgets.”

135 SECTION 15. Section 6-4 of the Charter of the Town of Chatham is hereby amended by
136 renumbering it 6-6 and adding the following”

137 Section 6-4, Board of Selectmen Action

138 Within a time fixed by bylaw the board of selectmen shall review the operating and
139 capital budget improvements program, make changes as deemed appropriate and place their
140 approved budget on the annual town meeting warrant. The board of selectmen shall transmit
141 their approved budget to the finance committee.

142 Section 6-5, Town Meeting Action

143 The finance committee shall vote their recommendations for action on the budget as
144 received from the board of selectmen. Additionally, the finance committee shall file a report of
145 its recommendations for action prior to the date on which the town meeting is to act on the
146 budget. The report of the finance committee shall include the fiscal and tax implications of the
147 budget and a statement outlining support or opposition to the budget or section of the budget.
148 The report of the finance committee shall be prepared in sufficient time to be incorporated in the
149 annual town meeting warrant. The budget to be acted upon by the town meeting shall be the
150 budget approved by the board of selectmen with the accompanying recommendations of the
151 finance committee.

152 SECTION 16. Section 7-6 of the Charter of the Town of Chatham is hereby amended by
153 striking in the fifth line the words “a square” and inserting in place thereof the words “an area”

154 And further in said section by striking in the sixth line the words “a cross mark (x)” and
155 inserting in place thereof the words “a mark in accordance with the instructions on the ballot,”

156 SECTION 17. Section 9-1 of the Charter of the Town of Chatham is hereby amended by
157 adding in line one after the word “All” the word “town” and after the word “regulations” the
158 words “orders, special acts,”

159 And further in said section by striking in line two the words “at the time this charter is
160 adopted”

161 And further in said section by striking in line three the words “Where provisions of this
162 charter conflict with provisions of town bylaws, rules, regulations, orders, general laws, special
163 acts and acceptances of general laws, the charter provisions shall govern. All provisions of town
164 bylaws, rules, regulations, orders and special acts not superseded by this charter shall remain in
165 force.

166 SECTION 18. Section 9-2 of the Charter of the Town of Chatham is hereby amended by
167 striking it in its entirety.

168 SECTION 19. Section 9-3 of the Charter of the Town of Chatham is hereby amended by
169 striking it in its entirety.

170 SECTION 20. Section 9-4 of the Charter of the Town of Chatham is hereby amended by
171 renumbering it Section 9-2.

172 SECTION 21. Section 9-5 of the Charter of the Town of Chatham is hereby amended by
173 striking it in its entirety.

174 SECTION 22. This act shall take effect on passage.