

HOUSE No. 3511

The Commonwealth of Massachusetts

PRESENTED BY:

Donald H. Wong

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 town meeting act and the town manager act of the town Saugus.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>6/5/2013</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>6/6/2013</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>	<i>6/6/2013</i>

HOUSE No. 3511

[SPONSOR], a [PETITION] (by vote of the town) for legislation to amend the town meeting act and the town manager act of the town Saugus. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act amending the town meeting act and the town manager act of the town Saugus.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 An act amending the town meeting act and the town manager act of the town Saugus.

2 SECTION 1. Chapter 55 of the acts of 1928 is hereby amended by inserting after section
3 2 the following section:-

4 SECTION 2. The second paragraph of section 1A of chapter 17 of the acts of 1947, as
5 added by section 1 of chapter 99 of the acts of 2011, is hereby amended by inserting after the
6 word “office”, in line 2, the following words:- on the same election ballot.

7 SECTION 3. Said chapter 17 is hereby further amended by inserting after said section 1A
8 the following section:-

9 Section 1B. Beginning with the year 2014, the regular town election of the town for the
10 purpose of electing town officers, including town meeting members, and housing authority, and
11 for the submission of questions to the voters of the town if required to be submitted thereat shall
12 be held on the first Wednesday following the third Monday in April, or the Wednesday following
13 the state holiday, Patriots Day, between the hours of 7:00 am and 8:00 pm.

14 SECTION 4. Said chapter 17 is hereby further amended by striking out section 2, as most
15 recently amended by section 1 of chapter 79 of the acts of 1951, and inserting in place thereof
16 the following section:-

17 Section 2. Election of Selectmen. At the town election held in each year, the registered
18 voters of the town shall elect 5 selectmen who shall hold office for a term of 3 years from the
19 annual town election at which they are elected, except that upon acceptance of this act, these

20 changes shall take effect at the annual town election in April 2014; the term of the fifth place
21 candidate elected for selectman elected in November 2013 shall expire at the annual town
22 election in April 2014; the term of the fourth & third place candidates elected in 2013 shall
23 expire at the annual town election in April 2015; and the term of the first and second place
24 candidates elected in 2013 shall expire at the annual town election in April 2016. In the event a
25 selectman duly elected by the voters shall fail to serve out his or her term of office, the town
26 clerk shall declare said office vacant and declare the candidate for selectmen at the most recent
27 town election who failed to be elected, but received the next highest number of votes as
28 selectman, provided such person remains eligible and provided such person received votes at
29 least equal to 30 per cent of the vote total received by the person receiving the largest number of
30 votes for the office of selectmen at the said election. Such person shall serve until the next annual
31 town election at which the balance of the unexpired term, if any, shall be filled by the voters.

32 If no such runner-up candidate exists the vacancy shall be filled by a joint convention of
33 the remaining members of selectmen. The selectmen shall nominate 1 or more candidates to fill
34 the position. Persons so elected to fill a vacancy on the selectmen shall serve only until the next
35 regular election at which time the remaining term of office, if any, shall be filled by the voters
36 and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the then
37 remaining unexpired term in addition to the term for which elected. Persons serving as selectmen
38 under this section shall not be entitled to have the words "candidate for re-election" printed
39 against their names on the election ballot.

40 SECTION 5. Said chapter 17 is hereby further amended by striking out sections 4 to 4B,
41 inclusive, and inserting in place thereof the following section:-

42 Section 4. Election of School Committee. The registered voters of the town shall elect 5
43 members of the school committee, who shall hold office for 3 years. These changes shall take
44 effect April 2014. The term of the fifth place candidate elected for school committee elected in
45 November 2013 shall expire at the annual town election in April 2014; the term of the fourth and
46 third place candidates elected in April 2013 shall expire at the annual town election in 2015; and
47 the term of the first and second place candidates shall expire at the annual town election in April
48 2016.

49 Whenever a vacancy shall occur in the office of school committee, the vacancy shall be
50 filled by the candidate for election to the school committee at the most recent town election who
51 failed to be elected, but who received the next highest number of votes, provided such person
52 remains eligible and provided such person received votes at least equal to 30 per cent of the vote
53 total received by the person receiving the largest number of votes for the office of school
54 committee at the said election. Such person shall serve until the next annual town election at
55 which the balance of the unexpired term, if any, shall be filled by the voters.

56 If no such runner-up candidate exists the vacancy shall be filled by a joint convention of
57 the remaining members of school committee and the board of selectmen. The school committee
58 shall nominate 1 or more candidates to fill the position and a majority vote of the joint
59 convention shall be required to confirm such nomination. Persons so elected to fill a vacancy on
60 the school committee shall serve only until the next regular election at which time the remaining
61 term of office, if any, shall be filled by the voters and the person chosen to fill such vacancy shall
62 forthwith be sworn and shall serve for the then remaining unexpired term in addition to the term
63 for which elected. Persons serving as school committee member under this section shall not be
64 entitled to have the words “candidate for re-election” printed against their names on the election
65 ballot.

66 SECTION 6. Said chapter 17 is hereby further amended by inserting after section 6 the
67 following two sections:-

68 Section 6A. Housing Authority. The provisions of chapter 756 of the acts of 1967
69 governing the election of members of the Saugus Housing Authority are hereby recognized,
70 confirmed and continued. Two members of the Saugus Housing Authority shall be elected at the
71 town elections held in odd numbered years for terms of 4 years each, to fill the expiring terms of
72 office. The 2 terms of office which are scheduled to expire at the town election held in
73 November 2013 shall expire instead at the town election held in April 2014 and the 2 terms of
74 office which are scheduled to expire at the town election held in November 2013 shall expire
75 instead at the town election held in April 2015. Thereafter as the terms of office expire
76 successors shall be elected for terms of 4 years each expiring on the first business day of the
77 month following the town election.

78 Section 6B. Other Officers to be Elected at Town Elections. In addition to the town
79 officers who are to be elected under this act, members of a housing authority as provided in
80 chapter 121 B, section 5 of the General Laws, the third paragraph, and such members of regional
81 authorities or districts as may be established by statute, inter-local agreement, or otherwise, may
82 also be elected at town elections.

83 SECTION 7. This act shall be submitted for acceptance to the voters of the town of
84 Saugus at an annual town election held following its approval in the form of the following
85 question which shall be placed on the official ballot to be used at the election: Shall an act
86 entitled “AN ACT AMENDING THE TOWN MEETING ACT AND THE TOWN MANAGER
87 ACT OF THE TOWN OF SAUGUS” be accepted? A summary prepared by the town counsel
88 noting in summary form the major changes proposed in the town meeting and town manager act
89 by this act shall appear on the ballot. If a majority of the votes cast in answer to the question is in
90 the affirmative, this act shall take effect, but not otherwise.

91 SECTION 8. This act shall take effect upon its passage.