

HOUSE No. 3929

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 relative to the charter of the town of Dedham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>3/4/2014</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>3/4/2014</i>

HOUSE No. 3929

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3929) of Paul McMurtry and Michael F. Rush (by vote of the town) for legislation to revise the charter of the town of Dedham. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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

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 Dedham, which is on file with the office of the
2 archivist of the commonwealth, is hereby amended by striking out articles 1 to 7, inclusive, and
3 inserting in place thereof the following 9 articles:-

4 ARTICLE 1

5 INCORPORATION; SHORT TITLE; FORM OF GOVERNMENT; POWERS

6 Section 1-1. Incorporation

7 The inhabitants of the Town of Dedham, Massachusetts, within the territorial limits
8 established by law, shall continue to be a body corporate and politic under the name "Town of
9 Dedham".

10 Section 1-2. Short Title

11 This instrument shall be known and may be cited as the Dedham Home Rule Charter.

12 Section 1-3. Form of Government

13 The administration of all the fiscal, prudential, and municipal affairs of the Town, with
14 the government thereof, shall be vested in a legislative branch, to consist of a Representative
15 Town Meeting, and an executive branch, to be headed by a Board of Selectmen.

16 Section 1-4. Powers of the Town, Intent of Voters

17 Subject only to express limitation on the exercise of any power or function by a town in
18 the Constitution or General Laws of the Commonwealth of Massachusetts, it is the intent and the
19 purpose of the voters of Dedham, through the adoption of this Charter, to secure for the Town all
20 powers it is possible to secure under the Constitution and General Laws of the Commonwealth,
21 as fully and as completely as though each such power were specifically and individually
22 enumerated herein.

23 Section 1-5. Construction

24 (a) Town Powers - The powers of the Town under this Charter shall be construed
25 liberally in favor of the Town, and the specific mention of particular powers is not intended to
26 limit in any way the general powers of the Town as stated in Section 1-4.

27 (b) References to Constitution and General Laws - All references to the Constitution
28 and General Laws contained in this Charter refer to the Constitution and General Laws of the
29 Commonwealth of Massachusetts and are intended to include any amendments or revisions to
30 such chapters and sections or to the corresponding chapters and sections of any rearrangement of
31 the Constitution and General Laws enacted subsequent to the adoption of this Charter. Citations
32 to provisions of the General Laws shall, to the extent applicable, be to the pertinent chapter and
33 section in the form of the following example: "G.L. c.40, §32."

34 (c) Number and Gender - Words importing the singular number may extend and be
35 applied to several persons or things, words importing the plural number may include the singular,
36 and words importing the masculine gender shall include the feminine gender.

37 (d) Severability - The provisions of this Charter are severable. If any provision of this
38 Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the
39 application of this Charter or any of its provisions to any person or circumstance is held invalid,
40 the application of this Charter and its provisions to other persons and circumstances shall not be
41 affected thereby.

42 (e) Specific Provisions Shall Prevail - To the extent that any specific provision of this
43 Charter shall conflict with any provision expressed in general terms, the specific provision shall
44 prevail.

45 Section 1-6. Inter-Governmental Relations

46 Subject to express requirements of the Constitution and General Laws, the Town may
47 exercise any of its powers and perform any of its functions, and may participate in the financing
48 thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any
49 political subdivision or agency thereof or the United States government or any agency thereof.

50 Section 1.7. Definitions

51 Unless another meaning is clearly apparent from the manner in which the word is used,
52 the following words as used in this Charter shall have the following meanings:

53 (a) Charter - The word "Charter" shall mean this Charter and any amendments to it
54 made through any of the methods provided under article LXXXIX of the Amendments to the
55 Constitution.

56 (b) Days - Except as otherwise specifically provided herein, use of the word "days" in
57 connection with a period of less than 7 days, shall mean business days, and when referring to a
58 period of seven days or more shall mean calendar days; and provided further that if the last day
59 for action falls on a Saturday, Sunday or legal holiday, the deadline shall, unless otherwise
60 addressed by law, move forward to the next occurring business day.

61 (c) District - The word "District" shall mean a precinct of the Town, as established by
62 the Board of Selectmen in accordance with G.L. c.54, §6.

63 (d) Library - The word "Library" shall mean the Dedham Public Library and any
64 branch or branches that may be established thereof.

65 (e) Majority Vote - The words "majority vote" shall mean a majority of those present
66 and voting, provided that a quorum of the body is present.

67 (f) Multiple Member Body - The words "multiple member body" shall mean any
68 board, commission or committee consisting of two or more persons whether elected or
69 appointed.

70 (g) Officer – The word "officer" shall mean shall mean a person who in the exercise
71 of the powers or duties of their position exercises some portion of the sovereign authority of the
72 Town, including but not limited to any elected official, elected or appointed member of a
73 multiple member body established by this Charter, the by-laws, or the General Laws, or other
74 person having charge of an office or department of the Town.

75 (h) Town - the word "town" shall mean the Town of Dedham.

76 (i) Town Agency - The words "Town Agency" shall mean any board, commission,
77 committee, department or office of the Town government.

78 (j) Town Bulletin Boards - The words "Town Bulletin Boards" shall mean the
79 bulletin boards on which official Town notices are posted, one of which shall be located in the
80 Town hall, one of which shall be located in the Library, and those at such other locations within
81 the Town as the Board of Selectmen may from time to time designate. In addition, the words
82 "Town Bulletin Boards" shall mean the Town's official website; provided, however, that unless
83 otherwise required by the General Laws to be posted on the Town's website, failure to so post on
84 the website shall not impair the legality or validity of the actions taken by the Town or others in

connection with the subject matter of notices required to be posted thereon, including the posting of a warrant for any Town Meeting.

(k) Voters - The word "voters" shall mean registered voters of the Town of Dedham.

ARTICLE 2

REPRESENTATIVE TOWN MEETING

Section 2-1. Composition, Annual and Special Meetings

(a) The legislative body of the Town shall be a Representative Town Meeting to consist of not less than 270 members, and not more than the closest higher number of members necessary to achieve an equal number of members from each District who shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the Town at annual and special Town Meetings.

(b) The Representative Town Meeting shall meet at the spring annual Town Meeting in the last four months of the fiscal year, on a date set by by-law. There shall also be a fall annual Town Meeting held on a date to be determined by the Board of Selectmen in the last three months of the calendar year, which meeting shall be an "annual town meeting" for purposes of the General Laws; provided, however, that the Board of Selectmen may, at its discretion, cancel said fall annual Town Meeting no later than September 15 in any year, so long as no more than 10 articles have been submitted under Section 2-9(a) for inclusion on the warrant at said fall annual Town Meeting and notice of the Board of Selectmen's action with regard to such Town Meeting shall be posted on the Town Bulletin Boards. The Board of Selectmen's decision as to whether to hold a fall annual Town Meeting shall not affect the discretion of the Board of Selectmen to call for a special Town Meeting from time to time.

(c) Special Town Meetings may be called by the Board of Selectmen, pursuant to G.L. c.39, §10 as it may be amended from time to time or other applicable provision of law, at such times as said board shall deem appropriate.

Section 2-2. Eligibility; Nomination Procedures

(a) Eligibility - Any voter shall be eligible for election as a Town Representative; provided, however, that no person shall simultaneously serve in any elected Town office as defined in Section 3-1 or as a member of the Finance and Warrant Committee established under Section 2-9(c)(1)(i) and as a Town Representative.

(b) Nomination of Candidates for Town Representative - Any incumbent elected Town Representative may become a candidate for re-election by filing written notice thereof with the Town Clerk not later than 56 days prior to the date of the next regular annual election. In addition, nomination of candidates for the office of Town Representative may be made by

119 nomination papers, which shall show clearly whether the candidate is a former Town
120 Representative, and if an elected incumbent of such office, that he is a candidate for re-election,
121 and shall bear no other political designation. Such papers shall be signed by not less than ten
122 voters of the District in which the candidate resides and from which he seeks election, and shall
123 be submitted to the Registrars of Voters no later than 49 days prior to the date of the next regular
124 annual election, who shall check each name on the nomination papers and shall forthwith certify
125 thereon the number of signatures so checked which are names of voters in the District for which
126 the nomination is made. Said papers shall then be filed with the Town Clerk no later than 35
127 days preceding the date of election.

128 If a Town Representative is a candidate for re-election, these words, "Candidate for Re-
129 election," shall be printed against his name as it appears on the ballot for the election of Town
130 officers; provided, however, that a Town Representative elected by the remaining members of a
131 District to fill a vacancy shall not be considered a candidate for re-election. No nomination paper
132 shall be valid in respect to any candidate if it fails to have his written acceptance attached to or
133 written thereon.

134 (c) Removal of Town Representative from Town or District - A Town Representative
135 who removes from the Town shall forthwith cease to be a Town Representative. A Town
136 Representative who removes from the District from which he was elected to another District
137 within the Town or who is so removed by a revision of District lines may continue to serve as a
138 member of the Representative Town Meeting from the District from which he was elected until
139 the next regular annual election, at which time the remainder of his term, if any, shall be
140 terminated and a vacancy from that District shall exist which shall be filled at that election. A
141 person so removed from office may be elected as a Town Representative from the new District in
142 which he then resides at the same election. An elected Town Representative who is removed
143 from the District from which the Town Representative was elected solely as a result of the
144 establishment or revision of Districts shall be entitled to use the words, "Candidate for Re-
145 election" after the Town Representative's name on the ballot, even if, by so doing, the number of
146 candidates for re-election listed on the ballot in that District exceeds the number of Town
147 Representatives to be elected.

148 Section 2-3. Election and Terms

149 (a) Establishment or Revision of Districts and Tie Votes - At the first regular annual
150 election held following the establishment or revision of Districts made in accordance with G.L.
151 c.54, §6, all of the Town Representatives in each District whose boundaries are affected by said
152 establishment or revision, shall be elected by official ballot by the voters that District.

153 In each such District, the first third to the nearest whole number of Town Representatives
154 elected in the order of votes received shall serve three years; the second third to the nearest
155 whole number shall serve two years; and the remaining third to the nearest whole number shall

serve one year from the date of their election. In case of a tie vote affecting the division into thirds, the Town Representatives elected from the District shall determine the same by written ballot in accordance with the procedures set out in Section 2-3(c).

(b) Three-Year Terms - Upon the expiration of the terms of Town Representatives elected after the establishment or revision of Districts, and in all other cases as the terms of Town Representatives expire, candidates shall be elected for three year terms to fill expiring terms and candidates shall also be elected to fill the unexpired term of any vacancy then existing.

(c) Tie Votes Generally - In the event of a tie vote for the office of town representative, other than under the provisions of the first paragraph of Section 2-3(a), the Town Clerk shall within 17 days of the election call all of the candidates for that office who are affected by such tie together at a convenient place, and under the supervision of the Town Clerk or his designee, any such ties shall then and there by broken by written ballots cast by the elected Town Representatives present from that District.

Section 2-4. Compensation

The Town Representatives shall serve without salary.

Section 2-5. Presiding Officer

A Moderator, chosen in accordance with Section 3-8, shall preside at all sessions of Town Meeting, but he shall have no vote unless the Town Representatives present and voting are equally divided. He shall, at the first Town Meeting following each regular annual election, appoint, subject to the approval of the Representative Town Meeting, from among the Town Representatives a Deputy Moderator to serve in the event of his absence or disability. In case of absence or disability of the Moderator and the Deputy Moderator the Representative Town Meeting shall elect from among its own membership a Temporary Moderator to act during the said absence or disability. The Moderator shall perform such other duties as may from time to time be assigned to the office of Moderator by by-law, rule or other vote of the Representative Town Meeting.

Section 2-6. General Powers and Duties

All powers of the Town shall be vested in the Representative Town Meeting, except as otherwise provided by law or by this Charter. The Representative Town Meeting shall provide for the exercise of all of the powers of the Town and for the performance of all duties and obligations imposed upon the Town.

Section 2-7. Vacancies; Filling of Vacancies

(a) Vacancy - The office of a Town Representative shall become vacant upon his death, resignation or removal from office in any manner authorized by law or otherwise in

190 accordance with law. No office of Town Representative shall be considered vacant unless: (1) a
191 letter of resignation has been filed with the Town Clerk by such person; or (2) the Town Clerk
192 has issued a certificate that such person has died or has removed from the Town or that the
193 position has otherwise become vacant.

194 (b) Filling of Vacancies - A vacancy in the office of a Town Representative shall be
195 filled for the remainder of the unexpired term, if any, at the next regular annual election if such
196 occurs within 120 days following the date the vacancy is established in the manner described in
197 Section 2-7(a). If no such election is to be held within 120 days, the remaining Town
198 Representatives from the same District shall be called together by the District Chairman no later
199 than one month prior to the next Town Meeting or forthwith following the creation of a vacancy
200 as described in Section 2-7(a) should the vacancy arise thereafter and shall, by a majority vote of
201 those present and voting, elect by written ballot a qualified person to fill the vacancy, to serve
202 until the next regular annual election, at which time the remainder of the term, if any, shall be
203 filled by official ballot. Notice of such election by the remaining Town Representatives of the
204 District shall forthwith be filed with the Town Clerk.

205 Section 2-8. Clerk of the Town Meeting

206 The Town Clerk or his designee shall serve as Clerk of the Town Meeting.. The Clerk
207 shall give notice of all Town Meetings to the Town Representatives and to the public, keep the
208 record of its proceedings and perform such other duties as may be assigned by this Charter, by
209 by-law or by other vote of the Representative Town Meeting.

210 Section 2-9. Procedures

211 (a) Procedure for Submission of Warrant Articles - The Board of Selectmen shall at
212 all times receive all petitions which are addressed to it and which request the insertion of subjects
213 in a warrant for a Town Meeting and are filed by: (1) any individual elected Town officer,
214 including a Town Representative; (2) any appointed multiple member body, acting by a majority
215 of its members; (3) any ten voters; (4) any other person or agency who may be authorized by by-
216 law. The Board of Selectmen shall retain the original copy of each petition filed hereunder until
217 at least 90 days following the expiration of the Town Meeting at which the said petition is acted
218 upon.

219 (b) Warrants - All matters which are received by the Board of Selectmen under
220 Section 2-9(a) shall be placed on warrants issued by the Board of Selectmen at such convenient
221 times as it may determine and as otherwise provided by this Charter or by by-law. The original
222 copy of all warrants for Town Meetings shall be kept in the office of the Town Clerk in a record
223 book maintained for that purpose. A copy of the warrants shall be posted on the Town Bulletin
224 Boards, and, unless otherwise addressed by by-law, by mailing a copy of the warrant forthwith to
225 the place of residence of the Moderator, all Town Representatives and such other persons as may

be designated by by-law. The Town Clerk shall keep additional copies of all warrants available for distribution.

(c) Committees

(1) Standing Committees.

i. Finance and Warrant Committee - The Finance and Warrant Committee, on which no Town Representative shall serve, shall consist of nine members appointed by the Moderator for three year terms, so arranged that the term of office of three members shall expire each year. The duties of the Finance and Warrant Committee shall include those listed under Section 2-9(c)(2) and Article 5A.

ii. Standing Committee on Planning and Zoning - The Planning Board, elected under Section 3-8, shall be considered the Standing Committee on Planning and Zoning.

iii. Committee of Precinct Chairs - The Committee of Precinct Chairs shall be comprised of the Town Representatives elected as chair in each District of the Town in accordance with Section 2-9(h). Such committee shall, as may be requested by the Representative Town Meeting from time to time, or on its own initiative, and in consultation with the Moderator, review the rules, procedures and conduct of Town Meetings and make recommendations with respect thereto to the Board of Selectmen and the Representative Town Meeting.

iv. The Representative Town Meeting may, by vote or by-law, create such additional standing committees as it deems necessary or desirable, which may consist of any combination of Town Representatives and other voters as may be provided by said vote or by-law.

v. Application of Open Meeting Law and Administrative Procedures - All meetings of standing committees created under this Section 2-9(c) shall be subject to the provisions of the Open Meeting Law, G.L. c.30A, §§18-25, as it may be amended from time to time, and the provisions of Article 6.

(2) Referral of Articles to Committee - When articles are generated or received by the Board of Selectmen, copies thereof shall be forwarded forthwith by it to an appropriate standing committee for study and report, which study and report shall be considered at least once at a public hearing at which the public is provided with the opportunity to share their views concerning such matters. All warrants for Town Meetings shall include a notation of the standing committee to which each article has been assigned by the Board of Selectmen.

Notwithstanding the previous paragraph, however, all articles that would require the expenditure of Town funds, and all other articles, shall, before enactment, be referred to the Finance and Warrant Committee for its report and recommendation, which recommendation shall be the main motion before the Representative Town Meeting, except as otherwise provided

in the remainder of this paragraph. All articles which relate to planning, zoning, subdivision control and any other matters relating to land use shall, before enactment, also be referred to the Planning Board, in its capacity as a standing committee, for study and report. When the adoption or amendment of a zoning by-law is before the Representative Town Meeting, the Planning Board's recommendation shall be the main motion before the Representative Town Meeting; provided further that prior to enactment the Finance and Warrant Committee shall also provide its recommendation with respect to such adoption or amendment.

(d) Quorum - At every session of Town Meeting, the Town Clerk shall have attendance taken at the doors for the purpose of ascertaining the names and the number of Town Representatives present. All attendance records shall be posted upon the Town Bulletin Boards and published in the Annual Town Report.

One hundred seventy Town Representatives shall constitute a quorum for the conduct of all business to come before the Representative Town Meeting, but a smaller number may adjourn from time to time.

(e) Rules and Record of Proceedings - The Representative Town Meeting shall determine its own rules and order of business unless otherwise provided by this Charter or by law, and shall provide for keeping a record of its proceedings. The Town Clerk shall certify such record to be true and accurate and such record shall be a public record readily accessible to the public. A certified copy shall be kept available in the Library.

(f) Voting - Voting shall be by voice vote and the Moderator shall declare the result of each vote taken. When the result of a voice vote is declared by the Moderator, if seven or more Town Representatives shall doubt the vote as announced by immediately standing, the Moderator shall verify the voice vote by taking a standing vote. When the Moderator declares the result of a standing vote, if 15 or more Town Representatives shall doubt the standing vote by immediately standing, the Moderator shall verify the standing vote by taking a roll call vote. The Moderator may, in his discretion, direct that any vote be taken by a call of the roll of the Town Representatives present. Notwithstanding the provisions of this Section 2-9(f), however, the Representative Town Meeting may, by by-law, allow a different method for counting votes of Town Representatives present at a Town Meeting, such as by electronic means. The Representative Town Meeting shall not for any reason declare itself in executive session or attempt to prohibit the public from attending any of its proceedings.

(g) Citizen Participation - Any voter or taxpayer of the Town shall have a right to speak at Town Meetings subject to such rules as may from time to time be adopted by by-law or by a vote of the Representative Town Meeting.

(h) District Organization - The Town Representatives from each District shall, within 17 days following each regular annual election, organize by the election by written ballot from among their own members of a chairman, vice-chairman and a clerk, to serve for a term of one

year, and shall file a notice of such organization with the Town Clerk. Such organizational meeting shall take place on a date determined by the Chair of the Committee of Precinct Chairs established under Section 2-9(c)(1)(iii), in consultation with the Town Clerk, prior to making nomination papers available for the regular annual election. Notice of the date of said organizational meeting thereof shall be posted on the Town Bulletin Boards and the Town Clerk shall provide written notice to all persons seeking election to the office of Town Representative who have complied with the requirements of Section 2-2(b) of the time, date and place of the organizational meeting. If the Town Clerk receives no notice of organization for a District within 17 days following a regular annual election, the Town Clerk shall immediately call a meeting of the Town Representatives from such Districts as have failed to organize for the purpose of such organization.

Section 2-10. By-Laws

(a) Time of Taking Effect - Not sooner than 14 days after they are approved by the Representative Town Meeting, proposed by-laws shall be transmitted to the Attorney General of the Commonwealth for his review as provided by G.L. c.40, §32, and will become effective, if not denied by that officer, in accordance with the provisions of that statute.

(b) Codes of Technical Regulations - The Representative Town Meeting may adopt any standard code of technical regulations in whole or in part by reference thereto in an adopting by-law; provided, however, that one or more copies of the proposed code shall be available in the office of the Town Clerk and published as otherwise provided by law. The adopting by-law shall not be construed as to include changes or revisions subsequent to the Representative Town Meeting vote to adopt the code.

Section 2-11. Availability of Town Officials at Town Meetings

Every Town officer, or in the case of a multiple member body, a designated representative of such multiple member body, or a representative of each department shall attend all sessions of the Town Meeting, unless deterred by illness or other reasonable cause, for the purpose of providing the Representative Town Meeting with information pertinent to matters appearing in the warrant.

If any person described above is so deterred, he shall designate a deputy to attend in his place.

If any person required to attend the sessions of Town Meetings under this Section 2-11 is not a voter, he shall, notwithstanding, be entitled to speak in order to provide the Representative Town Meeting with information on pertinent warrant articles.

Elected officials of the Town, as defined in Section 3-1, and the Chairman of the Finance and Warrant Committee, when attending sessions of the Town Meetings shall have all of the rights and privileges of Town Representatives except the right to vote.

Section 2-12. Referendum Petitions

No final vote of any Representative Town Meeting approving a measure under any article in the warrant, except a vote to adjourn, an authorization to borrow money in anticipation of taxes, an authorization to pay debts and obligations of the Town, and appropriation of funds necessary to implement a written agreement executed under collective bargaining or the budget of the Town as a whole, or a vote declared by preamble to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the Town and which is passed by a two-thirds vote of the Town Representatives present and voting, shall be operative until 14 days after dissolution of the Town Meeting.

If within the said 14 days, a petition signed by not less than five per cent of the voters of the Town eligible to vote as of the date of the Town Meeting at which the final vote occurred, containing their names and addresses as they appear on the list of voters, is filed in the office of the Board of Selectmen requesting that the question or questions involved in any such vote be submitted to the voters of the Town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided. Within 14 days following the filing and including the time for certification by the Board of Registrars of a referendum petition, the Board of Selectmen shall call a special election which shall be held forthwith and no sooner than 35 days after issuing the call; provided, however, that if a regular or special election is to be held not more than 60 days following the date the petition is filed, the Board of Selectmen may provide that the question or questions involved be presented to the voters at the same election.

All votes shall be taken by official ballots and the voter list shall be used in the same manner as in the election of Town officers. The questions so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the Representative Town Meeting shall be reversed unless at least 20% of the voters eligible to vote in the election do vote in said election.

The question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the Moderator to the Representative Town Meeting as appears from the records of said Town Meeting, similar to the following: "Shall the voters of the Town confirm the action taken by the Representative Town Meeting at the Town Meeting held on [insert date] to [insert here the question as stated when presented by the Moderator]? A brief summary of the measure drafted by Town Counsel shall appear below the question.

366 This election shall be held on a Saturday, unless it is to be held in conjunction with
367 another election, and the polls shall open not later than 7:00 a.m. and shall be closed not earlier
368 than 8:00 p.m.

369 If a petition conforming to the requirements of this Section 2-12 is not filed within 14
370 days of the dissolution of the Town Meeting, the vote shall then become effective.

371 ARTICLE 3

372 ELECTED OFFICIALS

373 Section 3-1. General Provisions

374 (a) Elective Offices - The offices to be filled by the voters shall be a Board of
375 Selectmen, a Moderator, a School Committee, a Planning Board, a Board of Assessors, a Board
376 of Library Trustees, a Town Clerk, a Board of Health, a Recreation Commission, a Board of
377 Commissioners of Trust Funds, a Housing Authority and such members of regional authorities or
378 districts as may be established by statute, inter-local agreement or otherwise.

379 (b) Eligibility - Any voter shall be eligible to hold any elective Town office, but no
380 elected Town official shall simultaneously hold any other elected Town office or be appointed to
381 any Town office; provided, however, that this provision shall not be interpreted as a restriction
382 on the number of multiple member bodies on which an elected Town official may serve by virtue
383 of his office, so long as service on the body or bodies would terminate if the person no longer
384 held his elected position.

385 (c) Annual Election - The regular annual election of Town officers, and consideration
386 of such questions as may be authorized by law to appear on said ballot, shall be determined by
387 the voters on official ballots without party or other designation, and shall be held on such date as
388 may from time to time be fixed in the by-laws of the Town.

389 (d) Compensation - Elected town officials shall receive for their services such
390 compensation as may annually be provided for that purpose by appropriation.

391 (e) Nomination of Candidates - The signatures of fifty registered voters of the Town
392 shall be required to place on the ballot for election the name of a candidate for any office other
393 than Town Representative.

394 (f) Ballot Position - The order in which names of candidates including the office of
395 Town Representative appear on the ballot for each office in any Town election shall be
396 determined by a drawing by lot conducted by the Town Clerk. Each candidate shall have an
397 opportunity to be present or be represented by a representative at the drawing.

398 (g) Coordination - Notwithstanding their election by the voters, the Town officers
399 named in Section 3-1(a) shall be subject to the call of the Board of Selectmen or of the Town

Administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

(h) Vacancies

(1) Vacancy - An office of any elected multiple member body listed in Section 3-1(a) shall become vacant upon the death, resignation or removal from office in any manner authorized by this Charter or the General Laws or otherwise in accordance with law. No such office shall be considered vacant unless: (1) a letter of resignation has been filed with the Town Clerk by such person; or (2) the Town Clerk has issued a certificate that such person has died or has removed from the Town or that the office has otherwise become vacant.

(2) Filling of Vacancies - If a vacancy occurs otherwise than by expiration of term in any elected multiple member body listed in Section 3-1(a), other than a vacancy in the Board of Selectmen, the unexpired terms shall be filled by appointment by the Board of Selectmen and the remainder of the members of the elected multiple member body until the next regular annual election, at which time such office shall be filled, by election, for the remainder of the unexpired term; provided, however, that if the date the vacancy established in the manner described in Section 3-1(i)(1) is more than 120 days prior to the regular annual election, the Board of Selectmen may call for a special election to be held no earlier than 64 days from the date of its call therefor to fill the unexpired term.

(i) Application of other Provisions of Charter to Powers and Duties - Notwithstanding any provision of this Charter or of the General Laws to the contrary, the powers and duties of multiple member bodies elected under Article 3 shall be subject to the applicable provisions of Article 4 and Article 6.

Section 3-2. Board of Selectmen

(a) Composition, Term of Office - There shall be a Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties in General - The executive powers of the Town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the Town. The Board of Selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The Board of Selectmen shall serve as the chief policy making agency of the town. The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected Town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony.

(c) Licensing Authority - The Board of Selectmen shall be a licensing board for the Town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

(d) Appointments - The Board of Selectmen shall appoint: a Town Administrator; Constables, Registrars of Voters and other election officers, but not the Town Clerk; the members of the Board of Appeals, Conservation Commission, Historic District Commission, and other members of multiple member bodies as set forth in state law, or whose appointment authority is not otherwise specified by this Charter or vote of the Representative Town Meeting, as well as other individuals who are to serve as representatives of the Town to the governing or advisory bodies of area, regional or district authorities; provided, however, that nothing herein should be interpreted to prohibit the Board of Selectmen, Town Administrator or Moderator from appointing such multiple member bodies as they deem appropriate to advise them on matters within their jurisdiction.

(e) Investigations - The Board of Selectmen may investigate the affairs of the Town and the conduct of any Town Agency including any doubtful claims against the Town. Copies of the full text of the report. A summary of the results of any such investigation shall be placed on file in the offices of the Board of Selectmen and Town Clerk and in the Library and shall be printed in the next Annual Town Report.

Section 3-3. School Committee

(a) Composition, Term of Office - There shall be a School Committee which shall consist of seven members. The term of office of a School Committee member shall be for three years. The terms of office of School Committee members shall be so arranged that as nearly an equal number of terms as is possible shall expire each year.

(b) Powers and Duties - The School Committee shall have general charge and superintendence of the public schools and for this purpose shall have all of the powers and duties which are given to school committees under the Constitution and General Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-4. Board of Assessors

(a) Composition, Term of Office - There shall be a Board of Assessors that shall consist of three members. The term of office of an Assessor shall be for three years. The terms of office of Assessors shall be so arranged that one term shall expire each year.

(b) Powers and Duties - The board of assessors shall annually make a fair cash valuation of all property, both real and personal, within the town, and it shall have all of the powers and duties which are given to boards of assessors under the Constitution and General Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-5. Town Clerk

(a) Term of Office - There shall be a Town Clerk. The term of office of the Town Clerk shall be for three years.

(b) Powers and Duties - The Town Clerk shall be the keeper of vital statistics of the Town and the custodian of the Town seal and all public records, shall administer the oaths of office to all Town officers who apply to him therefor, be the clerk of the Town Meeting and perform such duties with regard to elections and other matters as may be provided by law. The Town Clerk shall have all of the powers and duties which are given to town clerks under the Constitution and General Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-6. Board of Health

(a) Composition, Term of Office - There shall be a Board of Health that shall consist of three members. The term of office of a Board of Health member shall be for three years. The terms of office of Board of Health members shall be so arranged that the term of one member shall expire each year.

(b) Powers and Duties - The Board of Health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health, and shall have all of the powers and duties that are given to boards of health under the Constitution and General Laws, and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-7. Board of Library Trustees

(a) Composition, Term of Office - There shall be a Board of Library Trustees that shall consist of five members. The terms of office of Library Trustees shall be for three years so arranged that as nearly an equal number of terms as is possible shall expire each year.

(b) Powers and Duties - The Board of Library Trustees shall have general charge of the care and management of town libraries, and of all property of the town relating thereto. The Board of Library Trustees shall have all of the powers and duties that are given to library trustees under the Constitution and General Laws and shall have such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting

Section 3-8. Moderator

(a) Term of Office - There shall be a moderator. The term of office of the moderator shall be for three years.

(b) Powers and Duties - The Moderator shall preside and regulate the procedure at all Town Meetings, appoint the Finance and Warrant Committee established by Section 2-9(c)(1)(i), such committees as may be authorized by the Representative Town Meeting, and such other committees created by the Moderator from time to time solely to advise the Moderator on matters within the Moderator's jurisdiction, and shall have all of the powers and duties which are given to moderators under the constitution and laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

Section 3-9. Planning Board

(a) Composition, Term of Office - There shall be a Planning Board that shall consist of five members. The term of office of a Planning Board member shall be for five years. The terms of office of Planning Board members shall be so arranged that as nearly an equal number of terms as is possible shall expire each year.

(b) Powers and Duties - The Planning Board shall make studies and prepare plans concerning the resources, possibilities and needs of the town. It shall prepare a comprehensive plan that shall set forth in graphic and textual form information concerning the present development of the town and parts thereof. Such comprehensive plan shall include recommendations of the Planning Board concerning the future development (including physical, economic, and environmental aspects) of the entire Town and parts thereof. Such plan may be amended from time to time, and shall be formally reviewed and updated no less than once every ten years.

The Planning Board shall review proposed zoning by-laws and amendments thereto in accordance with the requirements of G.L. c.40A, §5, as it may be amended from time to time, and have all of the other powers and duties which are given to planning boards under the Constitution and General Laws, and shall have such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-10. Parks and Recreation Commission

(a) Composition, Term of Office - There shall be a Parks and Recreation Commission that shall consist of five members, elected at large. The term of office of Parks and Recreation Commission members shall be for three years. The term of office of Parks and Recreation Commission members shall be so arranged that as nearly an equal number as is possible shall expire each year.

(b) Powers and Duties - The Parks and Recreation Commission shall conduct and promote recreation, play, sport, physical education and other programs to meet the leisure time needs of the community and shall have all powers, duties and trusts that are conferred or imposed on park commissions and recreation commissions under the Constitution and General Laws. The Parks and Recreation Commission shall consider the needs of all age groups in the development of programs. The Parks and Recreation Commission shall have such additional powers and duties as may be authorized by this Charter, by-law or by other vote of the Representative Town Meeting.

(c) Powers and Duties - The Parks and Recreation Commission may appoint a Director of Parks and Recreation. Said Director shall be appointed annually by the Commission for a term of one year and until qualification by a successor and may be removed by the Commission at any time when, in the judgment of the Commission, the public interest so requires; and any vacancy for any cause may be filled by appointment by the Commission of the remainder of the unexpired term.

Section 3-11. Commissioners of Trust Funds

(a) Composition, Term of Office - There shall be a Board of Commissioners of Trust Funds consisting of five members. The term of office of Commissioners of Trust Funds members shall be for three years, so arranged that as nearly an equal number of terms as is possible shall expire each year.

(b) Powers and Duties - The Board of Commissioners of Trust Funds shall, so far as consistent with the terms of the trusts, manage and control all funds left, given, bequeathed or devised to the Town, and distribute the income in accordance with the terms of the respective trusts. The Board shall keep a record of its actions, and at the close of each financial year shall make a report to the Town, showing the total amount of the funds, and their investments, receipts and disbursements on account of the same, setting forth in detail the sources of the receipts and purposes of the expenditures. The Board of Commissioners of Trust Funds shall have all of the other powers and duties that commissioners of trust funds may have under the General Laws and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-12. Housing Authority

(a) Composition, Term of Office - There shall be a Housing Authority which shall consist of five members. Four of the members shall be chosen by ballot and the fifth member shall be a resident of the Town appointed by the Commonwealth Commissioner of Community Affairs or as otherwise provided by law. The term of office of a Housing Authority member shall be for five years, so arranged that the term of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and Duties - The Housing Authority shall have all of the powers and duties that are given to housing authorities under the Constitution and General Laws, and shall have such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Section 3-13. Recall of Elected Officials

(a) Who Can be Recalled - Any holder of an elective Town office, as defined in Section 3-1(a), with more than six months remaining of the term for which elected, may be recalled therefrom by the voters as herein provided.

(b) Recall Petition

(1) Affidavit - Any 250 voters may file with the Town Clerk an affidavit signed under the penalties of perjury bearing the name and office of the officer sought to be recalled and a statement of the grounds for recall. An affidavit shall contain the names of at least 25 voters from each District into which the Town is divided, and shall specify thereon who shall be considered the "lead petitioner" and who shall be understood to be the "first ten voters" signing the affidavit for purposes of the recall process. If, within three days following such submission, said affidavits are found by the Board of Registrars of Voters to be sufficient and valid, and, if on said date the candidate whose recall is sought has at least six months remaining of the term for which elected, the Town Clerk shall forthwith and without delay make available to the first ten voters making the affidavit, at his office, copies of petition blanks demanding such recall, printed forms of which shall be kept available.

(2) Petition Form - When issued, the petition blanks shall contain a facsimile of the signature of the Town Clerk and official seal of the Town. The petition blanks shall be dated, shall be addressed to the Selectmen and shall contain the names of the first ten voters on the affidavit filed under the provisions of Section 3-13(b)(1), the name and office of the person whose recall is sought, the grounds for recall as stated in said affidavit and shall demand the election of a successor to the said office. No copies of petition blanks shall be made by the first ten signers or others circulating petitions for signatures. A copy of the petition blank shall be entered in a record book to be kept in the office of Town Clerk.

(3) Petition Signature Requirements - The recall petitions shall be returned and filed with the Town Clerk within 21 days following the date they are made available in the Clerk's office and shall have been signed by at least 10 percent of the voters eligible to vote as of the most recent regular annual election, not more than 25 percent of which shall be voters in any one District into which the Town is divided. In signing such petitions, voters shall add to their signatures the street and number, if any, of their residences.

The Town Clerk shall within one day of receipt, submit the petition to the Board of Registrars of Voters, and the said Registrars shall forthwith, but in no event more than five days after receipt, certify thereon the number of signatures that are the names of voters.

(c) Selectmen's Action on Receiving Petition - If the petition shall be found and certified by the Registrars of Voters to be sufficient they shall submit the same with their certificate to the Board of Selectmen without delay, and the Board of Selectmen shall meet forthwith at a properly posted meeting in accordance with the Open Meeting Law to give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days after written notice has been provided, forthwith order an election to be held on a date fixed by it not less than 60 days nor more than 75 days from the date the Board of Selectmen calls for said election; provided, however, that if any other Town election is to occur within 90 days after the date of the certificate, the Board of Selectmen shall postpone the holding of the recall election to the date of such other election and the question of recall may appear on the ballot at that election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this Section 3-13.

(d) Nomination of Candidates - The officer whose recall is sought may be a candidate at the recall election, and unless such officer has resigned the office or requests otherwise in writing, the Town Clerk shall place the officer's name on the official ballots without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this Section 3-13.

(e) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties of the office until the recall election. If not then recalled, such person shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this Section 3-13. If recalled, such person shall be deemed removed.

(f) Recall Election - Ballots used in a recall election shall include the following propositions in the order specified:

For the recall of (name), (office)

Against the recall of (name), (office)

Below the propositions shall be listed the names of all candidates nominated as hereinbefore provided, arranged as provided in Section 3-1(e), with such instructions as shall aid the voter. If the number of votes in favor of the recall is in the majority, then the officer shall be deemed recalled, the votes cast for each of the candidates counted and the candidate receiving the highest number of votes declared elected for the remainder of the unexpired term. If the number of votes against the recall is in the majority, the incumbent shall not have been recalled,

and the votes for candidates shall not be counted. If such successor shall fail to qualify within 14 days after receiving notification of election, the office shall be deemed to be vacant and shall be filled in the manner provided in Section 3-1(i). Notwithstanding any other provision of this paragraph, however, if fewer than 20% of the voters eligible to vote in said recall election participate at such election, no votes need be counted and the election shall be deemed not to have recalled the incumbent.

(g) Repeat of Recall Petition - No recall petition shall be filed against an officer within six months after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

(h) Appointment of Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any Town office within two years after such recall or such resignation. Resignation at any time after a recall affidavit has been certified by the Board of Registrars of voters as being valid shall be deemed to be while recall proceedings were pending.

ARTICLE 4

TOWN ADMINISTRATOR

Section 4-1. Appointment; Qualification; Term

The Board of Selectmen shall appoint the Town Administrator to serve for a definite term of not more than five years and shall fix the compensation for such person, annually, within the amount appropriated by the Representative Town Meeting. The Town Administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Town Administrator shall be a person qualified by education, training and previous experience to perform the duties of the office. The Town Administrator shall not have served in any elected office in the Town government for at least twelve months prior to appointment. The Representative Town Meeting may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate. The Town Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor be actively engaged in any other business or occupation during such service, unless the Board of Selectmen approves such action in advance and in writing. The Board of Selectmen shall provide for an annual review of the job performance of the Town Administrator that shall, in summary form, be a public record.

Section 4-2. Powers and Duties

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which the

office of Town Administrator is given responsibility by or under this Charter. The powers and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of Town Administrator is given authority, responsibility or control by this Charter, by by-law, by the Representative Town Meeting, by vote of the Board of Selectmen, or otherwise.

(b) (1) To appoint for periods not in excess of five years, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, and officers, who report directly to the Town Administrator. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless, within that period, the board of selectmen by a vote of at least three of its members shall vote to reject such appointment, or, has sooner voted to affirm it. Copies of the notices of all such appointments shall be posted on the Town Bulletin Board when submitted to the Board of Selectmen.

(2) To suspend or remove, any person appointed by the Town Administrator under Section 4-2(b)(1) in accordance with the provisions of Section 6-6. The decision of the Town Administrator in suspending or removing any person appointed by the Town Administrator shall be final.

(c) To be entrusted with the administration of a Town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-laws and collective bargaining agreements entered into by the Town. The Town Administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town Agency, except the School Department.

(d) To fix the compensation of all appointed officers and employees within the limits established by appropriations of the Representative Town Meeting.

(e) To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings. To keep the Board of Selectmen fully advised concerning the status of all matters which have been referred to the office of the Town Administrator by the Board of Selectmen by providing to its members for review at each regular meeting of the Board of Selectmen a full and complete summary of all activity conducted by the office of the Town Administrator since the last meeting of the Board of Selectmen.

(f) To assure that full and complete records of the financial and administrative activities of the Town are kept and to render as often as may be required by the Board of Selectmen, a full report of all Town administrative operations during the period reported on, which report shall be made available to the public.

(g) To keep the Board of Selectmen fully advised as to the needs of the Town and shall recommend to the Board of Selectmen and to other elected Town officers and agencies for adoption such measures requiring action by them or the Representative Town Meeting as the Town Administrator may deem necessary or desirable.

(h) To have full jurisdiction over the rental and use of all Town facilities and property except property under the control of the school committee, or the conservation commission. The Town Administrator shall be responsible for the maintenance and repair of all Town buildings and facilities placed under the Town Administrator's control by this Charter, by by-law, by vote of the Representative Town Meeting or otherwise.

(i) To prepare and present, in the manner provided in Article 5A, an annual operating budget for the Town and a proposed capital outlay program for the five fiscal years next ensuing.

(j) To assure that a full and complete inventory of all property of the Town, both real and personal, is kept, including all property under the jurisdiction of the School Committee.

(k) To negotiate all contracts involving any subject within the jurisdiction of the office of Town Administrator, including contracts with Town employees, except employees of the School Department, involving wages, hours and other terms and conditions of employment. All such contracts shall be subject to ratification and execution by the Board of Selectmen.

(l) To serve as the chief procurement officer for purposes of G.L. c.30B and be responsible for purchasing all supplies, material and equipment for all departments and activities of the Town, including execution of contracts therefor. The Town Administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any Town Agency. The Town Administrator shall be responsible for the disposal of all supplies, material and equipment that have been declared surplus by any Town Agency.

(m) To see that all of the provisions of the General Laws, of this Charter, Town By-laws and other votes of the Representative Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town Administrator or officers subject to the direction and supervision of the Town Administrator are faithfully executed, performed or otherwise carried out.

(n) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other Town Agency.

(o) To attend all sessions of all Town Meetings and answer all questions raised by persons recognized by the Moderator which relate to warrant articles and to matters over which the Town Administrator exercises any supervision.

(p) To create, reorganize, expand, consolidate or abolish, in the manner provided in Article 5, Town Agencies serving under the supervision of the Town Administrator, in whole or in part, and provide for reassignment of powers, duties, functions and responsibilities with and among such agencies so created or existing, notwithstanding any specific designation of a Town Agency or any specific assignment of powers, duties, functions and responsibilities within this Charter. For purposes of said Article 5, functions assigned by this Charter to appointed Town Agencies under the supervision of the Town Administrator may be assigned to any other agency under the supervision of the Town Administrator or to any board, commission, committee, department, position or office of any such agency in the manner provided in said Article 5.

(q) To coordinate the activities of all Town Agencies serving under the office of Town Administrator and the office of Board of Selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For the purpose of effecting coordination and cooperation among all agencies of the Town, the Town Administrator shall have authority to require the persons so elected, or their representatives, to meet with the Town Administrator, at reasonable times, to submit such reports and summaries of actions taken as may be deemed to be necessary or desirable to have available for the purpose of such coordination.

(r) To perform any other duties as are required to be performed by the Town Administrator by the Town By-laws, Administrative Organization Plan, votes of the Representative Town Meeting, or votes of the Board of Selectmen, or otherwise.

Section 4-3. Delegation of Authority

The Town Administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of Town Administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town Administrator.

Section 4-4. Acting Town Administrator

(a) Temporary Absence - By letter filed with the Town Clerk, the Town Administrator shall designate a qualified Town administrative officer or employee to exercise the powers and perform the duties of Town Administrator during a temporary absence. During a temporary absence the Board of Selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified Town administrative officer or employee to serve until the Town Administrator returns.

(b) Vacancy - Any vacancy in the office of Town Administrator shall be filled as soon as possible by the Board of Selectmen in the manner provided in Section 4-1, however, pending such regular appointment the Board of Selectmen shall appoint a qualified Town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed six months but one renewal may be voted by the Board of Selectmen not to exceed a second six months. Compensation for such person shall be set by the Board of Selectmen but shall not exceed the compensation paid to the most recent incumbent of the office of Town Administrator.

(c) Powers and Duties - The powers of a Temporary or Acting Town Administrator under Sections 4-4(a) and 4-4(b) shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to a Town office or employment but not to make permanent appointments or designations.

Section 4-5. Removal and Suspension

The Board of Selectmen by the affirmative votes of three or more members may terminate, remove, or suspend the Town Administrator from office; further conditions applicable to termination, removal and suspension may be addressed by the terms of any contract between the Board of Selectmen and the Town Administrator.

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

Section 5-1. Department of Finance

(a) Department and Director - There shall be a Department of Finance under the direction of a Director of Finance, who shall be appointed and may be removed by the Town Administrator in accordance with the provisions of Section 4-2(b). Said Director of Finance shall give bond to the Town, at the expense of, and in a form satisfactory to, said Town.

(b) Powers and Duties of Director of Finance - In addition to all of the powers and duties conferred and imposed by law upon town accountants and town comptrollers, the Director of Finance shall: coordinate and direct all aspects of the Town's financial practices and procedures consistent with the General Laws; oversee the functions of the Treasurer-Collector, and have oversight of all accounting, treasury, collection, and risk management functions of the Town, and related automated data processing, information systems and procurements; engage in short and long term financial planning, and serve as an ex-officio member, with a voice but no vote, of every multiple member body of the Town involved with financial planning, policies or practices, including the Finance and Warrant Committee.

(c) Appointment of Treasurer-Collector and other Departmental Positions - The Director of Finance shall have authority to make other departmental appointments under the

provisions of Section 6-5, including appointment of a Treasurer-Collector. Said Treasurer-Collector shall have all of the powers and duties that treasurers and collectors may have under the Constitution and General Laws, and any other powers and duties assigned to that office by this Charter, by-law or other vote of the Representative Town Meeting. With the approval of the Board of Selectmen and Town Administrator, the Director of Finance may separate the responsibilities of the Treasurer-Collector and assign the same to a separate Treasurer and a separate Collector.

(d) Acting Director of Finance - In the event of a vacancy in the office, or the temporary absence of the Director of Finance due to illness or other cause, the Town Administrator may appoint an Acting Director of Finance for such limited time as is necessary to fill the position permanently under Sections 4-2(b) and 6-5.

Section 5-2. Organization of Town Agencies

The organization of the Town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this Article 5.

(a) By-Laws - Subject only to express prohibitions in the General Laws or the provisions of this Charter, the Representative Town Meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any Town Agency, in whole or in part, establish such new Town agencies as it deems necessary or desirable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this Charter to a particular Town Agency may be discontinued, or assigned to any other Town Agency, unless this Charter specifically so provides. Pursuant to Section 4-2(p), functions assigned by this Charter to appointed Town Agencies under the supervision of the Town Administrator may by by-law be assigned to any other appointed Town Agency under the supervision of the Town Administrator or to any board, commission, committee, department, position or office of any such agency.

(b) Administrative Organization Plan - The Town Administrator, after consultation with the Board of Selectmen, may from time to time prepare and submit to an annual Representative Town Meeting, plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the Town.

Whenever the Town Administrator prepares such a plan, the Board of Selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than 14 days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Representative Town Meeting by an appropriate warrant article. An organization or reorganization plan shall become effective at the start of the next fiscal year

following the date of adjournment of the Representative Town Meeting at which the proposal is submitted unless the Representative Town Meeting shall, by a majority vote, vote to disapprove the plan. The Representative Town Meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The Town Administrator may, through the Administrative Organization Plan, and subject only to express prohibitions in a General Law or this Charter, reorganize, consolidate or abolish any Town Agency, in whole or in part, establish such new Town agencies as is deemed necessary or desirable to the same extent as is provided in Section 5-2(a) and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the Town, transfer the appropriation of one Town Agency to another; provided, however, that no function assigned by this Charter to a particular Town Agency may be discontinued or assigned to any other Town Agency unless this Charter specifically so provides.

Section 5-3. Publication of Administrative Organization Plan and Staffing Plan

The Town by-laws, Administrative Organization Plan and any amendments thereto, as well as the personnel staffing plan, shall be posted on the Town website and paper copies thereof shall be made available in the office of the Town Clerk.

Section 5-4. Merit Principle

All appointments and promotions of Town officers and employees shall be made on the basis of merit and fitness, demonstrated by examination or by other evidence of competence and suitability.

ARTICLE 5A

FINANCE AND FISCAL PROCEDURES

Section 5A-1. Budget Cycle

The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June, unless another period is required by the General Laws. The Town Administrator shall establish a budget calendar, consistent with any requirements in this Charter and by-laws, setting forth key deadlines for action. Following presentation of the same to the Board of Selectmen, the Town Administrator shall provide notice thereof to all Town department heads, directors, boards, committees and officials.

Section 5A-2. School Committee Budget

(a) Public Hearing - At least seven days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper information as to the times and places, to include, at a minimum, the School website and Superintendent's office, where copies of the Committee's proposed

budget message and draft budget may be reviewed and or requested, and such information shall include the date, time and place of the public hearing thereon. The budget message shall outline proposed financial policies of the School Department for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, and include such other material as the Superintendent and School Committee deem desirable or the Town Administrator or Board of Selectmen may reasonably require. The School Committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) Submission to Town Administrator - The budget, as adopted by the School Committee, shall be submitted to the Town Administrator no later than two weeks prior to the date on which the Town Administrator is required to submit a proposed Town budget to the Finance and Warrant Committee to enable the Town Administrator to consider the effect of the School Department's requested appropriation upon the total Town operating budget, which is required to be submitted under this Article 5A.

Section 5A-3. Submission of Budget and Budget Message

Before the spring annual Town Meeting is to convene, the Town Administrator, shall, no later than one week prior to the date on which the Town Administrator will submit the proposed budget and budget message to the Board of Selectmen for its review, cause to be published in a local newspaper information as to the times and places, to include, at a minimum, the Town website and the Town Administrator's office, where copies of the Town Administrator's proposed budget and budget message may be reviewed and/or requested, and such information shall include the date, time and place of the public hearing thereon. After consultation with the Board of Selectmen, the Town Administrator shall submit to the Finance and Warrant Committee a proposed, balanced, operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents.

Section 5A-4. Budget Message

The budget message of the Town Administrator shall explain the budget for all Town Agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the Town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the Town's debt position and include other material as the Town Administrator deems desirable or the Board of Selectmen may reasonably require.

Section 5A-5. The Budget

926 The proposed operating budget shall provide a complete financial plan for all Town funds
927 and activities for the ensuing fiscal year. Except as may otherwise be required by General Law,
928 by this Charter, or by by-law, it shall be in the form which the Town Administrator deems
929 desirable or the Board of Selectmen may require. In the presentation of the budget, the Town
930 Administrator shall utilize modern concepts of fiscal presentation so as to furnish maximum
931 information and the best financial control. The budget shall show, in detail, all estimated income
932 from the proposed property tax levy and other sources and all proposed expenditures, including
933 debt service, for the following year. The budget shall be arranged to show the actual and
934 estimated income and expenditures for the previous, current and ensuing fiscal years and shall
935 indicate in separate sections:

936 (a) proposed expenditures for current operations during the ensuing fiscal year,
937 detailed by Town Agency and position in terms of work programs, and the method of financing
938 such expenditures;

939 (b) proposed capital expenditures during the ensuing fiscal year, detailed by Town
940 Agency, and the proposed method of financing each such capital expenditure; and

941 (c) estimated surplus revenue and free cash at the end of the current fiscal year,
942 including estimated balances in any special accounts established for specific purposes.

943 Section 5A-6. Action on the Budget

944 (a) Public Hearing - Forthwith upon its receipt of the proposed operating budget the
945 Finance and Warrant Committee shall provide for the publication in a local newspaper of a
946 notice stating the time and place, not less than seven nor more than fourteen days following such
947 publication, at which it will hold a public hearing on the proposed operating budget as submitted.

948 (b) Review - The Finance and Warrant Committee shall consider, in open public
949 meetings, the detailed expenditures proposed for each Town Agency and may confer with
950 representatives of each such Agency in connection with its review and consideration. The
951 Finance and Warrant Committee may require the Town Administrator, or any other Town
952 Agency, to furnish it with such additional information as it may deem necessary or desirable to
953 assist it in its review and consideration of the proposed operating budget.

954 (c) Action by the Representative Town Meeting - The Finance and Warrant
955 Committee shall file a report containing its recommendations for the action to be taken on each
956 line item in the proposed operating budget as submitted by the Town Administrator, which report
957 shall be available on the Town website and in the offices of the Town Administrator and Town
958 Clerk. The Finance and Warrant Committee's recommendation on the proposed operating
959 budget for the ensuing fiscal year shall be presented as the main motion to the Representative
960 Town Meeting.

Section 5A-7. Capital Improvement Program

The Town Administrator shall submit a capital improvement program to the Board of Selectmen and the Finance and Warrant Committee within the time fixed by by-law. Said program shall be based on material prepared by the Capital Improvement Committee established by by-law, if any, including:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the Town Administrator with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

Section 5A-8. Approval of Warrants

The Town Administrator shall be the chief fiscal officer of the Town. Warrants for the payment of Town funds prepared and signed by the Director of Finance in accordance with the provisions of the General Laws shall be submitted to the Town Administrator. The approval of any such warrant by the Town Administrator and shall be sufficient authority to authorize payment by the Treasurer-Collector or, as may be applicable, Town Treasurer, but the Board of Selectmen alone shall approve all warrants prepared and signed by the Director of Finance in the event of the absence of the Town Administrator or a vacancy in the office of Town Administrator.

Section 5A-9. Audits

The Board of Selectmen shall annually provide for an independent audit of all financial books and records of the Town, or, whenever it deems an audit of the books of the whole Town or of any particular Town Agency, to be necessary or desirable.

Audits of the Town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the Town.

ARTICLE 6

ADMINISTRATIVE PROVISIONS

993 Section 6-1. Rules and Regulations

994 A copy of all rules and regulations adopted by any Town Agency shall be filed in the
995 office of the Town Clerk and made available for review by any person who requests such
996 information. Such rules and regulations shall not become effective until ten days following the
997 date they are so filed.

998 Section 6-2. Procedures

999 (a) Meetings - All multiple member bodies of the Town, whether elected or
1000 appointed or otherwise constituted, shall meet regularly at such times and places open and
1001 accessible to the public within the Town as they may prescribe, and otherwise as consistent with
1002 the provisions of the Open Meeting Law, G.L. c.30A, §§18-25 as it may be amended from time
1003 to time. Special meetings of any multiple member body shall be held on the call of the respective
1004 chairman, by one-third of the members thereof by suitably written notice delivered to the
1005 residence or place of business of each member at least twenty-four hours in advance of the time
1006 set, or called by the chairman within one week following the date of the filing with the Town
1007 Clerk of a petition signed by at least fifty voters and which states the purpose or purposes for
1008 which the meeting is to be called. For purposes of the Open Meeting Law, if a special meeting is
1009 called by one-third of the members of a public body or as a result of a petition, the topics listed
1010 on said meeting notice or petition, shall be deemed to be the list of topics reasonably anticipated
1011 by the chair of such body. Except as otherwise authorized by the Open Meeting Law, all
1012 meetings of all multiple member bodies shall be conducted in open session.

1013 (b) Meeting Notices - No action taken on a matter not included in the posted meeting
1014 notice, shall be effective unless the multiple member body first adopts by separate vote a
1015 resolution declaring that an emergency exists, and that the particular matter must be acted upon
1016 at that meeting for the immediate preservation of the peace, health, safety or convenience of the
1017 Town. The Town shall also, subject to funding and administrative or technological constraints,
1018 post notices of all meetings on the Town's website as soon as possible after the official notices of
1019 such meetings are posted; provided, however, that, unless otherwise required by the General
1020 Laws to be posted on the Town's website, failure to so post shall not invalidate the meeting to
1021 which the notice relates, or otherwise affect action taken thereat or in reliance thereon.

1022 (c) Rules and Minutes - Each multiple member body shall determine its own rules
1023 and order of business unless otherwise provided by this Charter or by-law, and shall provide for
1024 keeping minutes of its proceedings. These rules and minutes shall be a public record kept
1025 available in a place convenient to the public at all reasonable times, and certified copies shall be
1026 kept available in the Library.

1027 (d) Voting - Except on procedural matters, all votes of all multiple member bodies
1028 shall be taken by voice or roll call vote, the result of which shall be recorded in the minutes;
1029 provided, however, that if the vote is unanimous only that fact need be recorded.

(e) Quorum - A majority of the members of the multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body.

(f) Public Participation – Each multiple member body shall include on the notice for each meeting an item for a public participation period of such duration and subject to such rules as the body shall adopt, during which members of the public shall have the opportunity to address the body concerning matters within its jurisdiction.

Section 6-3. Appointed Multiple-Member Bodies

(a) Appointing Authority, In General - Except as may otherwise be specified by this Charter, whenever, whether under the provisions of a vote of the Representative Town Meeting or by by-law, a multiple member body is to be established, the Representative Town Meeting shall designate the appropriate appointing authority therefor. In the absence of such designation, it shall be presumed that the Board of Selectmen shall make such appointment in accordance with the provisions of Section 3-2(d).

(b) Vacancies - Vacancies arising on an appointed multiple member body other than by expiration of appointed term shall be filled for the remainder of the unexpired term in the same manner as the original appointment, subject to the requirements of Section 6-4.

(c) Powers and Duties – The officers and multiple member bodies appointed by the Board of Selectmen, Town Administrator or Moderator under Section 3-2(d), by the Moderator under Section 3-8(b), as established by the Representative Town Meeting under Section 2-9(c), or as specified by the Representative Town Meeting consistent with the provisions of Section 6-3(a) shall have all the powers and duties provided to such officers and bodies under the Constitution and General Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting; provided, however that notwithstanding any provision of this Charter or of the General Laws to the contrary, the powers and duties of multiple member bodies appointed thereunder shall be subject to the applicable provisions of Article 6 and Article 4.

Section 6-4. Notice of Vacancies

Whenever a vacancy occurs in any Town office or Town employment, or on any multiple member body, except for positions covered under the civil service laws of the Commonwealth, whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the appointing authority shall cause public notice of the vacancy to be posted on the Town Bulletin Boards. No permanent appointment to fill such a position shall be effective until at least fourteen days have elapsed following such posting. Any person who desires to be considered for appointment to the position may, within ten days following the date

the notice is posted, or such later date as set forth in the posting, file with the Board of Selectmen or other appointing authority a statement which sets forth in clear and specific terms the qualifications which he holds for the position.

Section 6-5. Appointments by Department Heads

All persons categorized as department heads shall, subject to the consent of the Town Administrator, appoint all assistants, subordinates and other employees of the department for which such person is responsible. The department head may suspend or remove any assistant, subordinate or other employee of the department for which such person is responsible in accordance with procedures established pursuant to the provisions of Section 6-6. The decision to suspend or remove any assistant, subordinate or other employee shall be subject to review by the Town Administrator. A person for whom a department head has determined that suspension or removal is appropriate may seek review of such determination by the Town Administrator by filing a petition for review in the office of the Town Administrator, in writing, within ten days following receipt of notice of such determination. The review by the Town Administrator shall be consistent with the provisions of Section 6-6. The decision of the Town Administrator shall be final.

Section 6-6. Removals and Suspensions

Any appointed Town officer, member of a multiple member body or employee of the Town, not subject to the state civil service laws of the Commonwealth, collective bargaining agreement or contract to the contrary, and whether appointed for a fixed or indefinite term, shall be subject to suspension, termination or removal by the appointing authority for cause in accordance with a procedure set forth in the Town's Personnel By-laws, if any, or otherwise as said appointing authority, with the approval of the Town Administrator, determines is in the best interests of the Town.

Nothing in this Section 6-6 shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

Section 6-7. Role of Multiple Member Bodies

Nothing in this Charter shall be construed to authorize any individual member of an elected or appointed multiple-member body, nor a majority of members of such body, to become involved in the day-to-day operation and administration of any Town Agency, including appointment and supervision of department heads and staff, except as otherwise provided herein. Instead, day-to-day operations shall be subject to oversight by the Town Administrator under Section 4-2, and department heads under Sections 6-5 and 6-6. It is the intention of this provision to affirmatively establish that such bodies shall act only through the adoption of broad policy guidelines that are to be implemented by officers and employees serving under such body.

1102 Section 6-8. Report of Multiple Member Bodies

1103 Each elected and appointed multiple member body shall report annually to the Town,
1104 prior to the spring annual Town Meeting, giving information regarding the status of those
1105 matters under its jurisdiction, including any relevant plans or proposals known to it affecting the
1106 resources, possibilities and needs of the Town, and, in the case of any such multiple member
1107 body required to prepare or maintain plans or studies, an indication of the same and any
1108 amendments made thereto during the past year.

1109 ARTICLE 7

1110 REVIEW AND CHANGES OF CHARTER AND BY-LAWS

1111 Section 7-1. Charter Changes

1112 This Charter may be replaced, revised or amended in accordance with the procedures
1113 made available by article LXXXIX of the Amendments to the Constitution and any legislation
1114 enacted to implement the said Amendments.

1115 Section 7-2. Periodic Review of Charter and By-Laws

1116 The Board of Selectmen shall appoint a special committee of no less than five voters in
1117 each year ending in “0” to review this Charter and in each year ending in “5” to review the Town
1118 by-laws. Such committees shall make recommendations concerning possible revision or
1119 recodification as they deem appropriate, and shall present the same, accompanied by a statement
1120 as to the reasons therefor, in a report to the Board of Selectmen.

1121 Within 8-10 months following appointment, each such committee shall prepare a
1122 preliminary report summarizing its recommendations as of that time, and shall schedule a public
1123 hearing in connection therewith to be held no earlier than two weeks after the date notice of the
1124 availability of such report is published in a newspaper of general circulation in the Town. Said
1125 notice shall include information as to times and places, which shall include at a minimum the
1126 Town’s website and the Town Clerk’s office, where copies of the report may be reviewed or
1127 requested, and include the date, time and place of the public hearing thereon.

1128 ARTICLE 8

1129 TRANSITIONAL PROVISIONS

1130 Section 8-1. Continuation of Existing Laws

1131 All General Laws, special laws, Town by-laws, votes, rules and regulations of or
1132 pertaining to the Town which are in force when this Charter takes effect or is amended and
1133 which are not specifically or by clear implication repealed hereby, shall continue in full force and
1134 effect until amended or rescinded by due course of law or expire by their own limitation.

1135 Section 8-2. Continuation of Government

1136 Following adoption or amendment of this Charter, all Town Agencies shall continue to
1137 perform their duties until re-appointed or re-elected, or until successors to their respective
1138 positions are duly appointed or elected or their duties have been transferred.

1139 Section 8-3. Continuation of Personnel

1140 Following adoption or amendment of this Charter, to the extent that any provision affects
1141 a particular appointed Town office, position or employment, the Town shall, subject to
1142 appropriation and the continued existence of such office, position or employment, retain the
1143 same and continue to perform the duties thereof until provision shall have been made for the
1144 performance of those duties by another person or agency, unless sooner removed in accordance
1145 with this Charter, applicable collective bargaining agreement, employment contract, by-law or
1146 otherwise; provided, however, that no person in the permanent full-time service or employment
1147 of the Town shall forfeit his pay grade or time in service. Subject to appropriation, and in accord
1148 with the provisions of any contracts or applicable collective bargaining agreements, all such
1149 persons shall be retained in a capacity as similar to the capacity they were serving at the time this
1150 Charter was adopted or amended as is practical, and any reduction in the personnel needs of the
1151 Town shall be accomplished through a policy of attrition unless specific provision is otherwise
1152 made.

1153 Section 8-4. Disposition of Special Acts

1154 (a) Partial Repeal of Certain Special Acts — The following special acts, insofar as
1155 they confer power upon the Town of Dedham which the Town would not otherwise hold under
1156 this Charter, General Laws or the Constitution, are retained; otherwise, they are hereby repealed,
1157 it being the explicit intention of this paragraph that portions of any special acts retained which
1158 limit or restrict a power conferred or the manner in which it is to be exercised be repealed and
1159 that powers so conferred are to be exercised in accordance with this Charter:

1160 (1) Chapter 270 of the Acts of 1897 (“An Act to Authorize the Town of Dedham to
1161 Construct a System of Sewerage and to Provide for the Payment of the Cost Thereof”);

1162 (2) Chapter 343 of the Acts of 1900 (“An Act relative to the Construction of a System
1163 of Sewage by the Town of Dedham”);

1164 (3) Chapter 52 of the Acts of 1921 (“An Act relative to the Sewage System of the
1165 Town of Dedham”);

1166 (4) Chapter 13 of the Acts of 1932 (“An Act relative to the Payment of the Cost of
1167 Construction of Particular Sewers and Connecting Drains in the Town of Dedham”);

1168 (5) Chapter 51 of the Acts of 1937 (“An Act Authorizing the Town of Dedham to use
1169 Stone Park, so called, for playground and Athletic Field Purposes”);

1170 (6) Chapter 446 of the Acts of 1956 (“An Act Authorizing the Town of Dedham to
1171 Borrow Money Outside the Debt Limit for Improving Wigwam Brook and Certain Meadow
1172 Land”);

1173 (7) Chapter 64 of the Acts of 1957 (“An Act Authorizing the Town of Dedham to use
1174 Certain Park Land for School Purposes”); and

1175 (8) Chapter 65 of the Acts of 1957 (“An Act Authorizing the Town of Dedham to use
1176 Certain Park Land for Municipal Purposes”).

1177 (b) Special Acts Repealed: Action Taken Thereunder Preserved — The following
1178 special acts are repealed; provided, however, that nothing contained in this Charter shall be
1179 construed to revoke, invalidate or otherwise alter acts done in compliance therewith or under the
1180 authority thereof:

1181 (1) Chapter 102 of the Acts of 1838; (2) Chapter 168 of the Acts of 1866; (3) Chapter 30
1182 of the Acts of 1886; (4) Chapter 156 of the Acts of 1889; (5) Chapter 74 of the Acts of 1895; (6)
1183 Chapter 128 of the Acts of 1910; (7) Chapter 135 of the Acts of 1913; (8) Chapter 9 of the Acts
1184 of 1924; (9) Chapter 292 of the Acts of 1925; (10) Chapter 335 of the Acts of 1926; (11) Chapter
1185 358 of the Acts of 1926; (12) Chapter 46 of the Acts of 1928; (13) Chapter 270 of the Acts of
1186 1929; (14) Chapter 8 of the Acts of 1930; (15) Chapter 211 of the Acts of 1933; (16) Chapter
1187 215 of the Acts of 1934; (17) Chapter 29 of the Acts of 1935; (18) Chapter 325 of the Acts of
1188 1935; (19) Chapter 3 of the Acts of 1936; (20) Chapter 96 of the Acts of 1943; (21) Chapter 18
1189 of the Acts of 1945; (22) Chapter 91 of the Acts of 1947; (23) Chapter 90 of the Acts of 1947;
1190 (24) Chapter 417 of the Acts of 1948; (25) Chapter 45 of the Acts of 1949; (26) Chapter 58 of
1191 the Acts of 1950; (27) Chapter 135 of the Acts of 1950; (28) Chapter 91 of the Acts of 1951; (29)
1192 Chapter 20 of the Acts of 1952; (30) Chapter 494 of the Acts of 1954; (31) Chapter 710 of the
1193 Acts of 1955; (32) Chapter 119 of the Acts of 1956; (33) Chapter 64 of the Acts of 1958; (34)
1194 Chapter 80 of the Acts of 1959; (35) Chapter 255 of the Acts of 1960; (36) Chapter 239 of the
1195 Acts of 1964; (37) Chapter 226 of the Acts of 1965; (38) Chapter 6 of the Acts of 1966; (39)
1196 Chapter 17 of the Acts of 1966; (40) Chapter 350 of the Acts of 1970; (41) Chapter 238 of the
1197 Acts of 1971; and, (42) Chapter 394 of the Acts of 1972.

1198 (c) Special Acts Specifically Retained — The following special acts are hereby
1199 recognized, confirmed and retained:

1200 (1) An Act of the General Court of the Colony of Massachusetts Bay, enacted
1201 September 8, 1636; and

1202 (2) Chapter 38 of the Acts of 1922 (“An Act Extending the Provisions of the Civil
1203 Service laws to the Chief of the Fire Department of the Town of Dedham”).

1205 SECTION 2. Section 3-1 of said charter is hereby amended by striking out subsection (d)
1206 and inserting in place thereof the following subsection:-

1207 (d) Elected Town officials, other than the Town Clerk, shall serve without compensation,
1208 but shall, subject to appropriation, be reimbursed for their actual and necessary expenses
1209 incurred in the performance of their duties.

1210 SECTION 3. Subsection (a) of section 3-5 of said charter is hereby amended by striking
1211 out the word “three” and inserting in place thereof the following word:- five.

1212 SECTION 4. Section 4-2 of said charter is hereby amended by striking out subsection (b)
1213 and inserting in place thereof the following subsection:-

1214 (b) (1) To appoint for periods not in excess of five years, subject to the provisions of the
1215 civil service laws and of any collective bargaining agreements as may be applicable, all
1216 department heads, directors, principal deputies or principal agents of multiple member bodies
1217 other than those under the jurisdiction of the School Committee, Board of Library Trustees and
1218 the Parks and Recreation Commission and officers, and positions for which no other method of
1219 appointment is provided in this Charter; provided, however, that the Town Administrator shall
1220 consult with the appropriate elected or appointed multiple member body prior to hiring a
1221 department head, director, principal deputy or principal agent for a particular department.
1222 Subject to the provisions of the civil service laws and of any collective bargaining agreements as
1223 may be applicable, all appointments made hereunder shall be for employment “at will” provided
1224 they may be for periods not in excess of five years, and shall become effective on the fifteenth
1225 day following the day on which notice of the appointment is filed with the Board of Selectmen,
1226 unless, within that period, the Board of Selectmen by a vote of at least three of its members shall
1227 vote to reject such appointment, or, has sooner voted to affirm it. Copies of the notices of all
1228 such appointments shall be posted on the Town Bulletin Boards when submitted to the Board of
1229 Selectmen.

1230 (2) To suspend or remove, any person appointed by the Town Administrator under
1231 Section 4-2(b)(1), provided, however, that if such person is the department head director,
1232 principal deputy or principal agent for a department for which policy is set by an elected or
1233 appointed multiple member body, the Town Administrator shall, except in circumstances in
1234 which the best interest of the Town require immediate action, first consult with such body with
1235 respect to such suspension or removal. The decision of the Town Administrator in suspending or
1236 removing any person appointed by the Town Administrator shall be final.

1237 SECTION 5.(Said section 4-2 of said charter is hereby further amended by adding the
1238 following clause:-

1239 (s) To supervise and direct all appointed department heads, directors, principal deputies,
1240 and principal agents of elected and appointed multiple member bodies, but excluding the Board
1241 of Library Trustees and Parks and Recreation Director, with respect to day-to-day performance,
1242 in a manner consistent with the Town's personnel by-laws and policies, and, if applicable,
1243 contracts or collective bargaining agreements, and shall, in connection therewith, provide for an
1244 annual review of such department heads, directors, principal deputies and principal agents with
1245 respect to day-to-day performance, with or without the respective multiple member body.

1246 SECTION 6. Said charter is hereby amended by striking out the words, "Town
1247 Administrator", each time they appear and inserting in place thereof, in each instance, the
1248 following words:- Town Manager.

1249 SECTION 7. Sections 1 to 6, inclusive of this act shall be presented to the voters of the
1250 town of Dedham at an election in the form of the following questions, with all such questions to
1251 be preceded by instructions to aid the voter indicating that each question is to be considered
1252 independently, and further that each question shall be followed by a brief summary prepared by
1253 town counsel:

1254 "QUESTION 1: Shall section 1 of an act passed by the general court in the year 2014,
1255 entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM, which
1256 section amends the Town Charter by making ministerial, clerical and minor substantive
1257 revisions, be accepted?

1258 QUESTION 2: Shall section 3 of an act passed by the general court in the year 2014,
1259 entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM', which
1260 section increases the term of the elected Town Clerk from three to five years, be accepted?

1261 QUESTION 3: Shall section 2 of an act passed by the general court in the year 2014,
1262 entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM, which
1263 section amends the Town Charter to eliminate compensation for elected officials other than the
1264 Town Clerk, be accepted?

1265 QUESTION 4: Shall sections 4 and 5 of an act passed by the general court in the year
1266 2014, entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM,
1267 which sections amends the Town Charter to make the Town Administrator responsible for
1268 appointing and supervising all department heads other than the Library Director and Parks and
1269 Recreation Director, be accepted?

1270 QUESTION 5: Shall section 6 of an act passed by the general court in the year 2014,
1271 entitled 'AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM, which

1272 section amends the Town Charter to change the title of “Town Administrator” to “Town
1273 Manager”, be accepted?”

1274 If a majority of the votes cast in answer to any of the questions is in the affirmative, the
1275 sections of this act therein referenced shall take effect immediately or as otherwise specified in
1276 said section, but not otherwise.

1277 SECTION 8. Notwithstanding section 2 of any other provision of this act, an elected
1278 official holding office as of the effective date of this act shall continue to receive compensation
1279 until the expiration of his or her current term of office, as of the effective date of this act, or his
1280 or her resignation, retirement or removal therefrom.

1281 SECTION 9. Notwithstanding section 3 of this act or any other provision of this act, the
1282 duration of office for the town clerk of the town of Dedham holding such office as of the
1283 effective date of this act, shall be for a period of 3 years; provided, however, upon the expiration
1284 of the current term of office, or the sooner resignation, retirement or removal of the town clerk
1285 serving as of the effective date of this act, the provisions of section 3 shall apply provided that
1286 the majority of votes cast in answer to question 3 set forth in section 7 are in the affirmative.

1287 SECTION 10. This act shall take effect upon passage.