SENATE . . . . . No. 1884

Senate, Thursday, October 17, 2013 - New draft (Senator Murray) to Senate bill providing for a charter for the town of Sandwich, (Senate, No. 1792).

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act amending the charter of the town of Sandwich.

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

SECTION 1. Chapter 106 of the acts of 2009 is hereby repealed.

SECTION 2. The following shall be the charter of the town of Sandwich:-

ARTICLE I

INCORPORATION, FORM OF GOVERNMENT

Section 1.1 INCORPORATION

The inhabitants of the town of Sandwich, residing within its corporate boundaries as established by law, are hereby constituted and shall continue to be a body politic and corporate in perpetuity under the name of the town of Sandwich.

Section 1.2 FORM OF GOVERNMENT

(a) The municipal form of government provided by this charter shall consist of a town meeting open to all voters of the town of Sandwich; a board of selectmen, elected by the people and accountable to the people; and a town manager, appointed by and accountable to the board of selectmen for proper administration of the affairs of the town.

(b) The schools of the town shall be operated by a school department and supervised by a superintendent of schools under the direction of a school committee, elected by the people of the town of Sandwich and accountable to the people for proper administration of the affairs of the schools.

ARTICLE II

POWERS OF THE TOWN

Section 2.1 POWERS

(a) The town shall have all the powers granted to towns by the constitution and General Laws together with all of the implied powers necessary to execute such granted powers.

(b) The powers of the town under the charter shall be construed and interpreted liberally in favor of the town and the specific mention of any particular power is not intended to limit in any way the general powers.

(c) The town may enter into agreements with any other agency of municipal government, agency of the commonwealth, other states or the United States government to perform jointly, by contract, or otherwise, any of its powers or functions and may participate in the financing thereof.

ARTICLE III

LEGISLATIVE BRANCH

Section 3.1 OPEN TOWN MEETING

The legislative powers of the town shall be exercised by a town meeting open to all voters of the town of Sandwich.

Section 3.2 PRESIDING OFFICER

All sessions of the town meeting shall be presided over by a moderator, elected as provided in section 4.4. The moderator shall regulate the proceedings, decide questions of order and make public declarations of all votes. The moderator shall have all of the powers and duties given to moderators under the constitution and the General Laws, and such additional powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

Section 3.3 ANNUAL TOWN MEEETING

The annual town meeting shall be held on such dates as may be fixed by the board of selectmen as provided in paragraph (e) of Section 4.2.5.

Section 3.4 SPECIAL TOWN MEETINGS

Special town meetings shall be held at the call of the board of selectmen at such times as it may deem appropriate and whenever a special meeting is requested by the voters under the procedures of the General Laws.

Section 3.5 QUORUM

The quorum for both the annual town meeting and any special town meeting shall be set by by-law.

Section 3.6 CLERK OF THE MEETING

The town clerk shall serve as the clerk to the town meeting. In the event that the town clerk is absent, the assistant town clerk shall serve.

Section 3.7 WARRANT ARTICLES

(a) Except for procedural matters, all subjects to be acted on by town meeting shall be placed on warrants issued by the board of selectmen.

(b) The board of selectmen shall receive all petitions addressed to it which require the submission of particular subject matter to the town meeting in accordance with the General Laws. Ten signatures shall be required on a petition to have an article inserted in the warrant for an annual town meeting, and 100 signatures shall be required on a petition to have an article inserted in a warrant for a special town meeting.

(c) Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall show comparative figures including actual figures for the preceding year, appropriations for the current year, requests for the next fiscal year and amounts recommended by the finance committee.

(d) Copies of main motions to be considered on articles in the warrant that were not originally included in the printed warrant or on the script to be read by selectmen at the town meeting, shall be made available as draft versions in writing to all voters prior to the town meeting and distributed at the town meeting. Final adjustments, if necessary, will be shown on the viewing screen. The moderator may require other motions to be submitted in writing. Failure to comply with this subsection shall not invalidate any vote taken by the town meeting.

Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

In addition to any notice required by the General Laws, the board of selectmen shall cause the annual town meeting warrant to be posted on the town bulletin board and otherwise distributed as provided by paragraph (e) of section 4.2.5. Additional copies shall be kept available for distribution by the town clerk. In addition, the board of selectmen shall cause the town meeting warrant to be posted on the town's website for the convenience of the residents of the town; provided, however, that failure to post the warrant on the website or to post it at least 1 week prior to the date of the town meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the town meeting.

ARTICLE IV

ELECTED TOWN OFFICES

Section 4.1 ELECTED TOWN OFFICES, IN GENERAL

The offices to be filled by the voters shall be: a board of selectmen, consisting of 5 members; a school committee, consisting of 7 members; a moderator; a town clerk; a board of assessors, consisting of 3 members; a board of health, consisting of 3 members; a planning board, consisting of 7 members; constables; trustees of the Sandwich library, consisting of 9 members; trustees of the Weston Memorial Fund, consisting of 3 members; Sandwich historic district, consisting of 5 members; a housing authority, consisting of 5 members, 4 of whom shall be elected and 1 of whom shall be appointed by the governor; and such other regional authorities, districts or committees as may be required by the General Laws or inter-local agreement. All elected or appointed multiple member boards shall be arranged so that as nearly an equal number of terms as possible shall expire each year. Notwithstanding any other provision of the charter, all elected officials and officers shall have the powers and duties as prescribed by the General Laws.

Section 4.2 BOARD OF SELECTMEN

The board of selectmen shall be composed of 5 members. Each member shall be elected from the town at-large to a 3 year term.

Section 4.2.1 QUALIFICATIONS

In addition to any other qualifications prescribed by law, each selectman shall be a qualified voter of the town and shall reside within the town while in office.

Section 4.2.2 COMPENSATION

Selectmen shall receive such compensation as may be specified in the annual budget; provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official duties upon approval by the board of selectmen.

Section 4.2.3 CHAIRMAN AND VICE CHAIRMAN

(a) A chairman shall be elected by the board of selectmen at the first meeting following each regular town election. The chairman shall preside at all meetings of the board. The chairman shall perform such other duties consistent with the General Laws and this charter or as may be imposed on the chairman by the board.

(b) A vice chairman shall be elected by the board of selectmen at the first meeting following each regular town election. The vice chairman shall act as chairman during the disability or absence of the chairman and in this capacity shall have the rights and duties conferred upon the chairman.

Section 4.2.4 VACANCIES

Vacancies in the office of selectman shall be filled by special election if the vacancy occurs at least 8 months or more prior to the next annual election. If a vacancy occurs, the board of selectmen shall, within 10 days after the occurrence of a vacancy, call a special election that shall be held not less than 65 days nor more than 90 days after issuing the call. A vacancy which occurs less than 8 months prior to the next annual election shall be filled at the next annual election.

Section 4.2.5 GENERAL POWERS AND DUTIES

(a) Except as otherwise provided by the General Laws or this charter, all executive powers of the town shall be vested in the board of selectmen. The board of selectmen shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law.

(b) At least a majority of the board of selectmen shall sign all official documents and approve the financial warrants.

(c) The board of selectmen shall serve as the board of directors and policy-making body of the town. They shall appoint a town manager to carry out the day-to-day operations of the town within the policies set by the board of selectmen. The board of selectmen shall appoint members of committees.

(d) No member of the board of selectmen may serve in any other elected or appointed town office or committee during that member's term as selectman, excluding ex-officio positions, except that selectmen may serve on committees when authorized by state law or town by-law. Service as a representative from the town to another body other thanthe Town shall not be prohibited by this provision.

(e) The board of selectmen shall set guidelines for the preparation of the annual budget and present the budget to the town meeting. The board of selectmen shall set the date and warrant articles for the town meeting and any special town meeting. The board of selectmen shall make available sufficient copies of the warrant for the town meeting forall registered voters. The board of selectmen shall either provide direct mailings to households or publish notice of the availability of and make available the warrants at town facilities and other common locations throughout the town at least 2 weeks prior to the town meeting; provided, however, that failure to post the warrant on the website or to post it at least 1 week prior to the date of the town meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the town meeting.

(f) The board of selectmen shall be a licensing board for the town and shall have the power to issue licenses as authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to impose restrictions on any such license as it deems

151 to be in the public interest and to enforce all laws, rules, regulations andrestrictions relating to all
152 such businesses for which it issues licenses.

153 (g) The board shall require bonds for all municipal officers and employees who receive
154 or pay out any moneys of the town. The amount of such bonds shall be determined by the board
155 and the cost of such bonds shall be borne by the town.

156 (h) The board of selectmen shall be authorized to institute, prosecute, compromise or
157 defend any claim, action, suit or other proceeding in the name of the town and to settle any
158 claim, action, suit or other proceeding brought by or on behalf of or against the town. If a
159 settlement requires the issuance of a permit or license or the transfer of property, and such matter
160 is not within the board of selectmen's jurisdiction, the town board or officer with legal
161 jurisdiction over the matter shall retain sole authority to act on behalf of the town.

162 (i) The board of selectmen shall annually review a long-range rlan, including capital
163 planning, to project the future needs of the town and report on this at town meeting.

164 (j) The board of selectmen shall serve as custodians of all town property except as
165 otherwise provided by the General Laws or by vote of the town.

166 (k) The board of selectmen shall be authorized to formally investigate cases of any
167 suspected serious misconduct or criminal wrongdoing by the town manager or other officers or
168 employees of the town; provided that such investigation is approved by a vote of 4 out of 5
169 selectmen.

170 (l) The board of selectmen shall exercise any other responsibilities as set forth in the
171 General Laws.

172 Section 4.2.6 MEETINGS OF THE BOARD

173 (a) The board of selectmen shall hold at least 2 regular meetings each month. The board
174 shall fix, by resolution, the days, times and location of its regular meetings.

175 (b) The board of selectmen may hold such special meetings as it deems necessary and
176 appropriate, which may be called for by 3 members of the board. Such regular or special
177 meetings shall be held only in a facility or at a location readily accessible to the public or
178 handicap accessible.

179 Section 4.2.7 RULES OF PROCEDURE

180 (a) The board of selectmen shall by resolution, determine its own rules and order of
181 business; provided however, the rules shall provide that citizens of the town shall have a
182 reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

(b) Voting, except on procedural motions, shall be by roll call if requested by a selectman, and the ayes and nays shall be recorded in the minutes.

(c) Three selectmen shall constitute a quorum to transactbusiness.

(d) No action of the board of selectmen shall be valid or binding unless adopted by the affirmative vote of 3 or more members of the board.

Section 4.2.8 PROHIBITIONS

(a) Except if authorized by law, no selectman shall hold any other town office or town employment during the selectman's term, nor shall any former selectman hold any compensated appointed town office or town employment until 1 year after the expiration of a term as selectman.

(b) The selectmen shall not, in any manner, dictate the appointment or removal of any town administrative officers or employees whom the town manager or any of the town manager's subordinates are empowered to appoint. The board of selectmen may express its views and fully and freely discuss with the town manager anything pertaining to appointments and removal of such officers and employees.

(c) The board of selectmen and its members shall deal with town officers and employees who are subject to the direction and supervision of the town manager solely through the town manager, and neither the board of selectmen nor any of its members shall give orders to any such officer oremployee, either publicly or privately.

Section 4.3 SCHOOL COMMITTEE

The school committee shall be composed of 7 members. Each member shall be elected from the town at-large to a 3 year term. The 3-year terms of office for school committee members shall be staggered.

4.3.1 QUALIFICATIONS

In addition to any other qualifications prescribed by law, each member of the school committee shall be a qualified voter of the town and shall reside within the town while in office.

4.3.2 COMPENSATION

School committee members shall receive no compensation; provided, however, that members shall be entitled to all necessary expenses incurred in the performance of the members' official duties upon approval by the school committee.

4.3.3 CHAIRMAN AND VICE CHAIRMAN

(a) A chairman shall be elected by the school committee at the first meeting following each regular town election. The chairman shall preside at all meetings of the committee. The chairman shall perform such other duties consistent with the General Laws and this charter or as may be imposed by the committee.

(b) A vice chairman shall be elected by the school committee at the first meeting following each regular town election. The vice chairman shall act as chairman during the disability or absence of the chairman and in this capacity shall have the rights and duties conferred upon the chairman.

Section 4.3.4 VACANCIES

Vacancies in the school committee shall be filled by special election if the vacancy occurs at least 8 months prior to the next annual election. In this case, the board of selectmen shall, within 10 days after the occurrence of a vacancy, call a special election that shall be held not less than 65 days nor more than 90 days after issuing the call. Any vacancy which occurs less than 8 months prior to the next annual election shall be filled at the next annual election.

Section 4.3.5 GENERAL POWERS AND DUTIES

(a) The school committee shall have all the powers and duties given to school committees by the General Laws. The school committee shall have the power to select, oversee and to terminate the superintendent of chools and establish educational goals and policies for the schools consistent with requirements of the General Laws and standards established by the commonwealth.

(b) The superintendent of schools shall be chosen upon the basis of the individual's executive and administrative training, education, experience and ability and any other factors the school committee deems appropriate. The superintendent of schools shall be bonded at town expense.

(c) The superintendent of schools shall have the duties and responsibilities provided by the General Laws, this charter and vote of the school committee.

Section 4.3.6 MEETINGS OF THE BOARD

The school committee shall hold at least 1 regular meeting each month while school is in session. The committee shall fix the days, times and location of its regular meetings.

The school committee may hold such special meetings as it deems necessary and appropriate, which may be called by the chair or 4 members of the committee. Such regular or special meetings shall be held only in a facility or at a location readily accessible to the public or handicap accessible.

Section 4.3.7 RULES OF PROCEDURE

The school committee shall determine its own rules and order of business; provided, however, the rules shall provide that citizens of the town shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

Voting, except on procedural motions, shall be by roll call if requested by a school committee member and the ayes and nays shall be recorded in the minutes.

Section 4.3.8 BUDGET HEARING

The school committee shall prepare an annual line-item operating budget and hold a public hearing on its proposed annual budget, required under section 38N of chapter 71 of General Laws, by March 1.

Section 4.4 MODERATOR

A moderator shall be elected by the voters for a term of 3 years. In the event of absence of the moderator, the town meeting may elect a temporary moderator to preside over the town meeting.

Section 4.4.1 POWERS AND DUTIES

(a) The moderator shall have the powers and duties provided by the General Laws, by this charter, by by-law or by any other town meeting vote.

(b) The moderator shall appoint members of the finance committee which shall consist of 9 members. If the moderator fails to fill a vacancy on the finance committee within 45 days of having been notified in writing by the town clerk of said vacancy, a majority of the remaining members of the finance committee may nominate a person for each such vacancy. If the moderator fails to take action on said nomination within 21 days, the nominee shall become a member of the finance committee.

(c) To assist in the application and appointment process and to better prepare potential committee members, the moderator may, at his discretion, include participation by the chairman of the board of selectmen, chairman of the finance committee or the chairman of the school committee or their designated representatives.

(d) The moderator shall appoint members to other committees as directed by town meeting.

Section 4.5 TOWN CLERK

A town clerk shall be elected by the voters at the annual town election, for a term of 3 years.

Section 4.6 BOARD OF LIBRARY TRUSTEES

The board of library trustees shall be composed of 9 members. Each member shall be elected from the town at-large to a 3-year term.

Section 4.6.1 QUALIFICATIONS

Each member of the board of library trustees shall be a qualified registered voter of the town and shall reside within the town while in office.

Section 4.6.2 GENERAL POWERS AND DUTIES

Notwithstanding any provision of this charter to the contrary, the board of library trustees shall have all the powers and duties given to boards of library trustees under chapter 78 of the General Laws and any other applicable law, except as otherwise provided herein. The board of library trustees shall, except in the case of those employees subject to chapter150E of the General Laws, appoint the director of the library and all employees thereof and may enter into a contract with said director; provided, however, that such contract shall meet minimum legal standards established by the board of selectmen and town manager. The board of library trustees shall implement such human resources practices and standards as established by the town manager for all other town employees and employees of the library shall be subject to the personnel policies and procedures adopted by the town and such other personnel policies and procedures agreed upon in writing by the board of library trustees and town manager. The town manager shall be responsible for the procurement of all contracts on behalf of the library.

Section 4.6.3 VACANCIES

Vacancies shall be filled by election under section 10 of chapter 41 of the General Laws or by the board of selectmen and the remaining members of the board of library trustees under section 11 of chapter 41 of the General Laws

Section 4.7 BOARDS, COMMITTEES AND OFFICERS

(a) Each board or committee shall be organized and charged with the powers and duties specified in the General Laws and special acts of the commonwealth, town by-law or elsewhere in this charter. The board of selectmen may also, from time to time, establish boards or committees to address specific needs or issues. Each board or committee shall, at its annual organization meeting, elect a presiding officer and shall cause the board of selectmen and the town clerk to be notified of its selection. Such boards and committees shall make a written annual report of its activities to the board of selectmen.

(b) Members of permanent committees shall be elected for a staggered term of 3 years unless otherwise provided for by the General Laws or this charter. Appointees to temporary and special committees shall be appointed by the board of selectmen for the duration of the charge of the board or committee. Boards, committees or officers specifically provided for by the General Laws or this charter may be continued or terminated only by the board of selectmen.

(c) No resignation of any town officer, including members of a board or committee, shall be deemed effective unless and until such resignation is filed with the town clerk or such later time certain as may be specified in such resignation. In the event an appointed board or committee member misses 3 consecutive meetings without the permission of the chair, the chair shall notify the oard of selectmen, which board may, after opportunity for a hearing, deem such position to be vacant.

ARTICLE V

ADMINISTRATIVE SERVICES

Section 5.1 TOWN MANAGER

Section 5.1.1 APPOINTMENT AND QUALIFICATIONS

The board of selectmen shall by majority vote of the entire board appoint a town manager. The method of selection shall be left to the discretion of the board of selectmen so long as the method of selection ensures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The town manager shall be chosen solely upon the basis of the individual's executive and administrative training, education, experience and ability and need not, when appointed, be a resident of the town of Sandwich; provided however, that the town manager shall establish such residence within 6 months following the effective date of appointment and provided further that the board of selectmen may, by a unanimous vote of all members of the board of selectmen then in office, extend to a time certain the time for establishing residence or waive this requirement in its entirety. The town manager shall be bonded at town expense.

Section 5.1.2 COMPENSATION

The town manager shall receive compensation as may be fixed by the board of electmen according to the town manager's expertise, education and training. Any contract between the board of selectmen and the town manager shall be under section 108N of chapter 41 of the General Laws.

Section 5.1.3 TERM AND REMOVAL

The town manager may be appointed for a definite term, but may be removed at the discretion of the board of selectmen by vote of the majority of the entire board. The action of the board of selectmen in suspending or removing the town manager shall be final. It is the intention of this charter to invest all authority and fix all responsibilities of such suspension or removal in the board of selectmen.

Section 5.1.4 POWERS AND DUTIES

The town manager shall be responsible to the board of selectmen for the proper administration of all the affairs of the town consistent with the General Laws and this charter, and shall:

(a) appoint, discipline, suspend or remove town employees, including employees in civil service positions, except that the approval of the board of selectmen shall be required for appointment of department heads and the assistant town manager;

(b) supervise and direct all appointed department heads and organize and structure all town departments accordingly;

(c) administer and enforce the General Laws or special acts of the commonwealth or town by-laws and all regulations established by the board of electmen;

(d) coordinate activities of all town departments;

(e) attend all sessions of the town teeting and answer all questions addressed to the town manager which are related to the warrant articles and to matters under the general supervision of the town manager;

(f) keep the board of selectmen fully informed as to the needs of the town and recommend to the selectmen for adoption such measures requiring action by the board or by the town as the town manager deems necessary or expedient;

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

(h) be responsible for the rental, use, maintenance, repair and the development of a comprehensive maintenance program for all town facilities;

(i) serve as the chief procurement officer and be responsible for the purchase of all supplies, materials and equipment and approve the award of all contracts; provided, however that any contract over $1,000,000 shall require approval by the board of selectmen;

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

(k) administer personnel policies, practices, rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the town;

(l) fix the compensation of all town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;

380 (m) be responsible for the negotiation of all contracts with town employees regarding
381 wages and other terms and conditions of employment, except employees of the school
382 department. The town manager may, subject to the approval of the board of selectmen, employ
383 special counsel to assist in the performance of these duties. Collective bargaining agreements
384 shall be subject to the approval of the board of selectmen, and to chapter 150E of the General
385 Laws;

386 (n) prepare and submit an annual operating budget and capital improvement program as
387 provided in paragraph (b) of section 7.1 and be responsible for its administration after its
388 adoption. The town manager may transfer funds between individual line items within a
389 department account at any time during the fiscal year, and further, may transfer during the last 2
390 months of any fiscal year or during the first 15 days of the new fiscal year to apply to the
391 previous fiscal year, any amount appropriated for the use of any department other than a
392 municipal light department or the school department to the appropriation for any other
393 department, but the amount transferred from 1 department to another shall not exceed 3 per cent
394 of the annual budget of the department from which the transfer is made, with the approval of the
395 selectmen and finance committee;

396 (o) keep the board of selectmen and the finance committee fully informed as to the
397 financial condition of the town and make recommendations to the board of selectmen;

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

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

402 (r) have full authority to act on behalf of the town during emergencies, including
403 direction of town personnel, declaring a state of emergency, opening the emergency operations
404 center and shelters and the emergency expenditure of funds;

405 (s) delegate, authorize or direct any subordinate or employee in the town to exercise any
406 power, duty or responsibility which the office of town manager may exercise; provided,
407 however, that all acts performed under such delegation shall be deemed the acts of the town
408 manager; and

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

411 Section 5.1.5 ACTING TOWN MANAGER

412 The assistant town manager shall perform the duties of the town manager in the town
413 manager's absence. In the event of long-term disability, resignation, termination or vacancy of
414 both the town manager and the assistant town manager at the same time, the board of selectmen

shall appoint an acting town manager for the duration of any such disability or until appointment of a permanent town manager or assistant town manager. No member of the board of selectmen shall serve as acting town manager.

Section 5.2 TOWN COUNSEL

The board of selectmen shall appoint a competent and duly qualified and licensed attorney practicing in the commonwealth to be the counsel for the town. Town counsel shall receive such compensation for services as may be fixed by the board of selectmen and shall hold office at the pleasure of the board. The town counsel shall be the legal adviser of all of the offices and departments of the town and shall represent the town in all litigation and legal proceedings; provided, however, that the board of selectmen may retain special counsel at any time the board deems appropriate and necessary. The town counsel shall review and concur or dissent upon all documents, contracts and legal instruments in which the town may have an interest. The town counsel shall perform other duties prescribed by this charter, town by-law or as directed by the board of selectmen. No employee, committee or board, elected or appointed, other than the board of selectmen, shall contact or otherwise interact with the town or labor counsel in a manner inconsistent with the policy relative to access to counsel established by the town manager. This section shall not limit the school committee from retaining its own legal counsel.

ARTICLE VI

COMPLIANCE WITH LAW - PUBLIC RECORDS, OPEN MEETINGS, AND CONFLICT OF INTEREST

All officers or employees of any agency, office, department, board, commission, bureau, division or authority of the town shall comply with clause twenty-sixth of section 7 of chapter 4 of the General Laws and section 10 of chapter 66 of the General Laws.

All employees of the town, as defined in section 1 of chapter 268A, shall comply with the requirements of chapter 268A of the General Laws.

All boards, committees and commissions shall comply with the requirements of sections 18 to 25, inclusive, of chapter 30A, of the General Laws, the open meeting law.

All board members, committee members and employees shall comply with chapter 268A of the General Laws, the ethics law.

ARTICLE VII

FINANCIAL PROVISIONS AND ADMINISTRATION

Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE

(a) The town manager and school superintendent shall meet within 10 business days of state certification of surplus revenue or finalization of October 1 enrollment, whichever occurs later. Within 10 business days of that meeting, the town manager and school superintendent shall submit a draft budget in a mutually agreed format to the board of selectmen, school committee and finance committee.

(b) Annually, before November 1, the town manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year.

(c) On or before December 15, the board of selectmen shall meet in joint session with the school committee. At this meeting the board of selectmen shall set guidelines for the preparation of the annual budget.

(d) On or before February 1, the town manager and school committee shall each submit to the board of selectmen and finance committee a proposed line-item budget and accompanying message.

(e) The budget shall provide a complete financial plan of all town funds and activities, including details on debt and debt service, anticipated income and proposed expenditures. The budget shall include proposals for capital improvements for the next 5 years. The budget message shall begin with a clear general summary of its content and explain in both fiscal terms and program objectives, proposed expenditures for each department, capital expenditures and the projected tax rate.

(f) The board of selectmen shall review the proposed town budget and refer it, including the school department budget and recommendations, to the finance committee on or before March 1.

(g) After the annual town meeting, but before June 15, the board of selectmen shall meet in joint session with the finance committee to review the assumptions used to project budgets for the next 2 fiscal years. If necessary, the board of selectmen shall vote to reset any of those assumptions.

Section 7.2 FINANCE COMMITTEE

(a) There shall be a permanent committee known as the finance committee, composed of 9 registered voters of the town appointed by the moderator. They shall serve for 3-year terms, which shall be staggered. Members shall serve without compensation and no member shall be an employee of the town nor hold an elected or appointed town position during their term of office, excluding ex-officio positions.

(b) The finance committee shall conduct a detailed line-item review of the town and school budgets and submit a written budget report to the annual town meeting and a written

report to the annual town meeting and any special town meeting with its advisory recommendations on all financial warrant articles and the projected tax impact consistent with its recommendations.

(c) The finance committee can require that the town manager, school committee, any town department, office, board, commission or committee furnish appropriate additional financial information, as needed. This request shall be made in writing and include a reasonable deadline for submission of the additional information.

(d) The finance committee shall elect a hairman and such other officers from among its members and form subcommittees as it deems necessary to accomplish its duties.

Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

(a) The finance committee shall within 60 days following the submission of the draft budget by the town manager, review the proposed budget and return it to the board of selectmen with its recommendations.

(b) The board of selectmen shall conduct at least 2 public hearings. The first shall be held in February to consider budget matters generally and notice of the time, date and place shall be posted in town hall and on the town website and published in a daily newspaper of general circulation in the town.

An additional public hearing shall be held prior to the town meeting on the proposed budget, including the school budget and finance committee recommendations, and such hearing shall be posted and published as described aboveand include: the times and places where copies of the message and budget are available for inspection by the public.

Section 7.4 BUDGET ADOPTION

Town meeting shall adopt the annual operating budget, with or without amendments, before the beginning of the fiscal year.

Section 7.5 ANNUAL AUDIT

At the close of each fiscal year, and at such times as it may be deemed necessary, the board of selectmen shall cause an independent audit to be made of all accounts of the town by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the town or any of its offices. Upon completion of the audit, the results in a summary form, shall be placed on file in the town clerk's office and onthe town website as a public record and in the Sandwich public library for public information.

Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, and TRANSFERS

Any and all emergency appropriations, reductions and transfers shall be made in accordance with the General Laws and the town by-laws.

ARTICLE VIII

RECALL

Section 8.1 RECALL

A holder of an elected office in the town of Sandwich may be recalled therefrom by the qualified voters of the town as provided in chapter 408 of the acts of 1987 for reasons which shall include, but are not limited to, the following: embezzlement; influence peddling; refusal to comply with clause Twenty-sixth of section 7 of chapter 4 of the General Laws, section 10 of chapter 66 of the General Laws, sections 23A to 23C, inclusive, of chapter 39 of the General Laws or chapter 268A of the General Laws or any rules and regulations thereto, and the by-laws of the town of Sandwich which pertains to same; destruction or alteration of public records; nepotism; conviction for a felony; failure to perform the duties of the elected office; or other willful acts of omission or commission which betray the public trust.

Section 8.2 RECALL PETITION

A recall petition shall be initiated by the request of 10 qualified voters. The recall petition shall be signed by 25 per cent of the qualified voters and returned within 20 days in accordance with chapter 408 of the acts of 1987.

ARTICLE IX

CHARTER

Section 9.1 SEVERABILITY

If any section, or part of a section of this Charter, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter.

Section 9.2 GENDER NEUTRALITY

Any reference to gender in this charter shall be construed as meaning any individual regardless of sex and is contained herein only in the interest of brevity.

Section 9.3 CHARTER REVIEW COMMITTEE

At least every 5 years, the selectmen shall appoint a charter review committee to be composed of 7 members for a period not longer than 6 months, who shall submit their recommendations to the board of selectmen and shall file proceedings of their deliberations.

Section 9.4 AMENDMENT TO CHARTER

547 This charter may be amended or revised by special act of the General Court, upon the
548 recommendation of town meeting or under chapter 43B of the General Laws.

549 Section 9.5 INTERPRETATION OF THE CHARTER

550 Any question related to the interpretation of the charter shall be presented to the board of
551 selectmen for such action as it deems appropriate.

552 Section 9.6 TIME OF TAKING EFFECT AND TRANSITIONAL PROVISIONS

553 The amendments to the town charter as approved by the May 6, 2013 Annual Town
554 Meeting shall take effect upon the effective date of the special act revising the town charter.

555 To implement section 4.6.2, the personnel policies and procedures agreed upon in writing
556 by the board of library trustees and the town manager, and on file with the town clerk as of the
557 effective date of the special act revising the town charter, shall be operative for all employees of
558 the library until such time as the personnel policies and procedures applicable to library
559 employees are amended in accordance said section 4.6.2.

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