

SENATE No. 1942

Senate, Monday, June 15, 2015 – New draft (Senator Joyce) to Senate bill amending the town charter for the town of Randolph, (Senate, No. 24).

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the charter of the city known as the town of Randolph.

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

1 SECTION 1. Section 2-4 of article 2 of the charter of the town of Randolph, which is on
2 file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B
3 of the General Laws, is hereby amended by striking out subsection (a) and inserting in place
4 thereof the following subsection:-

5 (a) Salary – Notwithstanding any general or special law to the contrary, commencing
6 on January 1, 2016, each town council member shall be paid an annual salary of \$5,000;
7 provided, however, that the town council members shall not be eligible to receive town benefits
8 as the result of being a town council member, including, but not limited, to town health
9 insurance, town life insurance, town dental insurance, town disability insurance, town sick time,
10 town personal time or town vacation time. Nothing in this subsection shall affect the eligibility
11 of town council members to participate in the Norfolk county retirement system or other
12 retirement systems in the commonwealth, as provided for by law. Nothing in this subsection

shall affect any local, state or federal tax withholding requirements or any other federal requirements applicable to paid local elected officials.

SECTION 2. Article 2 of said charter is hereby amended by striking out section 2-5 and inserting in place thereof the following section:-

Section 2-5 General Powers

(a) General Powers – Except as otherwise provided by general or special law or this charter, all powers of the town shall be vested in the town council which shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the town by such law or charter provision. The town may enter into contracts for the exercise of its corporate powers on the terms and conditions authorized by the town council by ordinance.

(b) License Board – There shall be a license board and it shall be the licensing authority of the town of Randolph and shall, as authorized by the laws of the commonwealth, have all power to issue all licenses, to make all necessary rules and regulations regarding the issuance of the licenses, to attach conditions and restrictions to the licenses as it considers to be in the public interest and to enforce all laws relating to the licenses.

The license board shall consist of 7 full-time members, 3 of whom shall be residents of the town of Randolph. The license board shall have 3 alternates, all of whom shall be residents of the town of Randolph recommended by the council president and confirmed by the town council.

The full-time license board members shall consist of the following: the Randolph police chief; the Randolph fire chief; the Randolph building inspector; the Randolph health inspector;

and 3 town residents, 1 of whom shall be recommended by the council president and confirmed by the town council.

Each member shall serve a 2-year term. All license board meetings shall be held at 7:00 P.M. on any weekday except Monday.

No elected official within the commonwealth shall be eligible to serve as a license board member. A license board member shall not be compensated by the town in the member's role as a license board member.

The license board shall have authority and jurisdiction over licenses issued under town by-laws or the General Laws, including licenses issued pursuant to chapters 138 and 140 of the General Laws.

The license board shall have licensing authority and jurisdiction regarding licenses granted under this authority consistent with the board's legal authority to regulate conduct which is in the best interests of the public and is intended to protect the public welfare and safety of the inhabitants of Randolph.

The license board shall regulate common victuallers licenses and entertainment licenses granted under chapter 140 of the General Laws. Nothing in this section shall limit the authority of the license board under the General Laws over which the license board has authority under powers conferred to it by applicable law or the town charter or an applicable town by-law.

SECTION 3. Said article 2 of said charter is hereby amended by striking out section 2-5 and inserting in place thereof the following section:-

Section 2-5 General Powers

55 (a) General Powers – Except as otherwise provided by general or special law or this
56 charter, all powers of the town shall be vested in the town council which shall provide for the
57 exercise thereof and for the performance of all duties and obligations imposed upon the town by
58 such law or charter provision. The town may enter into contracts for the exercise of its corporate
59 powers on the terms and conditions authorized by the town council by ordinance.

60 (b) Licensing Board – There shall be a licensing board in the town of Randolph. The
61 town council shall be the licensing board and licensing authority of the town of Randolph. The
62 licensing board shall, as authorized by the laws of the commonwealth, have all power to issue all
63 licenses, to make all necessary rules and regulations regarding the issuance of the licenses, to
64 attach conditions and restrictions to the licenses as it considers to be in the public interest and to
65 enforce all laws relating to the licenses.

66 The licensing board shall have authority and jurisdiction over licenses issued under town
67 by-laws or the General Laws, including licenses issued pursuant to chapters 138 and 140 of the
68 General Laws.

69 The licensing board shall have licensing authority and jurisdiction regarding licenses
70 granted under this authority consistent with the board's legal authority to regulate conduct which
71 is in the best interests of the public and is intended to protect the public welfare and safety of the
72 inhabitants of the town of Randolph.

73 The licensing board shall regulate common victuallers licenses and entertainment licenses
74 granted under chapter 140 of the General Laws. Nothing in this section shall limit the authority
75 of the licensing board under the General Laws over which the licensing board has authority
76 under powers conferred to it by applicable law or the town charter or an applicable town by-law.

SECTION 4. The town attorney shall cause the following question to be placed on the official ballot to be used in the town of Randolph at the next town election that is more than 35 days after the effective date of this act:

“Shall the town amend the town charter to provide that, notwithstanding any general or special law to the contrary, commencing on January 1, 2016, each town council member shall be paid an annual salary of \$5,000; provided; however, that town council members shall not be eligible to receive any town benefits as the result of being a town council member; provided, however, that nothing herein shall affect the eligibility of council members to participate in the Norfolk county retirement system or other retirement systems in the commonwealth as provided for by law?”

The town attorney for the town of Randolph shall prepare a summary of the ballot question which shall appear on the ballot along with the question provided in this section.

SECTION 5. The town attorney shall cause the following questions to be placed on the official ballot to be used in the town of Randolph at the next town election that is more than 35 days after the effective date of this act:

“Question 1: Shall the town amend the town charter to designate a 7-member licensing board consisting of the police chief, the fire chief, the building inspector, the health inspector and 3 town residents as the town licensing authority for all licenses?

Yes _____ No _____

Question 2: Shall the town amend the town charter to designate the town council in the town of Randolph as the town licensing authority for all licenses?

98 Yes _____ No _____”

99 The town attorney for the town of Randolph shall prepare a summary of the ballot
100 questions which shall appear on the ballot along with the questions provided in this section.
101 Instructions to voters regarding the effect of their vote shall also be included on the ballot.

102 SECTION 6. If the voters in the town of Randolph approve the question in section 4,
103 then section 1 shall take effect in the town of Randolph.

104 SECTION 7. (a) If the voters in the town of Randolph approve question 1 in section 5,
105 then section 2 shall take effect in the town of Randolph.

106 (b) If the voters in the town of Randolph approve question 2 in section 5, then section 3
107 shall take effect in the town of Randolph.

108 (c) If the voters in the town of Randolph approve both questions in section 5, then the
109 question that obtained the highest number of affirmative votes shall take effect in the town of
110 Randolph in accordance with this section.

111 (d) If neither question in section 5 is approved by the voters of the town of Randolph,
112 then sections 2 and 3 shall not take effect and the town of Randolph shall continue with its
113 present form of licensing boards.

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