

# SENATE . . . . . No. 2531

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Senate, Tuesday, January 3, 2017 – Text of the Senate amendment (Senator Barrett) to the House Bill amending the charter of the town of Concord (House, No. 3685).

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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1           SECTION 1. Section 1 of the charter of the town of Concord, which is on file in the  
2   office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the  
3   General Laws, is hereby amended by striking out clauses B and C and inserting in place thereof  
4   the following 2 clauses:-

5           B. 2 members of the select board for terms of 3 years each, 2 members of the select board  
6   for terms of 2 years each and 1 member of the select board for a term of 1 year; and

7           C. 2 members of the school committee for terms of 3 years each, 2 members for terms of  
8   2 years each and 1 member for a term of 1 year.

9           SECTION 2. Said section 1 of said charter is hereby further amended by adding the  
10   following paragraph:-

11           At each annual town election thereafter, a moderator shall be elected for a term of 1 year  
12   and members of the select board and members of the school committee for terms of 3 years to  
13   replace those whose terms expire. When a vacancy occurs in the membership of the select board,  
14   the select board shall call a special town election to fill the vacancy for the unexpired term;  
15   provided, however, that if such a vacancy occurs less than 100 days prior to the annual election

and not less than 3 members of such board remain in office, the vacancy shall remain unfilled until the annual election. When a vacancy occurs in the membership of the school committee, the select board shall call a special town election to fill the vacancy for the unexpired term; provided, however, that if such a vacancy occur less than 100 days prior to the annual election and not less than 3 members of such committee remain in office, the vacancy shall remain unfilled until the annual election. If the moderator is absent, disabled from the performance of the duties of moderator or has been recused from acting as moderator, the deputy moderator elected at the annual town meeting shall act as moderator. If there is a vacancy in the position of moderator, the deputy moderator shall act as moderator until the next regularly elected moderator takes office. The powers, duties and responsibilities of elected officials shall be as provided by applicable law and by-law and by vote of the town, except as herein otherwise provided.

SECTION 3. Subsection A of section 2 of said charter is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 4. Subsection B of said section 2 of said charter is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 5. Clause 1 of the second paragraph of said subsection B of said section 2 is hereby amended by striking out the words “and revising the building code of the town”.

SECTION 6. Subsection C of said section 2 of said charter is hereby amended by striking out the word “he” and inserting in place thereof the following words:- the moderator.

SECTION 7. Subsection D of said section 2 of said charter is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 8. Section 4 of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 9. Said section 4 of said charter is hereby further amended by striking out the word “he”, the first time it appears, and inserting in place thereof the following words:- the moderator or member of the select board, school committee or finance committee.

SECTION 10. Said section 4 of said charter is hereby further amended by striking out the word “selectmen”, the second time it appears, and inserting in place thereof the following words:- select board.

SECTION 11. Said section 4 of said charter is hereby further amended by striking out the word “he”, the second time it appears, and inserting in place thereof the following words:- the town manager.

SECTION 12. Said charter is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

#### SECTION 5. APPOINTMENT OF TOWN MANAGER

The select board elected as provided in this charter shall appoint, as soon as practicable, for a term of 3 years, a town manager who shall be a person especially fitted, in the select board’s opinion, by education, training and experience to perform the duties of the office. The town manager shall be appointed without regard to the town manager’s political beliefs. A holder

of elective office in the town shall not, within 2 years of holding of such office, be eligible for appointment as town manager. The town manager may be appointed for successive terms of office. Before entering upon the duties of the office, the town manager shall be sworn, in the presence of a majority of the select board, to the faithful and impartial performance of the duties of the office by the town clerk or by a justice of the peace or notary public. The town manager shall execute a bond in favor of the town for the faithful performance of the town manager's duties in such sum and with such sureties as may be fixed or approved by the select board.

SECTION 13. Section 6 of said charter is hereby amended by striking out the word "he" and inserting in place thereof the following words:- the town manager.

SECTION 14. Said section 6 of said charter is hereby further amended by striking out the word "selectmen", each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 15. Said section 6 of said charter is hereby further amended by striking out the word "selectman" and inserting in place thereof the following words:- member of the select board.

SECTION 16. Section 7 of said charter is hereby amended by striking out the word "selectmen", each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 17. Said section 7 of said charter is hereby further amended by striking out the word "his", the first and third time it appears, and inserting in place thereof, in each instance, the following words:- the town manager's.

SECTION 18. Said section 7 of said charter is hereby further amended by striking out third sentence and inserting in place thereof the following sentence:-

The town clerk shall immediately deliver to the town manager, or mail by registered mail to the town manager's last known address, a copy of the resolution.

SECTION 19. Said section 7 of said charter is hereby further amended by striking out the word "him", the second time it appears, and inserting in place there of the following words:- the town manager.

SECTION 20. Section 8 of said charter is hereby amended by striking out the word "him" and inserting in place thereof the following words:- the town manager.

SECTION 21. Said section 8 of said charter is hereby further amended by striking out the word "selectmen" and inserting in place thereof the following words:- select board.

SECTION 22. Clause A of section 9 of said charter is hereby amended by striking out the word "him" and inserting in place thereof the following words:- the town manager.

SECTION 23. Said section 9 of said charter is hereby further amended by striking out clause B and inserting in place thereof the following clause:-

B. The town manager may, with the approval of not less than 3 of the members of the select board, establish, combine, reorganize or discontinue departments under the town manager's supervision and, with the approval of both the select board and the finance committee, transfer all or part of the appropriation of a discontinued department to another department; provided, however, that a balance not so transferred shall be returned to the town treasury.

SECTION 24. Clause C of said section 9 of said charter is hereby amended by striking out the word “he” and inserting in place thereof the following words:- the town manager.

SECTION 25. Clause D of said section 9 of said charter is hereby amended by striking out the word “his” and inserting in place thereof the following words:- the town manager’s.

SECTION 26. Said clause D of said section 9 of said charter is hereby further amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 27. Clause E of said section 9 of said charter is hereby amended by striking out the word “he”, the first time it appears, and inserting in place thereof the following words:- the town manager.

SECTION 28. Said clause E of said section 9 of said charter is hereby further amended by striking out the word “He”, the second time it appears, and inserting in place thereof the following words:- The town manager.

SECTION 29. Clause F of said section 9 of said charter is hereby amended by striking out the word “he” and inserting in place thereof the following words:- the town manager.

SECTION 30. Said clause F of said section 9 of said charter is hereby further amended by striking out the word “his” and inserting in place thereof the following words:- the town manager’s.

SECTION 31. Clause G of said section 9 of said charter is hereby amended by striking out the word “him” and inserting in place thereof the following words:- the town manager.

118           SECTION 32. Said clause G of said section 9 of said charter is hereby further amended  
119 by striking out the word “his” and inserting in place thereof the following words:- the town  
120 manager’s.

121           SECTION 33. Said clause G of said section 9 of said charter is hereby further amended  
122 by striking out the word “selectmen” and inserting in place thereof the following words:- select  
123 board.

124           SECTION 34. Clause H of said section 9 of said charter is hereby amended by striking  
125 out the words “board of selectmen” and inserting in place thereof the following words:- select  
126 board.

127           SECTION 35. Said clause H of said section 9 of said charter is hereby further amended  
128 by striking out the word “his” and inserting in place thereof the following words:- the town  
129 manager’s.

130           SECTION 36. Clause I of said section 9 of said charter is hereby amended by striking out  
131 the word “his” and inserting in place thereof the following words:- the town manager’s.

132           SECTION 37. Said clause I of said section 9 of said charter is hereby further amended by  
133 striking out the word “selectmen” and inserting in place thereof the following words:- select  
134 board.

135           SECTION 38. Section 10 of said charter is hereby amended by striking out the word  
136 “his”, each time it appears, and inserting in place thereof, in each instance, the following words:-  
137 the town manager’s.

138           SECTION 39. Section 11 of said charter is hereby amended by striking out the last  
139 sentence and inserting in place thereof the following sentence:- The committee and board  
140 members and officers appointed by the town manager shall hold office until the successor of the  
141 committee or board member or officer has been appointed and qualifies; provided, however, that  
142 the member or officer shall not so hold office if the office became vacant by reason of the  
143 resignation or removal of the member or officer.

144           SECTION 40. Section 13 of said charter is hereby amended by striking out the word  
145 “his” and inserting in place thereof the following words:- the town clerk’s.

146           SECTION 41. Said section 13 of said charter is hereby further amended by striking out  
147 the words “chairman of the Board of Selectmen” and inserting in place thereof the following  
148 words:- select board chair.

149           SECTION 42. Section 14 of said charter is hereby amended by striking out the word  
150 “selectmen” and inserting in place thereof the following words:- select board.

151           SECTION 43. Section 15 of said charter is hereby amended by striking out the word  
152 “him”, each time it appears, and inserting in place thereof, in each instance, the following  
153 words:- “the official”.

154           SECTION 44. Section 16 of said charter is hereby amended by striking out the word  
155 “selectmen” and inserting in place thereof the following words:- select board.

156           SECTION 45. Said section 16 of said charter is hereby further amended by striking out  
157 the word “He”, each time it appears, and inserting in place thereof, in each instance, the  
158 following words:- The town manager.



159           SECTION 46. Said section 16 of said charter is hereby further amended by striking out  
160 the word “his” and inserting in place thereof the following words:- the town manager’s.

161           SECTION 47. Said section 16 of said charter is hereby further amended by striking out  
162 the word “him” and inserting in place thereof the following words:- the town manager.

163           SECTION 48. Section 17 of said charter is hereby amended by striking out the word  
164 “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following  
165 words:- select board.

166           SECTION 49. Section 18 of said charter is hereby amended by striking out the word  
167 “selectmen” and inserting in place thereof the following words:- member of the select board.

168           SECTION 50. Said section 18 of said charter is hereby further amended by striking out  
169 the word “his” and inserting in place thereof the following word:- such a person’s.

170           SECTION 51. Section 21 of said charter is hereby amended by striking out the word  
171 “sixty” and inserting in place thereof the following figure:- 120.

172           SECTION 52. Said section 21 of said charter is hereby further amended by striking out  
173 the word “selectmen”, the first and second times it appears, and inserting in place thereof, in  
174 each instance, the following words:- select board.

175           SECTION 53. Said section 21 of said charter is hereby further amended by striking out  
176 the word “his” and inserting in place thereof the following word:- such a person’s.

177           SECTION 54. Said section 21 of said charter is hereby further amended by striking out  
178 the words “board of selectmen” and inserting in place thereof the following words:- select board.