

HOUSE No. 3918

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira and Viriato M. deMacedo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the charter of the town of Bourne.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|--------------------------------|------------------|
| <i>David T. Vieira</i> | <i>3rd Barnstable</i> | <i>9/13/2017</i> |
| <i>Viriato M. deMacedo</i> | <i>Plymouth and Barnstable</i> | <i>9/13/2017</i> |
| <i>Randy Hunt</i> | <i>5th Barnstable</i> | <i>9/13/2017</i> |

HOUSE No. 3918

By Representative Vieira of Falmouth and Senator deMacedo, a joint petition (accompanied by bill, House, No. 3918) of David T. Vieira, Viriato M. deMacedo and Randy Hunt (by vote of the town) that the town of Bourne be authorized to amend the charter of said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act amending the charter of the town of Bourne.

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. Subsection (b) of section 2-5 of article 2 of section 1 of chapter 117 of the
2 acts of 2012 is hereby amended by striking out, in line 1, the figure “75” and inserting in place
3 thereof the following figure:- 50.

4 SECTION 2. Said subsection (b) of said section 2-5 of said article 2 of said section 1 of
5 said chapter 117 is hereby further amended by striking out, in line 2, the figure “45” and
6 inserting in place thereof the following figure:- 25.

7 SECTION 3. Said subsection (b) of said section 2 -5 of said article 2 of said section 1 of
8 said chapter 117 is hereby further amended by striking out, in line 3, the word “four-fifths” and
9 inserting in place thereof the following word:- majority.

10 SECTION 4. Subsection (c) of said section 2-5 of said article 2 of said section 1 of said
11 chapter 117 is hereby amended by inserting after the word “projections”, in line 5, the following
12 words:- , their budget goals.

13 SECTION 5. Said subsection (c) of said section 2-5 of said article 2 of said section 1 of
14 said chapter 117 is hereby further amended by striking out, in line 6, the words “and 5-year” and
15 inserting in place thereof the following words:- an organization table, and five-year.

16 SECTION 6. The first paragraph of section 3-3 of article 3 of said section 1 of said
17 chapter 117 is hereby amended by striking out the second sentence and inserting in place thereof
18 the following sentence:- Annual goals as voted by the Board of Selectmen shall be filed with the
19 town administrator not later than July 1st after the regular spring town election and also
20 published in the annual Town Report.

21 SECTION 7. Said first paragraph of said section 3-3 of said article 3 of said section 1 of
22 said chapter 117 is hereby further amended by striking out the third and fourth sentences.

23 SECTION 8. The second paragraph of said section 3-3 of said article 3 of said section 1
24 of said chapter 117 is hereby amended by striking out the first sentence and inserting in place
25 thereof the following 3 sentences:- An individual selectman shall have no independent authority
26 unless specifically voted by the board of selectmen. Selectmen shall deal with administrative
27 agencies and departments only through the town administrator. Selectmen, individually or as a
28 board, shall not become involved in the day-to-day administration of a town department.

29 SECTION 9. Section 3-5 of said article 3 of said section 1 of said chapter 117 is hereby
30 amended by inserting after the first sentence the following sentence:- Representatives of boards

31 or committees specified as members of any committee shall be designated by their respective
32 boards or committees.

33 SECTION 10. Said article 3 of said section 1 of said chapter 117 is hereby amended by
34 striking out section 3-6 and inserting in place thereof the following section:-

35 Section 3-6: Prohibitions.

36 (a) No member of the board of selectmen shall serve on an elected or appointed town
37 board or committee established by this charter, by by-law, or by town meeting, unless otherwise
38 specified in the charter, by-law, by town meeting or by other applicable law.

39 (b) No member of the board of selectmen shall hold any other elected town office or
40 town employment during that member's term in office.

41 (c) No member of the board of selectmen may be employed by the town within two
42 years after that former member's resignation or term of office has expired.

43 SECTION 11. The first paragraph of section 4-1 of article 4 of said section 1 of said
44 chapter 117 is hereby amended by striking out, in line 4, the figure "1" and inserting in place
45 thereof the following word:- one.

46 SECTION 12. Said first paragraph of said section 4-1 of said article 4 of said section 1 of
47 said chapter 117 is hereby further amended by striking out, in line 4, the figure "30" and
48 inserting in place thereof the following figure:- 60.

49 SECTION 13. The second paragraph of said section 4-1 of said article 4 of said section 1
50 of said chapter 117 is hereby amended by striking out, in line 1, the figure "4" and inserting in
51 place thereof the following word:- four.

52 SECTION 14. Said second paragraph of said section 4-1 of said article 4 of said section 1
53 of said chapter 117 is hereby further amended by striking out, in line 2, the words “an indefinite
54 term” and inserting in place thereof the following words:- a term defined by contract.

55 SECTION 15. The third paragraph of said section 4-1 of said article 4 of said section 1 of
56 said chapter 117 is hereby amended by striking out the third sentence.

57 SECTION 16. Said section 4-1 of said article 4 of said section 1 of said chapter 117 is
58 hereby amended by inserting after the third paragraph the following paragraph:- The town
59 administrator need not be a resident of the town when appointed but shall establish primary
60 residence in the Town of Bourne within one year after the date of appointment; provided,
61 however, that the board of selectmen may, by simple majority vote of the selectmen in office at
62 the time of the appointment, extend the time for establishing residence or otherwise allow the
63 town administrator to reside elsewhere. Once a residency exemption is granted to a specific
64 administrator, it may not be rescinded in future contracts with that administrator.

65 SECTION 17. Section 4-4 of said article 4 of said section 1 of said chapter 117 is hereby
66 amended by striking out, in line 1, the word “may” and inserting in place thereof the following
67 word:- shall.

68 SECTION 18. Said section 4-4 of said article 4 of said section 1 of said chapter 117 is
69 hereby further amended by striking out, in line 4, the words “exceeds 30 days” and inserting in
70 place thereof the following words:- is greater than ten business days.

71 SECTION 19. Said section 4-4 of said article 4 of said section 1 of said chapter 117 is
72 hereby further amended by striking out, in line 7, the word “may” and inserting in place thereof
73 the following word:- shall.

74 SECTION 20. Subsection (c) of section 4-6 of said article 4 of said section 1 of said
75 chapter 117 is hereby amended by adding the following words:- and in accordance with the
76 policies and goals established by the board of selectmen;..

77 SECTION 21. Subsection (f) of said section 4-6 of said article 4 of said section 1 of said
78 chapter 117 is hereby amended by striking out the words “as to the needs of the town and make
79 recommendations to the board” and inserting in place thereof the following words:- of all issues
80 and problems that they need to address;.

81 SECTION 22. Subsection (m) of said section 4-6 of said article 4 of said section 1 of said
82 chapter 117 is hereby amended by adding the following words:- and inform the Board of
83 Selectmen of all changes in compensation made within 30 days;.

84 SECTION 23. Section 5-1 of article 5 of said section 1 of said chapter 117 is hereby
85 amended by striking out the first sentence and inserting in place thereof the following sentence:-
86 The town administrator shall submit a table of organization establishing personnel requirements
87 within all town departments to the board of selectmen by June 1st of each year.

88 SECTION 24. Said article 5 of said section 1 of said chapter 117 is hereby amended by
89 inserting after section 5-6 the following 2 sections:-

90 Section 5-7: Police Department:

91 There shall be a Police Department under the control and supervision of an officer known
92 as the Chief of Police. The Chief of Police is appointed pursuant to Section 4-6(b) of the Town
93 Charter. The town administrator is the appointing authority for all police officers under control
94 of the Chief of Police. The Chief of Police may from time to time make suitable regulations

95 governing the police department, and the officers thereof, subject to approval of the town
96 administrator; provided, that such regulations shall become effective without such approval upon
97 the failure of the town administrator to take action thereon within thirty days after they have been
98 submitted to the town administrator by the Chief of Police. The Chief of Police shall be in
99 immediate control of all town property used by the police department, and of the police officers,
100 whom he shall assign to their respective duties and who shall obey all orders of the Chief of
101 Police

102 Section 5-8: Fire Department:

103 There shall be a Fire Department under the control and supervision of an officer known
104 as the Chief of the Fire Department. The Chief of the Fire Department is appointed pursuant to
105 Section 4-6(b) of the Town Charter. The Chief of the Fire Department shall have charge of
106 extinguishing fires in the town and the protection of life and property in case of fire. The Chief
107 of the Fire Department shall purchase and keep in repair all property and apparatus used for and
108 by the fire department, with the approval of the town administrator. The Chief of the Fire
109 Department shall have and exercise all the powers and discharge all the duties conferred or
110 imposed by statute upon fire chiefs in towns except as herein provided, and shall appoint deputy
111 chiefs and such officers and firemen as he may think necessary; and may remove the same at any
112 time for cause and after a hearing. The Chief of the Fire Department shall have full and absolute
113 authority in the administration of the fire department, shall make all rules and regulations for its
114 operation, shall report to the town administrator from time to time as the administrator may
115 require, and shall annually report to the town the condition of the department with his
116 recommendations thereon. In the expenditure of money the Chief of the Fire Department shall be
117 subject to such further limitations as the town may from time to time prescribe.

118 SECTION 25. Section 6-8 of article 6 of said section 1 of said chapter 117 is hereby
119 amended by striking out, in line 4, the words “3-year” and inserting in place thereof the
120 following words:- 5-year.

121 SECTION 26. Section 7-3 of article 7 of said section 1 of said chapter 117 is hereby
122 amended by inserting after the word “town”, in line 2, the following words:- which shall be
123 submitted to the Board of Selectmen as part of the annual budget message.

124 SECTION 27. Subsection (c) of section 8-6 of article 8 of said section 1 of said chapter
125 117 is hereby amended by striking out, in line 3, the words “and posted on the town website for
126 at least 5 years”.

127 SECTION 28. Section 8-9 of said article 8 of said section 1 of said chapter 117 is hereby
128 amended by inserting after the definition of “charter” the following 2 definitions:-

129 “Goal”, the desired outcome of a policy, program, or other action.

130 “Policy”, a statement of a preferred practice.