

HOUSE No. 4124

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 Chelmsford relative to ministerial and grammatical non-substantive changes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>

HOUSE No. 4124

The Commonwealth of Massachusetts

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

An Act amending the charter of the town of Chelmsford relative to ministerial and grammatical non-substantive changes.

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 1-2 of the charter of the town of Chelmsford, 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 the words “Chelmsford Home Rule Charter”
4 and inserting in place thereof the following words:- “Chelmsford Home Rule Charter”.

5 SECTION 2. Subsection (a) of section 2-5 of said charter is hereby amended by inserting
6 after the word “clerk;” the following words:- absent a date certain,.

7 SECTION 3. Said subsection (a) of said section 2-5 of said charter is hereby further
8 amended by striking out the words “unless a date certain is specified therein when it shall take
9 effect”.

10 SECTION 4. Subsection (b) of said section 2-5 of said charter is hereby amended by
11 striking out the word “Removal” and inserting in place thereof the following word:- Moving.

12 SECTION 5. Said subsection (b) of said section 2-5 of said charter is hereby further
13 amended by striking out the word “removes”, each time it appears, and inserting in place thereof,
14 in each instance, the following word:- moves.

15 SECTION 6. Said subsection (b) of said section 2-5 of said charter is hereby further
16 amended by striking out the word “removed”, the last time it appears, and inserting in place
17 thereof the following word:- moved.

18 SECTION 7. Subsection (c) of section 2-12 of said charter is hereby amended by striking
19 out the words “keep abreast” and inserting in place thereof the following words:- stay informed.

20 SECTION 8. Said subsection (c) of said section 2-12 of said charter is hereby further
21 amended by striking out the word “forwarded” and inserting in place thereof the following
22 words:- made available.

23 SECTION 9. Said subsection (c) of said section 2-12 of said charter is hereby further
24 amended by inserting after the word “attend”, each time it appears, the following words, in each
25 instance:- or view.

26 SECTION 10. Subsection (d) of said section 2-12 of said charter is hereby amended by
27 striking out the words “by vote or bylaw”, and inserting in place thereof the following words:- ,
28 by vote or bylaw,.

29 SECTION 11. Said subsection (d) of said section 2-12 of said charter is hereby further
30 amended, in Editor’s Note 1, by striking out the words “c. 39, § 23B” and inserting in place
31 thereof the following words:- c. 30A, §§ 18-25.

32 SECTION 12. Subsection (a) of section 3-1 is hereby amended by striking out the words
33 “a sewer commission, a constable”.

34 SECTION 13. Said subsection (a) of said section 3-1 of said charter is hereby amended
35 by adding the following words:- See Charter Section 8-5(b) regarding the dissolution of the
36 Sewer Commission.

37 SECTION 14. Said subsection (a) of said section 3-1 of said charter is hereby further
38 amended by striking out Editor’s Note 1.

39 SECTION 15. Subsection (b) of section 3-9 of said charter is hereby amended by adding
40 the following words:- See Charter Section 8-5(b) regarding the dissolution of the Sewer
41 Commission.

42 SECTION 16. Said section 3-9 of said charter is hereby further amended by striking out
43 Editor’s Note 1.

44 SECTION 17. Subsection (b) of section 4-3 of said charter is hereby amended by striking
45 out the word “regulations” and inserting in place thereof the following word:- policies.

46 SECTION 18. Subsection (d) of said section 4-3 of said charter is hereby amended by
47 inserting after the word “excused” the following words:- by the board of selectmen.

48 SECTION 19. Subsection (h) of said section 4-3 of said charter is hereby amended by
49 striking out the words “, and, except with respect to town facilities in active use as school
50 facilities, the” and inserting in place thereof the following words:- except for the custodial
51 services in the school facilities. The.

52 SECTION 20. Said charter is hereby amended by striking out sections 4-5 and 4-6 and
53 inserting in place thereof the following 2 sections:-

54 Section 4-5 Temporary Absence

55 The Town Manager shall provide annually to the Board of Selectmen a list of qualified
56 officers of the town and may designate by letter filed with the Board of Selectmen and Town
57 Clerk a qualified officer of the town from the list to perform the duties of the Town Manager
58 during a temporary absence or disability. If such temporary absence or disability shall exceed
59 fourteen days, any designation made by the Town Manager shall be subject to the approval of the
60 Board of Selectmen. In the event of failure of the town manager to make such designation or if
61 the person so designated is for any reason unable to serve, or is deemed not qualified by the
62 Board of Selectmen, the Board of Selectmen may designate some other qualified person from the
63 list to perform the duties of the Town Manager until the Town Manager shall return.

64 Section 4-6 Vacancy in Office

65 Any vacancy in the office of town manager shall be filled as soon as possible by the
66 board of selectmen. Pending appointment of the town manager or the filling of any vacancy, the
67 board of selectmen shall forthwith appoint some other qualified person to perform the duties of
68 the town manager. The appointment of the acting town manager shall be for a term not to exceed
69 six months, provided however, a renewal, not to exceed an additional six months may be
70 provided.

71 SECTION 21. Section 5-2 of said charter is hereby amended by inserting after the word
72 “engineering” the following word:- , sewer.

73 SECTION 22. Said section 5-2 of said charter is hereby further amended by striking out
74 the last sentence.

75 SECTION 23. Section 6-1 of said charter is hereby amended by inserting after the word
76 “confer” the following words:- as necessary.

77 SECTION 24. Section 6-3 of said charter is hereby amended by striking out the words
78 “file a” and inserting in place thereof the following words:- submit the.

79 SECTION 25. Section 6-7 of said charter is hereby amended by adding inserting after the
80 word “offices” the following words:- ;provided, however, that any certified public accountant or
81 firm of accountants that conducts said audit for 3 consecutive years shall refrain from doing so
82 for a minimum of 1 year before becoming eligible to conduct any future audits.

83 SECTION 26. Section 7-4 of said charter is hereby amended by adding the following
84 definition:-

85 (g) Officer: The word “officer” shall mean a position or board: (1) whose duties are
86 public in nature; (2) that has entrusted to it some portion of the sovereign authority of the state;
87 (3) whose duties are not merely clerical, but involve the exercise of power and authority
88 bestowed by the law; (4) that holds a position established by law.