

HOUSE No. 1811

The Commonwealth of Massachusetts

PRESENTED BY:

Mathew J. Muratore

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 relative to the charter of the town of Plymouth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/16/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>1/17/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/21/2019</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>1/29/2019</i>

HOUSE No. 1811

By Mr. Muratore of Plymouth, a petition (accompanied by bill, House, No. 1811) of Mathew J. Muratore and others (by vote of the town) relative to the charter of the town of Plymouth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the charter of the town of Plymouth.

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. Chapter 358 of the acts of 2004 is hereby repealed.

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

3 PREAMBLE

4 We, the people of the town of Plymouth, Massachusetts, in order to reaffirm the
5 customary and traditional liberties of the people with respect to the conduct of our local
6 government, do hereby combine ourselves together into a civil body politic, for our better
7 ordering and preservation and by virtue hereof do enact, constitute, and frame, this home rule
8 charter for the general good of the town.

9 CHAPTER 1

10 POWERS OF THE TOWN

11 Section 1 Incorporation

12 1-1-1 The present Town of Plymouth, Massachusetts, within its territorial limits as now
13 or may hereafter be established by law, is hereby continued as a body politic and corporate under
14 the name Town of Plymouth.

15 Section 2 Scope of Town Powers

16 1-2-1 The town shall possess, exercise and enjoy all powers possible under the
17 constitution and laws of the Commonwealth of Massachusetts as fully and completely as though
18 they were expressly enumerated in this Charter.

19 Section 3 Form of Government

20 1-3-1 This Charter provides for the representative town meeting-selectmen-town manager
21 form of government.

22 Section 4 Construction of Charter

23 1-4-1 The powers of the town under this Charter shall be construed liberally in favor of
24 the town and the specific mention of particular powers in this Charter shall not be construed as
25 limiting in any measure the general powers of the town as stated in this chapter.

26 Section 5 Intergovernmental Relations

27 1-5-1 Consistent with any constitutional or statutory provision, the Town of Plymouth
28 may exercise any of its powers or perform any of its functions, and may participate in the
29 financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more

30 municipalities, civil divisions, subdivisions or agencies of the Commonwealth, other states or the
31 United States government.

32 Section 6 Definitions

33 1-6-1 Unless another meaning is clearly apparent from the manner in which the word is
34 used, the following words as used in this Charter shall have the following meanings:

35 a) By-law – The word “by-law” shall mean any by-law of the Town duly adopted by
36 the Town Meeting or continued in effect as provided hereby.

37 b) Charter - The word “Charter” shall mean this Charter and any amendments to it
38 made through any of the methods provided under article LXXXIX of the amendments to the
39 State Constitution.

40 c) Commonwealth – The word “Commonwealth” means the Commonwealth of
41 Massachusetts.

42 d) Days – The word “days”, unless otherwise provided by law, shall refer to business
43 days, not including Saturdays, Sundays and legal holidays when the time set is less than seven
44 days; when the time set is seven days or more, every day shall be counted. When the last day
45 falls on a Saturday, Sunday or legal holiday the period shall be extended to the end of the next
46 day which is not a Saturday, Sunday or legal holiday.

47 e) Emergency – The word “emergency” shall mean a sudden, unexpected,
48 unforeseen happening, occurrence, event or condition which necessitates immediate action.

49 f) Financial Interest – The words "financial interest" shall be determined pursuant to
50 the interpretation of the term "financial interest" by the State Ethics Commission and applicable

51 reported appellate court decisions. The "financial interest" of a Town Agency shall be defined as
52 any particular warrant article and related motions or votes, which specifically refer to said Town
53 Agency.

54 g) Majority Vote - The words "majority vote" shall mean a majority of those present
55 and voting in any body, provided that a quorum of the body is present.

56 h) Multiple-Member Body - The words "multiple-member body" shall mean any
57 board, commission or committee or subcommittee thereof consisting of two or more persons
58 authorized to act collectively, whether elected or appointed but shall not include town meeting.

59 i) Precinct-The word "precinct" shall mean the areas into which the Town is
60 divided.

61 j) Quorum – The word "Quorum", unless otherwise required by law or this Charter,
62 shall mean a majority of the members of a multiple member body notwithstanding any
63 vacancies, which might then exist.

64 k) Select Board – The words "Select Board" shall mean the Board of Selectmen as
65 used for all purposes in the State Constitution, and general and special laws and in the Town by-
66 laws and rules and regulations.

67 l) Select Person – the words "Select Person" shall mean a person elected to the
68 Select Board.

69 m) Town - The word "Town" shall mean the Town of Plymouth.

70 n) Town Agency - The words "town agency" shall mean any board, commission,
71 committee, department or office of the Town government, whether elected, ^{[[[]]]}_{SEP}appointed or
72 otherwise constituted.

73 o) Town Officer - The words "Town officer" shall mean an elected or appointed
74 official of the Town who in the performance of his or her duties of office exercises some portion
75 of the sovereign power of the Town, whether great or small. A person may be a Town officer
76 whether or not the Town compensates that person.

77 p) Voters - The word "Voters" shall mean registered voters of the Town.

78 q) Website – The word "Website" shall mean the electronic site officially owned and
79 maintained by the Town of Plymouth and containing information concerning Town business.

80 CHAPTER 2

81 THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING

82 Section 1 Division of the Town into Precincts

83 2-1-1 The town shall be divided into voting precincts which shall contain, as nearly as
84 possible, an equal number of inhabitants. Each voting precinct shall be composed of compact and
85 contiguous territory, as prescribed by general law.

86 Section 2 Composition, Membership, and Eligibility

87 2-2-1 The town shall have a representative town meeting which shall consist of
88 representative town meeting members who are elected for three-year (3) overlapping terms. The
89 number of representative town meeting members shall be determined as follows: Each precinct

90 shall elect (9) members; this provision shall be implemented by each precinct electing three (3)
91 members in each annual town election occurring after the effective date of this Charter. Should
92 the number of precincts in the town change, the total number of regular town meeting members
93 shall increase or decrease accordingly.

94 2-2-2 Any registered voter of the town shall be eligible for election to town meeting
95 membership.

96 2-2-3 The town clerk shall serve as clerk of the representative town meeting. The town
97 clerk shall cause notice of all meetings to be posted in the town hall, in the town's libraries and
98 posted on the town's website and take reasonable efforts to post to the Town's social media. The
99 town clerk shall mail copies of the notice to the place of residence of all representative town
100 meeting members, citing the place, date and time of the meeting.

101 2-2-4 The Town Clerk shall keep a detailed journal of all representative town meeting
102 proceedings and perform such other duties as may be assigned by this Charter, by-law, or vote of
103 the representative town meeting.

104 2-2-5 Representative town meeting members shall serve without compensation or
105 monetary allowance for any expenses incurred in the performance of their duties.

106 2-2-6 Representative town meeting members shall occupy sections assigned to them by
107 the Town Clerk in a section of the hall which has been reserved exclusively for them.

108 2-2-7 Any representative town meeting member who is unable to attend a representative
109 town meeting session shall provide written or electronic notice of his or her anticipated absence,
110 and the expected duration of the absence, to the Town Clerk prior to such session.

111 2-2-8 After the final adjournment of every Town Meeting, the Town Clerk shall post a
112 complete attendance record on the bulletin board at Town hall, in the Town's libraries, on the
113 Town's website, and on the Town's social media.

114 2-2-9 The Town Clerk shall publish the contact information provided by all Town
115 Meeting Members, including: address, phone number, eMail address and the Town Meeting
116 Member shall receive a printed copy of the Advisory and Finance Committee report during their
117 term of office unless the member indicates otherwise; provided statutory authority for
118 withholding any of the information shall not be affected by this section.

119 Section 3 Powers

120 2-3-1 The representative town meeting shall exercise all legislative powers of the town.

121 2-3-2 The representative town meeting shall consider and act upon all proposed by- laws.

122 2-3-3 The representative town meeting shall have the power to consider and act upon,
123 pursuant to its legislative authority, with or without amendments, all proposed operating and
124 capital improvement budgets, bond issues, and all other financial proposals of the town and such
125 other matters as prescribed by law and all matters that appear on the town warrant, except as
126 otherwise provided by general law.

127 2-3-4 The Committee of Precinct Chairs described in Section 2-11-4 may from time to
128 time appoint subcommittees of itself or committees of Town Meeting members to review town
129 by-laws, town meeting rules, the status of past Town Meeting actions, and for such other
130 purposes as they shall deem appropriate and shall make recommendations to the Representative
131 Town Meeting and/or the moderator at least annually. The committee also may perform other

132 duties designated to facilitate the business of town meeting. In addition to any other powers
133 conferred upon it by the representative town meeting, the Committee of Precinct Chairs shall
134 periodically review the rules of procedure that govern the conduct of the representative town
135 meeting and report its finding to the representative town meeting at least annually.

136 2-3-5 The precinct chairpersons shall meet together within thirty (30) days following
137 each Town election, and shall organize as a Committee of Precinct Chairs, electing a
138 Chairperson, Vice Chairperson and a Clerk.

139 Section 4 Procedures

140 2-4-1 The representative town meeting shall meet at least twice (2) in each calendar year.
141 The first such meeting, the spring annual representative town meeting, shall be convened during
142 the period of March through April, at a time fixed by by-law. The spring annual representative
143 town meeting shall be concerned primarily with the determination of all matters that concern
144 raising, appropriating, or transferring funds, including, but not limited to the adoption of an
145 annual operating budget covering all town agencies. The second such meeting shall be held
146 during the last four calendar months, at a time fixed by by-law.

147 The budget, as adopted at the spring annual representative town meeting, may be
148 reopened by a citizen-petitioned article pursuant to G.L. c.39, § 10, or any other applicable law.

149 As provided by G.L. c.39, §10, (i) the Select Board may, at any time upon at least
150 fourteen days prior notice, call a special town meeting, and (ii) the Select Board shall call a
151 special town meeting upon the request in writing of two hundred registered voters, such meeting
152 to be held not later than forty-five days after receipt of such request, and the Select Board shall

153 insert in the warrant therefor all subjects the insertion of which shall be requested by said
154 petition.

155 2-4-2 The quorum necessary for the conduct of representative town meeting business
156 shall be two-thirds (2/3) of the total number of elected representative town meeting members. A
157 majority of those present may adjourn any meeting forthwith to a stated date, time, and place, but
158 no Town Meeting shall adjourn over the date of an election of Town Meeting Members.

159 2-4-3 The representative town meeting shall always operate in open session and secret
160 ballots shall not be allowed.

161 2-4-4 The order of consideration of the articles on the warrant may be changed only by a
162 two-thirds (2/3) vote of those present and voting.

163 2-4-5 The representative town meeting may adopt rules and regulations relating to its
164 procedures and its methods of operation.

165 2-4-6 An electronic roll call vote shall be required for all final main motions on every
166 warrant article and on any matters with respect to the following subjects: adoption or amendment
167 of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are
168 defined as any appropriation, borrowing, fund transfer or the creation of or re-authorization of
169 such enterprise or revolving funds as may be authorized by state law; provided, however, that in
170 the event of a vote which the Moderator reasonably believes is likely to be near unanimous, the
171 Moderator may elect to take a verbal roll call of only those voting in the minority. In the event
172 that the electronic voting system is unavailable, or determined in the Moderator's sole discretion
173 to be malfunctioning, the Moderator may provide for a manual roll call vote in place of an
174 electronic roll call.

175 2-4-7 An electronic roll call vote shall be required for all motions to close debate;
176 provided, however, that in the event of a vote which the Moderator reasonably believes is likely
177 to be near unanimous, the Moderator may elect to take a verbal roll call of only those voting in
178 the minority. In the event that the electronic voting system is unavailable, or determined in the
179 Moderator's sole discretion to be malfunctioning, the Moderator may provide for a manual roll
180 call vote in place of an electronic roll call.

181 Section 5 Attendance of Representative Town Meeting Members

182 2-5-1 Representative town meeting members shall attend all representative town meeting
183 sessions. Each calendar day during which any portion or portions of a representative town
184 meeting or meetings is/are conducted shall be deemed to be a single "representative town
185 meeting session.

186 2-5-2 During each representative town meeting session, the Town Clerk shall cause the
187 attendance to be taken prior to the commencement of the session. A record of those in
188 attendance shall be kept open until the end of each representative town meeting session to enable
189 latecomers to be recorded as present. The attendance record shall be public and be made part of
190 the representative town meeting proceedings.

191 2-5-3 A representative town meeting member who moves from the town shall cease to be
192 a town meeting member and a representative town meeting member who moves from the
193 precinct from which the representative was elected to another precinct may serve only until the
194 next annual town meeting. The town clerk may also declare the seat vacant if the registrars of
195 voters, under sections 47B, 48 and 49 of chapter 51 of the General Laws or any other applicable

196 law, determine that the representative town meeting member is illegally or incorrectly registered
197 to vote in that precinct.

198 Section 6 Moderator

199 2-6-1 A Moderator shall be elected at the regular town elections for a term of three (3)
200 years.

201 2-6-2 The Moderator shall have no vote unless the representative town meeting members
202 present and voting are equally divided.

203 2-6-3 The Moderator shall preside at all representative town meeting sessions and shall
204 perform such other duties as may from time to time be assigned to the office through by-law or
205 vote of the representative town meeting.

206 2-6-4 Following the raising of a point of order at any Town Meeting, a motion to appeal
207 the ruling on such point of order shall be allowed by the Moderator and shall be decided by a
208 two-thirds (2/3) vote of the Town Meeting.

209 2-6-5 Promptly following the annual Town election, the Moderator shall appoint an
210 Assistant Moderator for a term commencing at the first Town Meeting following such annual
211 election, or at such time as a vacancy occurs, and ending on the date of the annual Town election
212 in the following year. Such appointment shall be subject to the approval of such Town Meeting.
213 The Assistant Moderator shall substitute for the Moderator in the event that the Moderator is
214 absent from a Town Meeting session or at the discretion and request of the Moderator, and shall
215 carry out the duties of the Moderator excluding any exercise of appointing authority. In the event
216 that the Moderator cannot carry out the duties of his office by reason of death or disability, then

217 the Assistant Moderator shall carry out all of the duties of the office of Moderator. The Assistant
218 Moderator position shall be uncompensated except in the event of the death or disability of the
219 Moderator.

220 2-6-6 The Town Manager shall provide support personnel to assist the Moderator in
221 carrying out the Moderator's assigned duties.

222 Section 7 Rights of Non-Members

223 2-7-1 Residents and taxpayers of the town may speak on any article in a warrant subject
224 to such procedural rules as the Moderator may impose.

225 Section 8 Compulsory Attendance

226 2-8-1 All town officers, the Town Manager, the town engineer, chairpersons of boards,
227 commissions, and the Advisory and Finance Committee, and all department heads or those
228 officials' designated representatives, shall attend all representative town meeting sessions. They
229 shall have all the privileges of representative town meeting members, except the power to vote,
230 unless they have been elected to the office of representative town meeting member. The absence
231 of any such person shall not invalidate the actions of the representative town meeting.

232 Section 9 Filling Vacancies

233 2-9-1 The Town Clerk shall notify forthwith the precinct of any vacancy which occurs in
234 a precinct delegation.

235 2-9-2 The person who received the highest number of votes among the unsuccessful
236 representative town meeting member candidates at the most recent election in the precinct shall
237 fill the vacancy until the next regular election. If such person declines, or is unable to fill the

238 vacancy, the person who received the next highest number of votes among the unsuccessful
239 representative town meeting member candidates at the most recent election shall fill the vacancy.
240 If the vacancy cannot be filled in this manner, the precinct caucus delegation shall vote to fill the
241 vacancy. If necessary, the Town Clerk shall call members of the precinct caucus delegation
242 together by written notice and shall conduct the election.

243 Section 10 Conflict of Interest

244 2-10-1 Notwithstanding any general or special law to the contrary, any representative
245 town meeting member who also holds a position of employment by the town shall be prohibited
246 from voting on any town meeting article in which such employee, or such employee's
247 department, has a financial interest. Such representative town meeting member shall notify the
248 Town Clerk, in writing, prior to the representative town meeting session or during such session
249 at such time as such member becomes so aware, as to any articles giving rise to such financial
250 interest. This section shall apply to the annual budget article, or any later amendment thereto, as
251 follows: The representative town meeting member is prohibited from voting on the budget line
252 item for his or her department or agency, but shall not be prohibited from voting on any other
253 line item, or from voting on the overall budget appropriation.

254 2-10-2 Notwithstanding any general or special law to the contrary, no representative town
255 meeting member shall vote on any town meeting article in which an immediate family member,
256 or any business or organization in which the representative town meeting member serves as an
257 officer, director, partner, or employee, or has a financial interest. For purposes of this section,
258 "immediate family member" shall be defined as the representative town meeting member, his or
259 her spouse and each of their parents, children, brothers, and sisters. Any such representative town

260 meeting member shall notify the Town Clerk, in writing prior to the representative town meeting
261 session, as to any articles giving rise to such financial interest.

262 2-10-3 For the purposes of Section 10 of Chapter 2 of this Charter, the "financial interest"
263 of a representative town meeting member shall be determined pursuant to the interpretation of
264 the term "financial interest" by the State Ethics Commission and applicable reported appellate
265 court decisions, which are hereby incorporated by reference. The "financial interest" of a
266 department shall be defined as any particular warrant article and related motions or votes which
267 specifically refer to said department.

268 Section 11 Caucuses

269 2-11-1 The representative town meeting members from each precinct shall, within twenty
270 (20) days following each town election, meet and elect from among their own precinct's
271 representative town meeting members, a chairperson, vice-chairperson, and clerk, to serve for a
272 term of one (1) year, and shall file a notice of such organization with the Town Clerk. If the
273 Town Clerk fails to receive a notice of organization within twenty-one (21) days following a
274 town election, the Town Clerk shall immediately call a meeting of the representative town
275 meeting members from such precincts that have failed to organize, for the purposes of
276 organizing.

277 2-11-2 Each precinct delegation shall hold a caucus meeting for the purpose of reviewing
278 the subject matter of the upcoming representative town meeting. Caucus meetings may be held in
279 conjunction with other precinct delegations.

280 2-11-3 Each precinct chairperson shall arrange for the posting of notices of caucus
281 meetings in town hall and on the town's website. Each such caucus meeting shall be conducted
282 under the open meeting law established by section 20 of chapter 30A of the General Laws.

283 2-11-4 The precinct chairpersons shall meet together within forty-five (45) days
284 following each town election, and shall organize as a Committee of Precinct Chairs, electing a
285 Chairperson and a Clerk.

286 Section 12 Advisory and Finance Committee

287 2-12-1 An advisory and finance committee of 15 members shall be appointed by the
288 moderator for 3 -year overlapping terms. There shall be no more than 3 members from each
289 precinct of the town; provided, however, that in the event that the number of incumbent members
290 from a particular precinct increases due to redistricting or the change in residency of that
291 member or another, no incumbent member need be removed, and may serve out their respective
292 terms. The advisory and finance committee shall choose from its members a chairperson and fill
293 the other offices as it may create. The moderator may fill any vacancy by appointment and the
294 term of that appointment shall be for the remainder of the unexpired term of the person causing
295 the vacancy.

296 Persons not registered to vote in the Town of Plymouth, Town of Plymouth employees,
297 and representative town meeting members shall not be eligible for appointment to, or service on,
298 the Advisory and Finance Committee.

299 2-12-2 (a) The Advisory and Finance Committee shall conduct 1 or more public hearings
300 on the proposed operating and capital budget and shall issue its recommendations in a detailed
301 written report that shall be electronically posted to the Town's website, and mailed by US mail to

302 Town Meeting Members, in both cases no later than fourteen (14) days prior to the scheduled
303 date of the Town Meeting. In preparing its report, the committee may require any Town
304 department, board or office to furnish it with appropriate financial reports and budgetary
305 information. (b) If the Advisory and Finance Committee has failed to consider a warrant article,
306 the Town Meeting may consider that article, provided that two-thirds of the Town Meeting
307 Members in attendance vote to do so. (c) If the article proponent has not appeared at a meeting of
308 the Advisory and Finance Committee to explain their article and answer reasonable questions
309 with respect thereto, or with the permission of the Chair of the Committee, instead submitted a
310 written explanation, the Town Meeting may act on that article, provided that two-thirds of the
311 Town Meeting Members in attendance vote to do so. (d) In the event that the Advisory and
312 Finance Committee fails to timely issue its recommendations as required by 2-12-2(a), the
313 scheduled Town Meeting shall convene and then adjourn to a date that would allow the Advisory
314 and Finance Committee to electronically post copies of its detailed written report no later than 14
315 days prior thereto; provided, however, that two-thirds of the Town Meeting Members in
316 attendance may instead vote to waive the 14-day posting requirement and proceed with the
317 scheduled Town Meeting.

318 2-12-3 The Advisory and Finance Committee shall present the proposed budget to the
319 representative town meeting.

320 2-12-4 In the final month of the fiscal year, no department, commission, office or agency
321 may expend, except for amounts previously encumbered, more than one-twelfth (1/12) of its
322 annual appropriation, unless expenditures have been approved by the Advisory and Finance
323 Committee.

324 2-12-5 The Advisory and Finance Committee may appoint such subcommittees as it may
325 deem advisable.

326 2-12-6 The Advisory and Finance Committee shall have authority at any time to
327 investigate the Town's accounts and management, and the books, records and accounts of all
328 departments of the Town shall be open to the inspection of the Advisory and Finance Committee
329 or any of its authorized subcommittees and any person employed by it.

330 CHAPTER 3

331 THE EXECUTIVE BRANCH: THE SELECT BOARD, THE TOWN MANAGER
332 AND PLANNING BOARD

333 Section 1 The Select Board: Composition and Terms

334 3-1-1 A Select Board of five (5) members shall be elected for three-year (3) overlapping
335 terms. The regular election for the office of selectman shall be held in accordance with Chapter
336 Five of this Charter.

337 3-1-2 Vacancies in the office of selectman shall be filled by special election in
338 accordance with G.L. c. 41, § 10, and any other applicable law.

339 Section 2 Select Board: General Powers and Duties

340 3-2-1 The Select Board shall be the chief executive body of the town. It shall serve as the
341 goal setting, long-range planning and policy-making body of the town. It shall make
342 recommendations on major courses of action to the representative town meeting. It shall adopt
343 policy directives and guidelines which the officers, boards, committees, commissions and

344 employees of the town shall implement. The Select Board shall maintain a policy handbook
345 containing such policy directives and guidelines.

346 3-2-2 The Select Board shall have the power to enact rules and regulations to implement
347 its policies.

348 3-2-3 The Select Board shall review the annual proposed operating and capital budgets
349 submitted by the Town Manager and make recommendations with respect thereto as it deems
350 advisable. The Town Manager shall present the budget, incorporating the recommendations of
351 the Select Board, to the Advisory and Finance Committee.

352 3-2-4 The Select Board shall act as the licensing authority of the town and shall have the
353 power and responsibility to issue licenses, to make all necessary rules and regulations regarding
354 the issuance of licenses, to attach conditions and impose restrictions in the public interest, and to
355 enforce, or cause to be enforced, laws, rules and regulations relating to all businesses for which it
356 issues licenses.

357 3-2-5 The Select Board shall have the power to approve all collective bargaining
358 agreements to which the town is the contracting agency and may designate one (1) Select Person
359 to participate in the negotiating of collective bargaining agreements.

360 3-2-6 The Select Board shall be responsible, through the Town Manager, for the efficient
361 and orderly operation of all agencies of the town except those under the direction of another
362 elected town agency.

363 3-2-7 The Select Board may investigate or authorize the Town Manager, or another town
364 officer or any agency, to investigate the conduct of any town department, office or agency. A

365 detailed written report of any such investigation shall be filed in the Town Manager's office, and
366 a report summarizing such investigation shall be printed in the next published annual town
367 report.

368 3-2-8 The Select Board shall meet jointly with the School Committee, Planning Board
369 and all other elected boards of the Town for the purpose of sharing information. The Select
370 Board shall schedule the joint meeting(s), which shall be held no less than twice (2) a year.

371 Section 3 Appointments

372 3-3-1 The Select Board shall appoint a Town Manager, town counsel, registrars of voters,
373 election officers, constables, and members of all multiple-member boards, committees, and
374 commissions except as otherwise provided in this Charter and/or the town by-laws.

375 Section 4 Town Manager: Appointment and Removal

376 3-4-1 The Select Board shall appoint a Town Manager by an affirmative vote of four (4)
377 members of the Board.

378 3-4-2 The Town Manager shall be appointed solely on the basis of executive and
379 administrative qualifications. The Town Manager shall be a professionally qualified person of
380 proven ability, especially fitted to perform the duties of the office by education, training, and
381 previous experience in municipal administration. The Town Manager shall have had at least five
382 (5) years of full-time paid experience as a City or Town Manager, Assistant City or Town
383 Manager, Town Administrator or Assistant Town Administrator, or the equivalent level of
384 experience.

385 The town may, from time to time, establish such additional qualifications as deemed
386 necessary and appropriate. The Town Manager shall not be subject to a personnel by-law, if any.

387 In addition to other terms as set forth in this Charter generally and in this Section 4 of
388 Chapter 3 specifically, the Town Manager shall devote full time to the office and shall not hold
389 any other public office, elective or appointive, nor engage in any other business or occupation
390 during the term of office, unless such action is approved in advance, in writing, by the Select
391 Board. With the approval of the Select Board, the Town Manager may serve as the town's
392 representative to regional boards, commissions, and the like, but the Town Manager may not
393 receive additional compensation from the town for such services.

394 To the extent permitted by law, the terms of the Town Manager's employment shall be
395 the subject of a written agreement between the parties setting forth the length of service,
396 compensation, vacation, sick leave, benefits, and such other matters (excluding tenure) as are
397 customarily included in an employment contract.

398 3-4-3 The Select Board may discipline or discharge the Town Manager at any time by an
399 affirmative vote of four (4) members of the Select Board. Within seven (7) days thereafter, the
400 Town Manager may appeal the decision of the Select Board by filing a written request for a
401 public hearing with the Select Board. If such a request is filed, the Select Board shall conduct a
402 public hearing within fourteen (14) days of the written request, and act upon the appeal within
403 seven (7) days after the public hearing.

404 3-4-4 The Select Board shall designate a qualified person to serve as Acting Town
405 Manager and to perform the duties of the office during any vacancy of the Town Manager
406 exceeding thirty (30) days caused by the Town Manager's absence, illness, suspension, removal,

407 or resignation. The term of appointment of an Acting Town Manager shall not exceed one
408 hundred eighty (180) days.

409 Section 5 Town Manager: Powers and Duties

410 3-5-1 The Town Manager shall be the chief administrative officer of the town. The Town
411 Manager shall be responsible to the Select Board for the effective management of all town affairs
412 placed in the Town Manager's charge by this Charter, the Select Board, by-law, or vote of the
413 representative town meeting. The Town Manager shall be responsible for the implementation of
414 town policies established by the Select Board.

415 The Town Manager shall:

416 a. unless otherwise provided herein and in Section 2 of Chapter 6 of this Charter, and
417 except as may be otherwise provided in Civil Service Law, appoint, suspend, or remove all
418 department heads, a Board of Assessors, and all officers, subordinates, and employees of the
419 town, including those under grant funding, except employees of the school department. The
420 Town Manager shall appoint a town clerk, whose duties shall be as specified in general or
421 special legislation. In the case of an employee who works with a multiple-member board or the
422 Plymouth Public Library Corporation, the Town Manager shall act in accordance with this
423 Section only after consultation with that multiple-member board, or the Plymouth Public Library
424 Corporation, as the case may be. Except as may be otherwise provided in Civil Service Law,
425 appointments, suspension, or removals of Department and Division Heads, or equivalents
426 regardless of title, shall take effect on the fifteenth (15) day after the Town Manager files notice
427 of the action with the Select Board unless the Board shall within that period, by a vote of four
428 members veto the action. The Select Board may, by a majority vote, waive this fifteen (15) day

429 period, whereupon the action shall become effective forthwith. This same authority to veto the
430 actions of the Town Manager provided herein to the Select Board shall accrue to the Planning
431 Board in the case of the appointment, suspension or removal of the Director of Planning and
432 Development;

433 b. fix the compensation of all town officers and employees appointed by the Town
434 Manager within the limits of existing appropriations and personnel bylaws;

435 c. supervise all town departments under the jurisdiction of the Select Board and direct the
436 operations of the town;

437 d. establish, reorganize, consolidate or abolish any department or position under the
438 Town Manager's direction and supervision with the approval of the Select Board;

439 e. administer, either directly or through designated persons, all provisions of general and
440 special laws applicable to the town, and all by-laws and regulations established by the Select
441 Board;

442 f. coordinate the operational and strategic planning for the town;

443 g. administer all grants received by the town;

444 h. submit to the Select Board a written proposed operating budget for the ensuing fiscal
445 year, providing in detail the estimated revenue from all sources and all expenditures, including
446 debt services, for the previous, current and ensuing year;

447 i. submit annually to the Select Board a five-year (5) capital improvements program,
448 including a list of all capital improvements proposed for the next five (5) fiscal years with

449 supporting data, cost estimates, methods of financing, recommended time schedules, and the
450 effect on the operating budget or revenues for each proposed capital improvement;

451 j. keep full and complete records of the financial and administrative activities of the town
452 and render a detailed written report on all operations as often and for such periods as may be
453 required by the Select Board;

454 k. administer and enforce collective bargaining contracts, and personnel rules,
455 regulations, and by-laws adopted by the town;

456 l. develop and maintain a complete inventory of real and personal property of the town,
457 except school property, at least annually.

458 m. procure from the school department, a detailed written report of the complete
459 inventory of real and personal school property for annual submission to the Select Board. The
460 school department shall be obligated to prepare the detailed written report;

461 n. have full jurisdiction over the lease, rental, disposal and use of all Town property,
462 except schools, after approval of the Select Board, and shall be responsible for the maintenance
463 and repair of all Town property;

464 o. be the Chief Procurement Officer under the provisions of G.L. c. 30B , responsible for
465 the purchasing of all supplies, materials, and equipment for the town, including the bidding and
466 awarding of all contracts, except for the school department;

467 p. approve all warrants or vouchers for payment of town funds submitted by the Town
468 Accountant;

469 q. negotiate collective bargaining contracts on behalf of the Select Board, unless the
470 Town Manager specifically designates another negotiator or negotiating team;

471 r. represent the town at local, state, and regional meetings, and undertake public relations
472 activities for the Select Board;

473 s. have authority to examine, without notice, the activities of any agency under the Town
474 Manager's control, or the conduct of any officer or employee thereof;

475 t. have access to all town books and records necessary for the performance of the duties
476 of Town Manager;

477 u. conduct periodic operational and staffing evaluations of selected town departments,
478 and provide a written report of the assessments performed to the Select Board [Amended by
479 Article 20, Motion 2 Fall Town Meeting 10-20-2018] and to the representative town meeting;
480 and

481 v. perform any other duties required by town by-laws, the Select Board [Amended by
482 Article 20, Motion 2 Fall Town Meeting 10-20-2018], or vote of the representative town
483 meeting.

484 Section 6 Department of Public Works

485 3-6-1 The Director of the Department of Public Works shall be appointed by the Town
486 Manager. The Director of the Department of Public Works shall be qualified by education and
487 experience including a master's degree in a related field for the duties of the office.

488 3-6-2 The department of public works shall be responsible for:

489 (a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm
490 drains, bridges and other public way related structures;

491 (b) the maintenance, repair and cleaning and custodial services of all buildings and
492 grounds owned or leased by the town;

493 (c) the development and maintenance of all cemeteries, parks and recreation facilities;

494 (d) snow and ice removal;

495 (e) providing for and supervising the collection and disposal of garbage and other refuse
496 and the maintenance and operation of all facilities for the disposal of the same;

497 (f) the supervision, care and replacement of trees;

498 (g) the design, construction, operation and maintenance of all water and sewer facilities;

499 (h) other functions as the town manager assigns; and

500 (i) the master planning of all infrastructure elements under their jurisdiction including,
501 but not limited to, public roadways, sidewalks, stormdrains, bridges, cemeteries, parks and
502 recreation facilities, solid waste and waste water facilities all of which shall be coordinated and
503 consistent with the comprehensive master plan provided for in section 14-4 of chapter 3.

504 Section 7 Board of Health

505 3-7-1 A Board of Health of five (5) members shall be appointed by the Select Board for
506 three-year (3) overlapping terms.

507 3-7-2 The Board of Health shall exercise such powers and duties as prescribed by the
508 General Laws, this Charter and town by-laws.

509 Section 8 Establishment and Scope of the Department of Finance

510 3-8-1 There shall be a Department of Finance responsible for the fiscal and financial
511 affairs of the town and for the coordination and overall supervision of all fiscal and financial
512 activities of all town government agencies except the School Department. The Department of
513 Finance shall include the functions of Accountant, Treasurer, Collector, Assessors and Director
514 of Data Processing.

515 3-8-2 The Department of Finance shall be responsible for, and shall include, the
516 following functions:

517 coordination of all financial services and activities of town government;

518 maintenance of all accounting records and other financial statements for all town
519 government offices and agencies;

520 payment of all financial obligations on behalf of the town;

521 investment of town funds and management of debt;

522 receipt of all funds due to the town from any source;

523 maintenance of the system of property valuation;

524 rendering of advice, assistance, guidance and recommendations to all other town offices
525 and agencies in any financial or fiscal affairs;

526 monitoring throughout the fiscal year of the expenditure of funds by town offices and
527 agencies;

528 general supervision of the purchase of all goods, services, materials and supplies by the
529 town; and

530 general supervision of all data processing functions, activities and equipment of town
531 government offices and agencies.

532 Section 9 Director of Finance

533 3-9-1 The Town Manager shall appoint a Director of Finance. The Director of Finance
534 shall be especially fitted by education, training, and experience to perform the duties of the
535 office.

536 3-9-2 At the discretion of the Town Manager, the Director of Finance may serve as the
537 head of any division within the department. The Town Manager also may designate a person to
538 serve as head of more than one (1) division within the department.

539 3-9-3 The Director of Finance shall be responsible to the Town Manager for the effective
540 operation of the Department of Finance and all fiscal and financial activities of town
541 government. The Director shall coordinate and provide overall supervision for all activities of the
542 department and, in consultation with the division head and the Town Manager, shall have the
543 authority to direct and assign all personnel serving in that department.

544 3-9-4 The Director of Finance shall be responsible to the Town Manager and shall have
545 the following specific powers and duties, subject to the direction of the Town Manager:

546 coordination of the financial functions of all departments and agencies and supervision of
547 the following functions: accounting, treasury, tax collections, assessing, data processing,
548 budgeting and procurement; ensure that each function is operating efficiently and in accordance
549 with the applicable statute, by-law, code and/or accepted practice;

550 accountability for planning, organizing and providing administrative direction for all
551 financial functions;

552 working with the Town Manager and the Select Board in developing strategic financial
553 plans and policies;

554 compilation and submission of an annual operating budget and an annual capital
555 improvement plan to the Town Manager. The Director shall receive all requests made for the
556 expenditure of town funds from every town office and agency and shall assemble all such
557 requests into a form deemed to be best suited to show a complete financial plan for all town
558 funds and activities for the ensuing fiscal year. The proposed budget shall show in detail all
559 estimated income from the proposed property tax levy and from every other source by category;
560 and

561 general oversight, throughout the year, of the expenditure of all town funds pursuant to
562 such budgets and expenditures as authorized by the representative town meeting.

563 Section 10 Conservation Commission

564 3-10-1 The Select Board shall appoint a Conservation Commission of seven (7) members
565 for three-year (3) overlapping terms.

566 3-10-2 The commission shall exercise such powers and duties as prescribed by general
567 law, this Charter, and town by-laws.

568 Section 11 Development and Industrial Commission

569 Section 12 Zoning Board of Appeals

570 3-12-1 The Select Board shall appoint a Zoning Board of Appeals of five (5) members
571 and two (2) associate members for three-year (3) overlapping terms.

572 3-12-2 The board shall exercise such powers and duties as prescribed by general law, this
573 Charter, and town by-laws.

574 Section 13 Establishment and Scope of the Department of Planning and Development

575 3-13-1 There shall be a Department of Planning and Development responsible for the
576 planning of the land use, environmental, community planning, and economic planning and
577 development functions of the town. The Department of Planning and Development shall
578 supervise and coordinate all planning and development activities of all town government offices
579 and agencies. The Department of Planning and Development shall include the functions of
580 comprehensive planning, subdivision control, zoning appeals, preservation of natural open space,
581 community development, economic development, design review, redevelopment, and planning
582 of new buildings and facilities.

583 3-13-2 The Department of Planning and Development shall be responsible for, and shall
584 have, the following specific duties:

585 development and maintenance of a Comprehensive Master Plan

586 coordination of all land use planning and development activities of town government;
587 administration of subdivision control rules and regulations;
588 preservation of natural open space, and land acquisition and management;
589 conservation administration and enforcement;
590 redevelopment, revitalization and rehabilitation activities;
591 administration of design review, historic district review, and zoning board of appeals,
592 review and planning of affordable housing;
593 administration of economic development;
594 maintenance of all land use planning, development, and related records and reports for all
595 town government offices and agencies;
596 rendering of advice, assistance, guidance, and recommendations to all other town offices
597 and agencies on land use, environmental, community and economic planning, and development
598 matters; and
599 cooperation with, and participation in, regional area planning.

600 Section 14 Planning Board

601 3-14-1 The town shall elect a Planning Board of five (5) members for five-year (5)
602 overlapping terms.

603 3-14-2 The Planning Board shall exercise such powers and duties as prescribed by
604 general law, this Charter, and applicable town by-laws.

605 3-14-3 The Planning Board shall serve as the long-range planning body of the town with
606 respect to the planning of the physical, environmental, community, and economic development
607 of the town. The Planning Board shall be responsible, through the Director of Planning and
608 Development, for the efficient and orderly operation of all Planning Board functions and all
609 related activities.

610 3-14-4 The Planning Board shall develop and maintain a Comprehensive Master Plan
611 (CMP) which shall be the guidance document for departmental duties under Section 3-13-2,
612 above, and for the Board's recommendations to the representative town meeting. The CMP shall
613 be updated periodically to address current issues concerning the physical, environmental,
614 community and economic development of the town, including planning strategies for Open
615 Space Preservation, Land Acquisition, Village Centers Development, Economic Development,
616 Housing, and Historic Preservation. The Board shall report annually to the representative town
617 meeting to inform the town of all updates to the CMP and any implementation measures that
618 may require town meeting approval. The Planning Board's recommendations on zoning by-law
619 amendments to the representative town meeting shall be consistent with the CMP. The Planning
620 Board shall solicit public comment and participation throughout the Comprehensive Master
621 Planning Process and shall adopt the CMP and/or annual CMP updates only after a duly noticed
622 public hearing.

623 3-14-5 The Planning Board shall make recommendations to the representative town
624 meeting and to the Select Board on all matters concerning the planning of the physical,
625 environmental, community, and economic development of the town as prescribed by general
626 law, this Charter, and applicable town by-laws, and specifically with reference to the consistency
627 of such matters with the current CMP.

628 3-14-6 At the request of the Planning Board any town board or agency dealing with
629 significant public improvements relating to the physical, environmental, community or economic
630 development of the town, shall report the status of such plans or development to the Planning
631 Board so as to be evaluated and included in the CMP and in the Planning Board's
632 recommendations to the representative town meeting and the Select Board.

633 3-14-7 The Planning Board may appoint committees to assist and advise the Board in
634 carrying out its duties under this charter such as a Master Plan committee and such other
635 committees as the Board deems necessary to assist the Board in performing its duties. Failure of
636 the Board to appoint such committees shall not relieve the Board of its responsibilities to fulfill
637 all the duties enumerated under this charter.

638 3-14-8 An Open Space Committee comprised of nine (9) persons to act in an advisory
639 capacity to the Planning Board and the Town Meeting with respect to the preservation of natural
640 open space shall be appointed as follows: Five (5) members shall be appointed by the Planning
641 Board; two (2) by the Select Board and two (2) by the Conservation Commission. The Open
642 Space Committee shall report its activities and recommendations directly to Town Meeting at
643 least once each calendar year

644 3-14-9 A Land Use and Acquisition Committee comprised of seven (7) members to act in
645 an advisory capacity to the Select Board with respect to the acquisition of real estate by the
646 Town pursuant to the provisions of Chapter 61 of the General Laws, shall be appointed as
647 follows: Two (2) members shall be appointed by the Select Board, two (2) by the Planning
648 Board, two (2) by the Conservation Commission, and one (1) by the Open Space Committee.

649 Section 15 Director of Planning and Development

650 3-15-1 There shall be a Director of Planning and Development appointed by the Town
651 Manager with veto authority by the Planning Board as delineated in Chapter 3. The Director
652 shall be a professionally qualified person of proven ability, especially fitted to perform the duties
653 of the office by education and training. The Director of Planning and Development shall have
654 had at least five (5) years of full-time paid experience in community planning and development.

655 3-15-2 At the discretion of the Town Manager, the Director of Planning and
656 Development may serve as the head of any division within the Department of Planning and
657 Development. The Town Manager may also designate one person to serve as the head of more
658 than one division within the Department.

659 3-15-3 The Director of Planning and Development shall be responsible to the Planning
660 Board for the effective operation of all Planning Board functions and all related activities. The
661 Director shall coordinate and provide overall supervision of all activities of the Department of
662 Planning and Development, and shall have, in consultation with the division head and the Town
663 Manager, the authority to direct and assign all personnel serving in the Department of Planning
664 and Development.

665 3-15-4 The Director of Planning and Development shall be responsible for, and shall
666 have, the following specific duties:

667 coordination of the land use, environmental, community, and economic planning and
668 development functions of all town departments and agencies;

669 supervision of the following functions: planning, preservation of natural open space, land
670 acquisition, community development, economic development, design review, subdivision
671 control, affordable housing, and zoning appeals;

672 assuring that each function is operating efficiently and in accordance with the applicable
673 statute, by-law, code, and/or accepted practice;

674 accountability for long-range planning and organizing;

675 provision of administrative direction for all functions of the Department of Planning and
676 Development; and

677 working with the Planning Board, Town Manager, and Select Board in developing
678 strategic plans and policies.

679 Section 16 Building Committee

680 3-16-1 The Select Board shall appoint a building committee which shall consist of 9
681 members. The committee shall have among its members 1 member of the planning board, a
682 registered professional engineer or architect, an attorney, a person employed in the construction
683 industry or a related trade

684 or occupation, 2 members of the school committee and 3 other residents. Members of the
685 committee shall be appointed for 3-year overlapping terms.

686 3-16-2 Upon the request of the town manager or a department head, the building
687 committee shall meet with various town departments from time to time to determine the need for
688 additions or renovations to any existing buildings or facilities, for the construction of new
689 buildings or facilities or for the demolition or disposal of existing buildings. The committee shall
690 report its recommendations to the Select Board and the representative town meeting and the
691 school committee when applicable. Whenever this work is authorized by the representative town
692 meeting, the building committee shall be responsible for the oversight of all work relating

693 thereto, including site planning, preliminary architectural drawings, final plans and the oversight
694 of all construction.

695 3-16-3 Upon request of the Building Committee the town manager may provide support
696 personnel to assist the Building Committee in carrying out its duties.

697 CHAPTER 4

698 ELECTED TOWN BOARDS AND OFFICERS

699 Section 1 General Provisions

700 4-1-1 Beginning with the first town election held after the effective date of this Charter,
701 the town shall elect the following boards and offices:

702 a select board of five (5) members;

703 a school committee of seven (7) members who shall be elected for three-year (3)
704 overlapping terms;

705 a housing authority of five (5) members, four (4) to be elected, and one (1) to be
706 appointed in accordance with applicable law, for five-year (5) overlapping terms;

707 a planning board of five (5) members; and

708 a redevelopment authority of five (5) members, four (4) to be elected, and one (1) to be
709 appointed in accordance with applicable law, for five-year (5) overlapping terms.

710 4-1-2 The terms of office of multiple-member boards shall overlap, except as general or
711 special law may provide otherwise. Representative town meeting members shall be elected in
712 accordance with Section 2-2-1 of this Charter.

713 4-1-3 During the term for which a member is elected, and for one (1) year following
714 expiration of such term, no member of any elected board under this Charter shall be eligible to
715 accept any paid position under such board or in the same department.

716 4-1-4 Vacancies in boards established under this chapter, except the Select Board, shall
717 be filled by the Select Board, together with the remaining members of the appropriate board in
718 accordance with the provisions of general law.

719 Section 2 Simultaneous Elected Offices

720 4-2-1 A representative town meeting member or elected town official representing the
721 entire town shall not simultaneously hold another elected town office other than member of a
722 charter commission. A person who holds multiple offices in violation of this section shall
723 promptly inform the town clerk of which office that person will vacate. Election to a county,
724 state or federal office other than a county charter commission shall be an event disqualifying an
725 elected town official, including, but not limited to, representative town meeting member, from
726 continuing in an elected town office beginning the day the individual is sworn in to the county,
727 state or federal office.

728 Section 3 School Committee

729 4-3-1 The School Committee shall have all powers which are conferred on School
730 Committees by law, this Charter, bylaw, or otherwise and are not inconsistent with the grant of
731 powers conferred by the General Laws.

732 4-3-2 The powers and duties of the School Committee shall include the following:

733 (a) To appoint a superintendent of the schools who shall manage the school system in a
734 fashion consistent with law and the policy determinations of the School Committee and, upon the
735 recommendation of the Superintendent, the School Committee may also establish and appoint
736 positions of assistant or associate superintendents as provided by law.

737 (b) To establish educational goals and policies for the schools in the Town consistent
738 with the requirements of law and statewide goals and standards established by the State Board of
739 Education.

740 (c) To propose and to oversee the administration of an annual operating budget for the
741 School Department, subject to appropriation by the Town Meeting.

742 (d) To have general charge and superintendence of all school buildings and grounds and
743 furnish all school buildings with proper fixtures, furniture and equipment.

744 4-3-3 The School Committee shall report on the state of the schools directly to Town
745 Meeting at least once each calendar year and shall meet jointly with the Select Board as directed
746 by section 3-2-8 of this Charter.

747 CHAPTER 5

748 ELECTIONS

749 Section 1 Town Elections

750 5-1-1 The regular election for all town offices shall be by official ballot held on the third
751 Saturday of May of each year.

752 5-1-2 The order in which names of candidates appear on election ballots for any office,
753 including that of representative town meeting member, shall be determined by a drawing by lot
754 conducted by the town clerk which shall be open to the public. Notification to the candidates and
755 to the public shall be by publication in a local newspaper during the week preceding the week in
756 which the day of the drawing is to take place. The ballot shall identify candidates seeking re-
757 election with the phrase "Candidate for Re-election" placed next to the candidate's name.

758 5-1-3 Information for Voters

759 Notwithstanding section 22A of chapter 55 of the General Laws, section 21C of chapter
760 59 of the General Laws or any other general or special law to the contrary, the official election
761 ballot in the town of Plymouth shall include a fair and concise summary of any binding or non-
762 binding question to be submitted solely to the voters of the town, along with a 1-sentence
763 statement describing the effect of a yes or no vote, both prepared by town counsel and approved
764 by the Select Board. Submission to the town clerk of the summary and 1-sentence statement
765 shall be governed by section 42C of chapter 54 of the General Laws. The Select Board shall, not
766 less than 7 nor more than 14 days before an election at which a question is to be voted upon,
767 publish the following in a newspaper of general circulation in the town: (1) the full text of the
768 question; (2) a fair and concise summary of the question; and (3) the 1-sentence statement
769 describing the effect of a yes or no vote on the question; provided, however, that failure to timely
770 publish such information shall not affect the validity of the election. The Select Board shall also

771 post the full text of each ballot question, the summary and the 1-sentence statement in at least 1
772 location in the town or on the town's official website and shall make the same available at each
773 polling place on the day of the election. The town may, by by-law, require additional posting or
774 publishing of such information, subject to available funds and any other conditions that may be
775 imposed by by-law.

776 Section 2 Elections to be Nonpartisan

777 5-2-1 All town elections shall be nonpartisan, and election ballots for town offices shall
778 be printed without any party mark, emblem, vignette, or designation whatsoever.

779 Section 3 Time of Taking Office

780 5-3-1 Any person duly elected to any office or board shall take up the duties of the office
781 immediately upon certification, provided that such person shall first have been sworn to the
782 faithful performance of the duties of that office by the Town Clerk.

783 5-3-2 Elected Town Meeting Members shall present themselves within 30 days of
784 election, to the office of the Town Clerk for the administering of the Oath of Office or make
785 alternate arrangements with the Town Clerk. Failure to comply with the previous sentence shall
786 result in a vacancy. An elected official cannot act in any capacity until the Oath of Office is
787 taken.

788 Section 4 Nomination of Candidates for Election to Representative Town Meeting

789 5-4-1 The nomination of a candidate for election or reelection as representative town
790 meeting member shall be made by separate nomination papers signed by not less than ten (10)
791 registered voters of the precinct in which the candidate resides, or in accordance with the

792 requirements of G.L. C. 43A, Section 6 to the extent applicable. Nomination papers shall be
793 filed with the Town Clerk no later than the last day on which the nomination papers of
794 candidates for other offices must be filed.

795 5-4-2 Nomination papers shall identify representative town meeting members seeking re-
796 election with the phrase "Candidate for Re-election" placed next to each candidate's name.

797 5-4-3 The nomination procedure for all other elected positions shall be as set forth in
798 general or special law.

799 Section 5 Initiative

800 5-5-1 Any ten (10) registered voters of the town may secure the inclusion of an article in
801 the warrant for either of the annual representative town meetings by written petition to the Select
802 Board. At least one hundred (100) registered voters may secure the same for any special town
803 meeting.

804 Section 6 Referendum

805 5-6-1 A vote of the town meeting under any article in the warrant shall not be operative
806 until ten (10) days after its final passage other than the following: (a) to adjourn; (b) to
807 appropriate money for the payment of principal and interest of bonds and notes of the town; (c)
808 to authorize the temporary borrowing of money in anticipation of revenues and (d) to amend
809 zoning bylaws or as otherwise provided by statute.

810 5-6-2 If within ten (10) days of an affirmative vote of final passage by the Town Meeting,
811 a referendum petition is filed with the Town Clerk signed by not less than three (3) percent of the
812 registered voters in the Town as of the date of the most recent annual Town election asking that

813 any question involved in such a vote be submitted to the voters of the Town at an election, then
814 the Town shall hold a referendum election for such purposes. Within 5 days after receipt of the
815 petition the Town Clerk shall determine whether the petition contains a sufficient number of
816 signatures and provide notice to the Select Board. of such determination. If there are sufficient
817 number of signatures, the Select Board shall provide for a referendum election to be held no less
818 than 35 days from its vote and provision of written notice to the Town Clerk and no more than
819 90 days after the Town Clerk’s determination, provided, however, that if there is another election
820 already scheduled within 100 days of the Clerk’s determination, the referendum question may
821 appear on the ballot at such election. The referendum question shall take the following form:
822 “Shall the Town vote to approve the action of the [date] Town Meeting under Article [#]
823 whereby it was voted that (here insert a brief summary of the substance of the vote)?

824 5-6-3 A non-binding public opinion advisory question may be placed on the ballot at an
825 annual or special town election by vote of the Select Board with no less than thirty-five (35) days
826 written notice to the Town Clerk of the form of the question. A non-binding question may also
827 appear on the ballot at a regular town election by vote of the annual Town Meeting under a
828 warrant article for such purpose, or in conformity with the following procedure: A proposal to
829 place a nonbinding public opinion advisory question on the ballot for a regular Town election
830 may be presented to the Select Board no less than 100 days prior to the date of the next regular
831 election on a petition signed by at least ten registered voters of the Town. If such Select Board
832 shall not approve said petition at least ninety days before said election, then the question may be
833 so placed on said ballot when a petition signed by at least three (3) per cent of the registered
834 voters in the Town requesting such action is filed with the Board of Registrars no less than 42
835 days prior to the date of the next annual election. Upon certification of the required number of

836 signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular
837 Town election held more than thirty-five days after such certification.

838 5-6-4 The vote on a referendum question shall be in accordance with the provisions of
839 general law relating to special Town elections.

840 Section 7 Recall of Elective Officeholders

841 5-7-1 Voters may recall any elected townwide officeholder as herein provided.

842 5-7-2 Five hundred (500) registered voters of the Town may file with the Town Clerk an
843 initial petition signed under the penalty of perjury containing the name of the officeholder sought
844 to be recalled and a statement of the grounds for recall. No more than fifty (50) names shall be
845 counted from any one (1) precinct of the Town. One (1) voter shall be identified as the “lead
846 petitioner”, and the lead petitioner shall notify the Town Clerk of the names of the registered
847 voters listed thereon who shall be deemed to be the “first ten (10) signers” for purposes of
848 section 5-7-3.

849 5-7-3 The Town Clerk shall thereupon prepare recall petition blanks and notify the lead
850 petitioner that a sufficient number of such blanks may be picked up at the Town Clerk’s office
851 containing the number of signature lines required, plus at least two-fifths (2/5ths) more. The
852 Town Clerk shall keep these printed forms available. The Town Clerk shall sign and affix the
853 official seal to the recall petition blanks that are issued. Photocopies of recall petitions shall not
854 be accepted by the Town Clerk. The recall petition blanks shall be dated and addressed to the
855 Select Board, demanding the election of a successor to such office. The recall petition blanks
856 shall contain the names of the first ten (10) signers, the number of recall petitions issued, the

857 name and office of the officeholder whose recall is sought, and the grounds for recall as stated in
858 the initial petition

859 5-7-4 The Town Clerk shall enter a copy of the recall petition in the town records. The
860 recall petition shall bear the signatures and residential addresses of at least fifteen (15) percent of
861 the registered voters as of the date of the most recent annual town election and shall be returned
862 to the Town Clerk within twenty (20) business days after the notification to the lead petitioner of
863 the availability of the recall petitions. All completed recall petitions containing the signatures
864 requesting a recall election need not be submitted simultaneously.

865 5-7-5 The Town Clerk shall submit the recall petition to the board of registrars of voters
866 within one (1) business day of receipt. The registrars of voters shall certify thereon the number of
867 signatures which represent registered voters within seven (7) business days.

868 5-7-6 If the recall petition is certified by the board of registrars of voters as sufficient, the
869 Town Clerk shall submit the same with a certificate so stating to the Select Board. Within three
870 (3) business days of receipt of the certificate of sufficiency, the Select Board shall give written
871 notice, of the receipt of the certificate to the officeholder sought to be recalled.

872 5-7-7 If the officeholder does not resign within five (5) business days after the date the
873 notice is given, the Select Board shall order a special election to be held on a date fixed by them,
874 which shall be not less than 64 days from the date of the Select Board's vote to call for the
875 election nor more than ninety (90) days after the date of the Town Clerk's certificate that a
876 sufficient recall petition has been filed; provided, however, that if any other Town election is to
877 occur within one hundred (100) days after the date of the certificate, the Select Board shall
878 postpone the holding of the special election to the date of such other election and the question of

879 recall shall appear on the ballot at such other election. If a vacancy occurs in said office after a
880 recall election has been ordered, the election shall nevertheless proceed.

881 5-7-8 An officeholder sought to be removed may be a candidate at the recall election and,
882 unless such officeholder requests otherwise in writing, the Town Clerk shall place the
883 officeholder's name on the ballot without nomination. The nomination of candidates, the
884 publication of the warrant for the recall election, and the conduct of the same, shall all be in
885 accordance with the provisions of general law relating to elections unless otherwise provided
886 herein.

887 5-7-9 The incumbent shall continue to perform the duties of office until the recall
888 election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired
889 term or sooner vacating of office. An incumbent having successfully survived a recall election
890 shall not again be subject to recall during the same term of office. If recalled, the incumbent shall
891 be deemed removed upon the qualification of the successor who shall hold office for the
892 remainder of the unexpired term. If the successor fails to qualify within ten (10) business days
893 after receiving notification of election, the incumbent shall thereupon be deemed removed and
894 the office vacant.

895 5-7-10 The form of the question to be voted upon shall be substantially as follows: "Shall
896 (here insert the name and title of the elective officeholder whose recall is sought) be recalled?"
897 The action of the voters to recall shall require a majority vote, but shall not be effective unless
898 the total of those voting for and against recall exceeds twenty (20) percent of the registered
899 voters of the town as of the date of the last annual election. If the question of recall is not
900 approved as provided in this section, the votes for candidates shall not be counted.

901 5-7-11 No person, having been removed from office by recall or having resigned from
902 office following certification of names on an initial petition filed under Section 5-7-2, shall be
903 appointed to any town office within two (2) years following said removal or resignation.

904 5-7-12 Recall proceedings shall not be initiated during the first or last one hundred eighty
905 (180) days of any officeholder's term of office.

906 Section 8 Recall of Representative Town Meeting Members

907 5-8-1 Representative town meeting members shall be subject to recall as generally
908 provided in Section 7 of Chapter 5 of this Charter, provided:

909 that the words "representative town meeting member" shall be substituted for the word
910 "officeholder" throughout Section 7 of Chapter 5 of this Charter;

911 that in Section 5-7-2 the number "one hundred twenty-five (125)" shall be substituted for
912 the number "five hundred (500)," and that names submitted shall be those of registered voters
913 residing in the precinct of the intended recall election;

914 that in Section 5-7-4, the recall petition shall include the signatures and residential
915 addresses of at least fifteen (15) percent of the registered voters residing in the precinct, and the
916 words "ten (10) business days" shall be substituted for the words "twenty (20) business days";

917 that in Section 5-7-7 the words "special precinct election" shall be substituted for the
918 words "special election";

919 that in Section 5-7-10 the words "of the precinct" shall be substituted for the words "of
920 the town"; and

921 that any vacancy created by a recall election shall be filled in accordance with the
922 provisions of Section 9 of Chapter 2 of this Charter.

923 CHAPTER 6

924 TOWN BOARDS, COMMISSIONS, COMMITTEES, AND DEPARTMENT AND
925 DIVISION HEADS

926 Section 1 General Provisions

927 6-1-1 All boards, commissions, and committees of the town shall organize annually as
928 soon after the annual election as practicable, to elect necessary officers, establish quorum
929 requirements, adopt rules of procedure, and maintain minutes. All boards, commissions, and
930 committees of the town regularly shall file approved meeting minutes with the Town Clerk. Such
931 minutes shall be made available for inspection to all persons requesting them.

932 Section 2 Delegation of Appointment, Discipline, and Removal Power

933 6-2-1 The powers conferred upon the Town Manager in Section 3-5-1(a) of this Charter,
934 for all employees subject to the provisions of G.L. c.31, the Civil Service Law, (except
935 Department and Division Heads, or their equivalents regardless of title, and school employees),
936 may be delegated to the appropriate Department Heads. To the extent permitted by law, such
937 powers, which shall include the ability to appoint, discipline, or discharge an employee, shall be
938 subject to final approval by the Town Manager, without appeal or recourse to the Select Board.

939 [Added by Chapter 336 of the Acts of 2012, Massachusetts General Court]

940 6-2-2 All multi-member board and committee appointments made under this charter shall
941 be for a specific term. Any person whose cumulative attendance falls below 50 per cent in a 12

942 month period, and such attendance record has been duly certified to the Town Clerk by a
943 majority vote of such board or committee, shall upon such certification be deemed to have
944 resigned from the appointed position. Thereafter, the position shall be considered vacant for all
945 purposes.

946 6-2-3 All bodies who have the ability to appoint may remove the appointee for cause, by
947 a vote of the appointing authority, as defined in the establish process developed by the
948 appointing authority.

949 CHAPTER 7

950 GENERAL PROVISIONS

951 Section 1 Charter Amendment

952 7-1-1 This Charter may be replaced, revised, or amended in accordance with the
953 provisions of general law.

954 Section 2 Specific Provisions to Prevail

955 7-2-1 To the extent that any specific provision of this Charter conflicts with any general
956 provision, the specific provision shall prevail.

957 Section 3 Severability of Charter

958 7-3-1 If any provision of this Charter is held invalid, the other provisions of this Charter
959 shall not be affected thereby. If the application of this Charter or any of its provisions to any
960 person or circumstances is held invalid, the application of this Charter and its provisions to other
961 persons and circumstances shall not be affected thereby.

962 Section 4 Continuation, Revision, and Republication of By-Laws

963 7-4-1 All special acts, by-laws, resolutions, rules, regulations, and votes of the town
964 meeting in force on the effective date of this Charter, not inconsistent with its provisions, shall
965 continue in force until amended or repealed.

966 Section 5 Enforceability of this Charter

967 7-5-1 The provisions of this Charter may be enforced by any applicable general or special
968 law, including, but not limited to G.L. c.43B, § 14 and G.L. C. 231A.

969 Section 6 Periodic Charter Review

970 7-6-1 At least once every 5 years, a Charter Review Committee shall review this Charter
971 and make a report, with recommendations, to the Town Meeting concerning any proposed
972 amendments which the Committee may determine to be necessary or desirable. The members of
973 the Charter Review Committee shall be appointed by a special committee consisting of the
974 Moderator, who will serve as Chairman, one member of the Select Board and one (1) member of
975 the Committee of Precinct Chairs.