

HOUSE No. 5204

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House No. 5093). December 18, 2020.

The Commonwealth of Massachusetts

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

An Act amending the charter of the town of Lynnfield.

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 1-3-1 of the charter of the town of Lynnfield, 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 word “selectmen” and inserting in place
4 thereof the following words:- select board.

5 SECTION 2. Said charter is hereby further amended by striking out chapters 2 to 9,
6 inclusive, and inserting in place thereof the following 8 chapters:-

7 CHAPTER 2

8 TOWN MEETING

9 Section 1 Organization

10 2-1-1 The legislative powers of the town shall be exercised by an open town meeting,
11 open to all registered voters of The Town.

12 2-1-2 The quorum necessary for the conduct of business at all Town Meetings shall be
13 at least 175 registered voters.

14 2-1-3 In all procedural matters, the Town Meeting shall follow the latest revised edition
15 of ROBERT'S RULES OF ORDER, except as otherwise provided by General Law, this Charter,
16 or By-law.

17 Section 2 Powers and Responsibilities

18 2-2-1 The Town Meeting shall consider and act upon all proposed By-laws.

19 2-2-2 The Town Meeting shall consider and act upon, with or without amendments, all
20 proposed operating and capital improvement budgets, bond issues, and other financial proposals
21 of The Town.

22 2-2-3 The Town Meeting shall possess and exercise all powers possible under general
23 law.

24 2-2-4 The Town Meeting may, through the Select Board or a duly constituted special
25 committee, investigate the affairs of any town division, department, board, commission,
26 committee, office, or function. An investigating committee appointed under this provision shall
27 not have the power to scrutinize the records of any meeting held in executive session.

28 2-2-5 All town officers, or their representatives, members of boards and commissions,
29 and department heads shall attend any Town Meeting when proposals affecting their particular
30 office, board, or department are included in the warrant. The absence of any such persons shall
31 not invalidate the actions of the Town Meeting.

32 Section 3 Procedures

33 2-3-1 The Town Meeting shall meet regularly on the last Monday evening in April to
34 consider and adopt an annual operating and capital budget, and to act on other financial matters.
35 The meeting shall be continued on others days, until all articles in the warrant shall have been
36 acted upon.

37 2-3-2 The Town Meeting shall also meet regularly on the third Monday evening in
38 October to consider and act on matters of planning, zoning, subdivision control, building codes,
39 and all other matters of a By-law nature, involving an appropriation of town funds, as may
40 properly come before the meeting. The meeting shall be continued on other days, until all articles
41 in the warrant shall have been acted upon.

42 2-3-3 A Special Town Meeting may be called by the Select Board, and shall be called
43 by said Board upon the request, in writing, of two hundred registered voters of the Town.

44 2-3-4 All proposed operating expenditures shall be included in a single, omnibus-type
45 article in the Town Meeting warrant. In addition, all regular departmental capital expenditures
46 shall be included in an omnibus-type article.

47 2-3-5 The Select Board shall prepare the warrant for the two regularly scheduled Town
48 Meetings and for Special Town Meetings, and shall have the power to insert articles therein.

49 2-3-6 Articles involving an expenditure of town funds shall not be voted on by the
50 Town Meeting unless they shall have been considered previously, and a recommendation issued
51 thereon, by the Finance Committee.

52 2-3-7 Articles involving planning, zoning, subdivision control, land acquisition,
53 conservation, extension of sewer lines, and all other matters relating to the environment shall not

54 be voted on by the Town Meeting unless they shall have been considered previously, and a
55 recommendation issued thereon, by the Planning Board.

56 2-3-8 The provisions of paragraphs 2-3-6 and 2-3-7 shall not apply to articles which
57 shall have been submitted to the Finance Committee or to the Planning Board, respectively, for a
58 period of fourteen or more days.

59 2-3-9 The order of consideration of the articles as printed in the warrant may be
60 changed only by a four-fifths vote of the Town Meeting.

61 2-3-10 The substance of any article entailing an expenditure of town funds which has
62 been acted upon at any of the two regularly scheduled Town Meetings shall not again be voted
63 on by the Town Meeting for a period of one year thereafter, unless the finance committee shall
64 have recommended resubmission of the article.

65 2-3-11 The substance of any article entailing planning, zoning, subdivision control, land
66 acquisition, conservation, extension of sewer lines, and all other matters relating to the
67 environment, which have been acted upon at any of the two regularly scheduled Town Meetings
68 shall not again be voted on by the Town Meeting for a period of two years thereafter, unless the
69 Planning Board shall have recommended resubmission of the article.

70 Section 4 Initiative Petition

71 2-4-1 Except as otherwise provided in Sections 2-3-10 and 2-3-11, any ten voters of the
72 Town may secure by written petition to the Select Board, the inclusion of an article for the
73 warrant of any duly scheduled Annual Town Meeting, and at least one hundred registered voters
74 may secure the same for any duly scheduled Special Town Meeting.

75 Section 5 Presiding Officer

76 2-5-1 A Moderator shall be elected for a term of one year. The moderator shall preside
77 at all sessions of the Town Meeting and shall serve without compensation.

78 2-5-2 The Moderator shall appoint:

79 (a) Six members of an eleven member Finance Committee, for overlapping terms of
80 three years, who shall serve without compensation; and

81 (b) Any ad hoc committee created by the Town Meeting, unless another appointive
82 authority shall be specified in the language of the article establishing such committee.

83 CHAPTER 3

84 THE SELECT BOARD

85 Section 1 The Select Board

86 3-1-1 A Select Board of three members shall be elected for three-year overlapping
87 terms. The regular election for the office of a member of the Select Board shall be held in
88 accordance with Chapter eight of this Charter.

89 3-1-2 A vacancy in the office of a member of the Select Board shall be filled by special
90 election, in accordance with the provisions of General Law.

91 Section 2 General Powers

92 3-2-1 All executive powers of the Town, except as otherwise provided in this Charter,
93 shall be vested in the Select Board. It is the intent of this section that the Board shall exercise

94 control over town affairs by recommending major courses of action to the Town Meeting and by
95 setting policies to be carried out by the Town Administrator, and other officers, boards, and
96 commissions appointed by the Select Board.

97 3-2-2 The Board shall have the power to enact rules and regulations relating to the
98 conduct of town elections and for the establishment of town policies, not otherwise governed by
99 Statute, this Charter, or By-law, provided, however, that whenever an appropriation shall be
100 necessary to implement such action, the vote of the Board shall be effective only if such
101 appropriation shall be made by the Town Meeting.

102 Section 3 Powers of Appointment

103 3-3-1 The Board shall have the powers of appointment as provided in Chapter 5 of this
104 Charter.

105 Section 4 Powers of Investigation

106 3-4-1 The Select Board may make investigations and may authorize the Town
107 Administrator or other agent to investigate the affairs of the Town and the conduct of any town
108 department, office, or agency, including any doubtful claims against the Town. For this purpose
109 the Board may subpoena witnesses, administer oaths, take testimony, and require the production
110 of evidence. The report of such investigation shall be placed on file in the office of the Town
111 Administrator, and a report summarizing such investigation shall be printed in the next Annual
112 Town Report.

113 Section 5 Administrative Reorganization

114 3-5-1 Except as otherwise provided by General Law, any function assigned to a
115 particular department, office, or agency may be assigned to another by vote of Town Meeting.
116 Any article providing for such a re-organization shall be considered previously, and a
117 recommendation issued thereon by the Select Board.

118 CHAPTER 4

119 OTHER ELECTED TOWN BOARDS

120 Section 1 General Provisions

121 4-1-1 Beginning with the first town election held after the adoption of this Charter, the
122 other town boards to be elected by vote of the town shall be: a School Committee, a Planning
123 Board, a Board of Assessors, and a Board of Library Trustees.

124 4-1-2 Boards and commissions established under this Charter shall perform their
125 functions and duties in accordance with the Constitution, General Law, this Charter, or By-law.

126 4-1-3 During the term for which they are elected, and for one year following expiration
127 of their term, no member of any board or commission established under this Chapter shall be
128 eligible to accept any appointed paid town position.

129 4-1-4 Except as otherwise provided by this Chapter, members of boards and
130 commissions established under this Chapter shall serve without compensation, but may receive
131 actual and necessary expenses incurred in the performance of their duties, within limits of an
132 appropriation made for that purpose.

133 Section 2 Vacancies

134 4-2-1 Vacancies in the town boards established under this Chapter shall be filled by the
135 Select Board together with the remaining members of the respective board, in accordance with
136 the provisions of General Law.

137 Section 3 School Committee

138 4-3-1 A School Committee of five members shall be elected for three year overlapping
139 terms.

140 4-3-2 At least two weeks prior to submitting a budget to the Town Administrator, the
141 School Committee shall conduct a public hearing on the school budget. Said committee shall
142 have preliminary summaries of its recommendations available at said hearing, which shall be
143 distributed to those who request them.

144 Section 4 Planning Board

145 4-4-1 A Planning Board of five members shall be elected for five year overlapping
146 terms.

147 Section 5 Board of Assessors

148 4-5-1 A Board of Assessors of three members shall be elected for three-year
149 overlapping terms. Members shall receive such compensation as is appropriated by the Town
150 Meeting.

151 Section 6 Library Trustees

152 4-6-1 A Board of Library Trustees of five members shall be elected for three-year
153 overlapping terms.

154 4-6-2 The Board shall be responsible for the administration and operation of the Town
155 Library, including staffing of professional library staff, acquisitions of books, journals,
156 periodicals, and other materials relating to the library functions, and the promulgation of library
157 rules and regulations.

158 CHAPTER 5

159 APPOINTMENTS BY THE SELECT BOARD

160 Section 1 Powers to Appoint Town Officers

161 The Select Board shall have the power to appoint:

162 (a) The following officers, each for a term of two years; a Town Counsel, a Town
163 Administrator, and a Town Accountant.

164 (b) The following officers for indefinite terms: a Director of Finance and
165 Administrative Services; a Director of Public Works; a Director of Zoning Enforcement and
166 Inspection; a Police Chief and a Fire Chief; a Town Planner in accordance with the provisions of
167 Chapter Eight; all division or department heads.

168 Section 2 Duties

169 5-2-1 Officers appointed under this Chapter shall perform their duties in accordance
170 with General Law, this Charter, and By-law.

171 Section 3 Power to Appoint Town Boards and Commissions

172 The Select Board shall have the power to appoint:

- 173 (a) five members of an eleven member Finance Committee;
- 174 (b) three members of a Zoning Board of Appeals for three year overlapping terms;
- 175 (c) three members of a Board of Health, at least one of whom shall be a Doctor of
176 Medicine, licensed to practice medicine in The Commonwealth;
- 177 (d) three members of a Board of Registrars of Voters for three year overlapping
178 terms;
- 179 (e) a Personnel Board, a Historical Commission, such boards to be composed of five
180 members each, who shall be appointed for three year overlapping terms;
- 181 (f) members of ad hoc committees established by the Town Meeting provided the
182 article establishing the committee shall designate the Select Board as the appointive authority;
- 183 (g) a Recreation Commission which shall consist of seven members, who shall be
184 appointed for three year overlapping terms;
- 185 (h) a Conservation Commission which shall consist of seven members who shall be
186 appointed for three year overlapping terms.

187 Section 4 Other Appointive Powers

188 5-4-1 The Board shall have the power to appoint such individual town officers and
189 members of boards and commissions as are authorized by General Law, this Charter, or By-law,
190 and for whom appointment is not otherwise provided.

191 Section 5 The Power to Rescind Appointments

192 5-5-1 The Select Board shall have the power to rescind, for cause, any appointment
193 made by them to any board, commission, committee or individual office under authority of this
194 Chapter, provided that the appointee shall first have been served with a written notice of the
195 Board's intention, specifying the Board's reasons for the proposed removal, and informing the
196 appointee of their right to be heard at a public hearing, if requested.

197 5-5-2 Said power shall not apply to the Zoning Board of Appeals nor to any other quasi-
198 judicial body, as determined by the Town Counsel.

199 5-5-3 In addition to other reasons, excessive and unexcused absenteeism from board or
200 commission meetings may constitute sufficient grounds for the removal from office of
201 incumbents holding appointments under the Select Board.

202 Section 6 Qualifications of the Town Administrator

203 5-6-1 The Town Administrator shall have executive and administrative qualifications
204 and shall have education by training, experience or scholastic achievement to perform the duties
205 of the office.

206 Section 7 Duties of the Town Administrator

207 5-7-1 The Town Administrator shall be directly responsible to the Select Board for the
208 performance of the Town Administrator's duties, and shall be the principal full-time
209 administrative officer of the Town.

210 5-7-2 The Town Administrator shall attend all meetings of the Select Board except
211 when excused and shall have the right to speak, but not to vote.

212 5-7-3 The Town Administrator shall assemble and present to the Select Board the
213 annual budget of the Town and shall also be responsible for the development and annual revision
214 of the capital improvements program, in accordance with Chapter Seven of this Charter.

215 5-7-4 The Town Administrator shall keep the Select Board fully informed regarding the
216 departmental operations, fiscal affairs, problems, and administrative actions, and to this end,
217 shall submit quarterly reports to the Select Board.

218 5-7-5 The Town Administrator shall keep the Select Board fully informed on the long
219 range needs of the town and shall provide the board with data to support suggested alternative
220 courses of action.

221 5-7-6 The Town Administrator shall be responsible for the day-to-day administration of
222 personnel system and for purchasing for all Town functions and departments, excepting those of
223 the School Department.

224 5-7-7 The Town Administrator shall perform such other duties as may be required by
225 this Charter, Bylaw, vote of the Town, or vote of the Select Board.

226 Section 8 Removal of the Town Administrator

227 5-8-1 The Town Administrator may be removed in the course of the Town
228 Administrator's two year term, in accordance with the following procedures.

229 5-8-2 The removal of the Town Administrator shall be by a resolution of the Select
230 Board to this effect, provided that no such resolution shall be adopted within sixty days after any
231 Town Election that shall have caused a change in the composition of the Board.

232 5-8-3 The adoption of said resolution shall serve to suspend the Town Administrator for
233 a period of not more than forty-five days, during which the Town Administrator’s salary shall
234 continue to be paid. A copy of such resolution shall be delivered to the Town Administrator who
235 shall have five days in which to request a public hearing. If a hearing shall be requested, the
236 Board shall schedule it within two weeks, to be held in a public place. The Board shall advertise
237 the hearing in a newspaper of local circulation and cite its purpose, location, time and date.

238 5-8-4 The Moderator, or if the Moderator is unable to be present, such person as the
239 Moderator shall designate, shall preside at such hearing.

240 5-8-5 At any such hearing, the reasons for the removal shall first be read aloud. The
241 Town Administrator shall then be allowed to respond, either personally or through counsel. The
242 Select Board and the Town Administrator shall be allowed to call witnesses, and to subpoena any
243 and all Town records.

244 5-8-6 Final removal of any Town Administrator shall be effected by the affirmative vote
245 of three members of the Select Board, at a public meeting of the Board held within seven days of
246 such public hearing, if the Town Administrator shall have requested one. Or, if the Town
247 Administrator shall not have requested one, final removal may be effected by the affirmative
248 vote of three members of the Board held not sooner than fourteen days after the vote initiating
249 the removal. The salary of the Town Administrator shall continue to be paid for a period of thirty
250 days after the vote effecting the Town Administrator’s removal from office.

251 CHAPTER 6

252 ELECTIONS

253 Section 1 Town Elections

254 6-1-1 The regular election for all Town offices shall be by official ballot held on the
255 second Tuesday in April of each year.

256 6-1-2 Any person duly elected to any office or board shall take up the duties of their
257 office immediately, provided that they first shall have been sworn to the faithful performance of
258 their duties.

259 6-1-3 All general law provisions with regard to Town Elections shall apply, except as
260 may herein be provided by this Charter.

261 Section 2 Elections to be Nonpartisan

262 6-2-1 All elections of Town officers shall be nonpartisan, and election ballots for Town
263 offices shall be printed without any party mark, emblem, vignette or designation whatsoever.

264 Section 3 Eligibility of Town Voters

265 6-3-1 Any registered voter of the Town shall be eligible for election to any elective
266 office or board of the Town.

267 Section 4 Recall of Elective Officers

268 6-4-1 An elective officer of the Town may be recalled and removed from public office
269 by the voters of the Town as herein provided. Any voter of the Town may file with the Director
270 of Finance and Administrative services a petition containing the name and title of the elective
271 officer whose removal is sought, together with a statement of the grounds for their removal. Said
272 petition shall be filed with said Director and shall be signed in ink or indelible pencil by qualified

273 voters of the Town equal in number to at least twenty per cent of the voters registered at the last
274 regular municipal election, provided that no recall petition may be filed against any officer until
275 they shall have held their office for at least six months. Said petition shall be accompanied by
276 affidavits as to authenticity of signatures, signed and sworn to by each circulator.

277 6-4-2 If, within five days after receipt of the petition the Director of the Division of
278 Finance and Services shall determine the petition and affidavits to be a sufficient, a recall vote
279 shall be taken within one hundred and ten days but no sooner than ninety days after such final
280 determination, provided that no such vote shall be taken if the term of office of such elective
281 official shall expire within one hundred and fifty days after such determination, or if such
282 elective officer shall resign from such office before the taking of such vote. Said recall vote shall
283 be called and conducted in the same manner as is provided by General Law for the call and
284 conduct of a Special Election.

285 6-4-3 The form of the question to be voted upon shall be substantially as follows: "Shall
286 (here insert the name and title of the elective officer whose recall is sought) be recalled?" A
287 majority vote of the voters to recall such elective officer shall not be effective unless a total of at
288 least thirty per cent of the electorate entitled to vote on the question shall have voted. Recall of
289 such elective officer shall become effective upon certification of the results of the voting thereon,
290 regardless of any technical deficiency in the recall petition. If any elective officer shall be
291 recalled, the vacancy created thereby shall be filled in accordance with the provisions of this
292 Charter and of General Law.

293 6-4-4 No person, having been recalled or having resigned from office while recall
294 proceedings were pending against them, shall be appointed to any Town office within two years
295 following said recall or resignation.

296 Section 5 Apportionment

297 6-5-1 The Registrars of Voters and the Town Clerk shall divide the Town into voting
298 precincts, which shall be compact, contiguous, and substantially equal in population.

299 CHAPTER 7

300 FINANCIAL PROVISIONS AND PROCEDURES

301 Section 1 Applicability of State Law

302 7-1-1 In all matters concerning finances and financial procedures of the Town, the
303 provisions of General Law shall apply, together with such other requirements as are provided by
304 this Chapter.

305 Section 2 Fiscal Year

306 7-2-1 Effective in 1972, the fiscal year of the Town shall begin on the first day of July
307 and end on the last day of June, unless otherwise prescribed by General Law.

308 Section 3 Annual Audit

309 7-3-1 At least ninety days before the end of each fiscal year, the Select Board shall
310 request the auditing agency of The Commonwealth to conduct an audit of all accounts, books,
311 records, and financial transactions of every department, board, and commission of the Town
312 government, including the School Department.

313 7-3-2 If the Select Board has not been assured, at least thirty days before the end of the
314 fiscal year, that the auditing agency of The Commonwealth will carry out the requested audit,
315 then the Board may retain a certified public accountant or accounting firm to make said audit and
316 to file its report within one hundred and twenty days after the end of the fiscal year.

317 7-3-3 All auditors' reports shall be public records and shall be filed with the Director of
318 the Division of Finance and Administrative services and the Public Library, and a summary
319 thereof shall be published in the next Annual Town Report.

320 Section 4 Finance Committee

321 7-4-1 A Finance Committee of eleven members shall be appointed for three year
322 overlapping terms. Five shall be appointed by the Select Board, and six shall be appointed by the
323 Moderator. Appointments shall be made annually, within ten days of the adjournment of the first
324 session of the Town Meeting.

325 7-4-2 Vacancies in the Committee shall be filled for the un-expired portion of the term
326 by the appropriate appointing authority.

327 7-4-3 The Moderator shall have the power to rescind, for cause, any appointment made
328 by the Moderator to the Finance Committee, provided that the appointee shall first have been
329 served with a written notice specifying the Moderator's intention, specifying the Moderator's
330 reasons therefore, and informing the appointee of their right to be heard at a public hearing, if
331 requested.

332 Section 5 Submission of Budget and Budget Message

333 7-5-1 At least one hundred and twenty days prior to the first session of the Annual
334 Town Meeting, every department, board, commission, and committee shall prepare and submit to
335 the Town Administrator operating budget estimates for the ensuing fiscal year.

336 7-5-2 At least ninety days prior to the start of the first session of the Annual Town
337 Meeting, the Town Administrator shall submit to the Select Board a proposed budget for the
338 ensuing fiscal year and the draft of an accompanying budget message, unless otherwise provided
339 for by General Law.

340 7-5-3 At least sixty days prior to the start of the first session of the Annual Town
341 Meeting, the Select Board shall submit the budget and a budget message for the ensuing year to
342 the Finance Committee.

343 7-5-4 The budget message shall explain the budget both in fiscal terms and in terms of
344 work programs. It shall: (1) outline the proposed financial policies of the Town for the ensuing
345 fiscal year; (2) describe the features of the budget; (3) indicate any major changes from the
346 current year in financial policies, expenditures, and revenues, together with the reasons for such
347 changes; (4) summarize the Town's debt position; and (5) include such other material as the
348 Select Board shall deem desirable.

349 7-5-5 The budget shall provide a complete financial plan for all Town funds and
350 activities and shall be in such form as the Finance Committee may require, but it shall indicate
351 proposed expenditures for both current operations and capital projects during the ensuing year,
352 detailed by purpose, offices, departments, commissions, and committees.

353 Section 6 Capital Improvements Program

354 7-6-1 At least one hundred and fifty days prior to the start of the first session of the
355 Annual Town Meeting, every department, board, commission, and committee shall prepare and
356 submit to the Town Administrator, five year capital improvement estimates.

357 7-6-2 At least one hundred and twenty days prior to the start of the first session of the
358 Annual Town Meeting, the Town Administrator shall assemble and submit to the Select Board a
359 proposed capital improvements program for the ensuing five years.

360 7-6-3 The capital improvements program shall include: (1) a clear summary of its
361 contents; (2) a list of all capital improvements proposed to be undertaken during the next five
362 fiscal years, together with supporting data; (3) cost estimates, methods of financing, and
363 recommended time schedules; (4) the estimated annual cost of operating and maintaining the
364 facility to be constructed or acquired. The above information may be revised and extended each
365 year with regard to capital improvements pending or in the process of construction or
366 acquisition.

367 7-6-4 At least ninety days prior to the start of the first session of the Annual Town
368 Meeting, the Select Board shall act on the capital improvements program and shall then submit it
369 to the Finance Committee, which shall issue its recommendations as part of its printed
370 recommendations on the annual budget.

371 Section 7 Action on Proposed Budgets

372 7-7-1 The Finance Committee shall publish, in one or more newspapers of general
373 circulation in the Town, a notice stating: (1) the times and places where copies of the operating
374 budget and capital improvements program are available for inspection; and (2) the date, time,
375 and place, not less than seven days after such publication, when the Finance Committee and the

376 Select Board jointly shall conduct one or more public hearings on the proposed operating budget
377 and the capital improvements program.

378 7-7-2 The Committee shall have preliminary summaries of its recommendations
379 available at said hearings which shall be distributed to those who request them.

380 7-7-3 The finance committee shall then issue its recommendations in print on both the
381 operating budget and the capital improvements program, and make copies available to the voters
382 at least fourteen days prior to the first session of the Annual Town Meeting. In preparing its
383 recommendations, the Finance Committee may require any Town department, board, or office to
384 furnish it with appropriate financial reports and budgetary information.

385 7-7-4 The Select Board shall be responsible for presenting both the operating budget
386 and the capital improvements program to the first session of the Town Meeting.

387 Section 8 Budget Adoption

388 7-8-1 The Town Meeting shall adopt both of the budgets with or without amendments,
389 in the course of the first session of the Town Meeting.

390 Section 9 Public Records

391 7-9-1 The budget and the capital improvements program shall be public records, and
392 copies shall be kept available for inspection at the office of the Director of Finance and
393 Administrative services, and at the Public Library.

394 Section 10 Collections and Disbursements

395 7-10-1 All monies received by the Town or by any department or officer thereof, shall,
396 upon their receipt by such department or officer, be paid forthwith into the Town treasury.

397 7-10-2 Warrants for the payment of Town funds, prepared and signed by the Town
398 Accountant in accordance with General Law procedures shall be submitted to the Select Board,
399 and their approval thereof shall be sufficient authorization for payment by the Town Treasurer.

400 Section 11 Emergency Appropriations

401 7-11-1 To meet a public emergency affecting life, health, property, or the public peace,
402 the Select Board may make emergency appropriations, to the extent that there shall be available
403 un-appropriated revenues to meet such appropriations.

404 Section 12 Insufficiency of Funds

405 7-12-1 If at any time during the fiscal year it appears probable to the Town Administrator
406 that the revenue available will be insufficient to meet the amount appropriated, the Town
407 Administrator shall report to the Select Board without delay, indicating the estimated amount of
408 the deficit and any remedial action taken by the Town Administrator and the Town
409 Administrator's recommendations as to any other steps to be taken. The Select Board shall then
410 take such further action as it deems necessary.

411 Section 13 Lapse of Appropriations

412 7-13-1 Every appropriation, except an appropriation made by a separate warrant article,
413 shall lapse at the close of the fiscal year to the extent that it shall not have been expended or
414 encumbered by contract. An appropriation made by a separate warrant article shall continue in
415 force until the purpose for which it was made shall have been accomplished or abandoned if

416 three years shall pass without any disbursement from or encumbrance by contract of the
417 appropriation.

418 7-13-2 Unless authorized to do so by the Finance Committee, no department,
419 commission, office or agency head may expend more than one-twelfth of its annual operating
420 budget appropriation in the final month of any fiscal year, unless previously encumbered by
421 contract.

422 Section 14 Prohibitions

423 7-14-1 In addition to the prohibitions prescribed by law, the submission of a bid by any
424 compensated town officer or employee on any contract to be awarded by the Town shall serve to
425 vacate their office, unless otherwise authorized by General Law.

426 CHAPTER 8

427 ENVIRONMENTAL MATTERS

428 Section 1 Powers and Duties of Planning Board

429 8-1-1 The Planning Board established under Chapter Four shall make recommendations
430 to the Select Board on all matters concerning the physical, economic, and environmental
431 development of the Town, as prescribed by General Law, and this Charter.

432 8-1-2 The Board shall be responsible for the development and periodic updating of a
433 comprehensive plan, which shall be utilized as the basis of all planning activities, procedures,
434 and recommendations in the Town.

435 8-1-3 A copy of the comprehensive plan shall be kept available for inspection at the
436 office of the Director of Finance and Administrative Services and at the Public Library.

437 Section 2 Planning Director

438 8-2-1 The Select Board may appoint a Planning Director from a list of two or more
439 eligible candidates prepared by the Planning Board. The Director shall be professionally
440 qualified for the duties of this office by reason of education, training, and experience, and shall
441 provide their services under the direction of the Planning Board.

442 Section 3 Authority

443 8-3-1 The Select Board shall have the authority to condemn and compel to be removed,
444 signs, billboards, shacks, and dilapidated buildings, wherever the same mar the beauty of the
445 Town, provided that such action shall be undertaken in accordance with due process of law, and
446 that such resolution shall have been recommended previously by the Planning Board, or by the
447 Town's chief inspecting officer.

448 CHAPTER 9

449 ADMINISTRATION

450 Section 1 Divisions and Departments Established

451 9-1-1 This Charter establishes the following divisions, each of which shall be under the
452 supervision of a director: (a) a Division of Public Works; (b) a Division of Finance and
453 Administrative Services; (c) a Division of Zoning Enforcement and Inspection; (d) a Department
454 of Police; and (e) a Department of Fire.

455 9-1-2 Each division and department head shall be appointed by, and ultimately
456 responsible to the Select Board, and shall be under the general supervision of the Town
457 Administrator.

458 Section 2 Division of Public Works

459 9-2-1 The Division of Public Works shall be responsible for: (a) the design,
460 construction, maintenance, repair, and cleaning of roads, sidewalks, storm drain sewers, bridges,
461 and other public way related structures; (b) the maintenance, repair, and cleaning of all buildings
462 owned or leased by the Town, except those of all cemeteries, parks, and recreational facilities,
463 except those of the School Department; (d) snow removal; (e) providing for and supervising the
464 collection and disposal of garbage and other refuse and the maintenance and operation of the
465 facilities for the disposal of same; (f) the supervision, care, and replacement of trees; including
466 those functions previously undertaken by the tree warden and the moth superintendent.

467 Section 3 Division of Finance and Administrative Services

468 9-3-1 The Division of Finance and Administrative Services shall be responsible for the
469 administration of the financial affairs of the Town, including the functions of collecting and
470 disbursing, and such other functions as may be prescribed by General Law, this Charter, or
471 through By-law.

472 9-3-2 The functions assigned by law to the Tax Collector, Town Clerk, Treasurer, and
473 Veterans' Agent shall be assigned to this division.

474 9-3-3 The person appointed by the Select Board in accordance with the provisions of
475 paragraph 5-1-1(b) as Director of Finance and Administrative Services may be appointed by the

476 Select Board to any one or more of the positions named in paragraph 9-3-2 or the Select Board
477 may appoint any one or more other persons to any one or more of said positions.

478 Section 4 Division of Zoning Enforcement and Inspection

479 9-4-1 The Division of Zoning Enforcement and Inspection shall be responsible for all
480 inspecting functions, including buildings, wire, plumbing, cesspools, gas, and those functions
481 assigned by law to all inspectors and to the sealer of weights and measures.

482 Section 5 Personnel System

483 9-5-1 All appointments and promotions of Town officers and employees shall be made
484 on the basis of merit and fitness demonstrated by examination other evidence of competence.

485 9-5-2 Personnel Rules. After consultation with the Personnel Board, the Select Board
486 shall propose, and the Town Meeting shall adopt, personnel rules relating to all Town positions,
487 except those of the School Department. Such rules shall provide for (a) the classification of all
488 positions, based on the duties, responsibilities, and authority of each position, with adequate
489 provision for reclassification of any position whenever warranted by changed circumstances; (b)
490 a salary and pay plan for all positions; (c) methods of determining the merit and fitness of
491 candidates for appointment and promotion; (d) policies and procedures regulating reduction in
492 force and removal of employees; (e) hours of work, attendance regulations, and provisions for
493 sick, vacation, military, and other leave; (f) policies and procedures governing persons holding
494 provisional appointments; (g) policies and procedures governing relationships with employee
495 organizations; (h) policies regarding in-service training programs; (i) grievance procedures,
496 including procedures for the hearing of such grievances; and (j) such other practices and
497 procedures as may be necessary for the administration of the personnel system.

498 SECTION 3. Section 10-4-1 of said charter is hereby amended by striking out the words
499 “Board of Selectmen” and inserting in place thereof the following words:- Select Board.

500 SECTION 4. Section 10-6-3 of said charter is hereby amended by striking out the word
501 “his” and inserting in place thereof the following words:- that person’s.

502 SECTION 5. Section 11-6-2 of said charter is hereby amended by striking out the words
503 “Board of Selectmen”, each time they appear, and inserting in place thereof, in each instance, the
504 following words:- Select Board.

505 SECTION 6. This act shall take effect upon its passage.