

SENATE No. 2557

The Commonwealth of Massachusetts

PRESENTED BY:

Dean A. Tran

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 revising the town charter of Lunenburg.

PETITION OF:

NAME:

Dean A. Tran
Stephan Hay

DISTRICT/ADDRESS:

Worcester and Middlesex
3rd Worcester

SENATE No. 2557

By Mr. Tran, a petition (accompanied by bill, Senate, No. 2557) of Dean A. Tran and Stephan Hay (by vote of the town) for legislation to amend the charter for the town of Lunenburg. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act revising the town charter of Lunenburg.

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. The charter of the town of Lunenburg, adopted at the town election in 1999
2 and filed in the office of the archivist of the Commonwealth as provided in section 12 of chapter
3 43B of the General Laws, as amended by the town on May 3, 2008 and enacted by the Senate
4 and House of Representatives of the General Court on October 8, 2009, is hereby amended by
5 striking out the words “board of selectmen,” each time they appear, and inserting in place
6 thereof, in each instance, the following words:- select board.

7 SECTION 2. Section 1-2 of said charter is hereby amended by striking out the words
8 “Lunenburg Home Rule Charter” and inserting in place thereof the following words:- Charter of
9 the Town of Lunenburg.

10 SECTION 3. Section 1-4 of said charter is hereby amended by striking out the words
11 “board of selectmen” in the first sentence and inserting in place thereof the following words:-
12 select board, formerly called the board of selectmen.

13 SECTION 4. Said section 1-4 of said charter is hereby amended by inserting in the
14 second sentence, between the words “all” and “voters,” the following word:- registered.

15 SECTION 5. Section 1-7 of said charter is hereby amended by adding the following
16 subsection:-

17 (c) “Day” or “Days”, refer to standard calendar day(s) unless otherwise specified.

18 SECTION 6. Subsection (f) of said section 1-7 of said charter is hereby amended by
19 striking out the word “commonwealth” and inserting in place thereof the following words:-
20 Commonwealth of Massachusetts.

21 SECTION 7. Said section 1-7 of said charter is hereby amended by striking out
22 subsection (j) and inserting in place thereof the following subsection:-

23 (j) “Quorum”, a simple majority of the entire authorized complement of a multiple
24 member body unless, some other number is required by law or by-law.

25 SECTION 8. Subsection (m) of said section 1-7 of said charter is hereby amended by
26 striking out the word “in” and inserting in place thereof the following word:- at.

27 SECTION 9. Said section 1-7 of said charter is hereby amended by re-lettering existing
28 subsections (c) through (p) as subsections (d) through (q), respectively.

29 SECTION 10. Subsection (b) of section 2-3 of said charter is hereby amended by
30 inserting at the end of the first sentence the following words:- and who are residents registered to
31 vote in town.

32 SECTION 11. The title of subsection (c) of said section 2-3 of said charter is hereby
33 amended by inserting at the beginning thereof the following words:- Finance Committee.

34 SECTION 12. Section 2-7 of said charter is hereby amended by striking out subsection
35 (b) and inserting in place thereof the following subsection:-

36 (b) Referral - Forthwith following receipt of any proposed warrant article the select board
37 shall cause a written or electronic copy of the proposal to be provided to the chairperson of the
38 finance committee, a copy to be posted on the town bulletin board and shall cause such other
39 distribution to be made of each such proposal as may be required by law or by-law.

40 SECTION 13. Subsection (g)(1) of section 3-1 of said charter is hereby amended by
41 striking out the words “6 months” and inserting in place thereof the following words:- 180 days.

42 SECTION 14. Subsection (g)(3) of said section 3-1 of said charter is hereby amended by
43 striking out the word “selectmen,” each time it appears, and inserting in place thereof, in each
44 instance, the following words:- select board.

45 SECTION 15. Subsection (g)(7) of said section 3-1 of said charter is hereby amended by
46 striking out the words “3 months,” each time they appear, and inserting in place thereof, in each
47 instance, the following words:- 90 days.

48 SECTION 16. Subsection (d) of section 3-2 of said charter is hereby amended by striking
49 out the words “a director of said council” in the first sentence.

50 SECTION 17. Said subsection (d) of said section 3-2 of said charter is hereby amended
51 by striking out the third sentence and inserting in place thereof the following sentence:-

52 The appointment of a town treasurer, town collector, director of municipal finance, police
53 chief, fire chief, director of the department of public works, council on aging director, animal
54 control officer, building commissioner, inspector of wires and plumbing inspector by the town
55 manager shall become effective on the fifteenth day following the day on which notice of the
56 appointment is filed with the select board, unless the select board shall, within that period, by a
57 majority vote of all its members, reject such appointment, or has sooner voted to ratify it.

58 SECTION 18. Subsection (b)(1) of section 3-3 of said charter is hereby amended by
59 striking out the word “elect” and inserting in place thereof the following word:- appoint.

60 SECTION 19. Subsection (b) of section 3-5 of said charter is hereby amended by
61 inserting in the first sentence, between the words “the” and “responsibility,” the following word:-
62 sole.

63 SECTION 20. Section 3-7 of said charter is hereby amended by striking out subsection
64 (b), including subsections (b)(1), (b)(2) and (b)(3), and inserting in place thereof the following
65 subsection:-

66 (b) Powers and Duties - The Board of Trustees acts as an agent of the public trust
67 governing the Library. The Library Board of Trustees creates the general operating and
68 administrative policies relating to budget, personnel and contracts as is specified by state law and
69 local ordinances. All funds raised or appropriated by the town for the support and maintenance of
70 the library shall be expended under the direction of said board. All funds which the town may
71 receive by gift, bequest or otherwise for library purposes shall be administered under the
72 direction of said board in accordance with the terms of such gift, bequest or otherwise. The
73 Board hires and manages the Library Director. The responsibilities and governance of the

74 Library Board cover these specific areas: Legal, Policy making, Financial governance, and
75 Strategic planning.

76 The board of trustees of the public library shall, in all matters of general municipal policy
77 and procedure, be subject to policy directives designed to achieve uniformity and better
78 administrative control as may from time to time be established by the town manager.

79 The Library Director exercises professional judgment under the direction and review of
80 the Board to implement the strategic objectives and policies set by the Board. The Library
81 Director is responsible for the day-to-day administration of the library including management of
82 personnel, collection development, budget, physical plant and programmatic functions subject to
83 policy directives established by the trustees. The Director will work in conjunction with the
84 Board of Trustees on strategic planning and library policies. The Library Director will prepare an
85 annual budget for approval by the trustees. The Library Director will hire library employees, fix
86 their salaries, define their duties, make rules concerning their tenure of office and discharge them
87 in accordance with and within the limits established by the town personnel by-laws; policies,
88 procedures and practices and any applicable collective bargaining agreement, in accordance with
89 municipal policies.

90

91 To make all reasonable rules and regulations for the operation and management of the
92 library system and for the conduct of its own business and affairs as may be deemed necessary.

93

94 The board of trustees of the public library shall have all of the other powers and duties
95 which are given to library trustees by general law, this charter, by-law or other vote of the town
96 meeting.

97 SECTION 21. Section 3-9 of said charter is hereby amended by striking out subsection
98 (a) and inserting in place thereof the following subsection:-

99 (a) Composition, Term of Office - There shall be a board of park commissioners
100 consisting of 5 members who shall be elected for terms of 3 years each, so arranged that the term
101 of office of as nearly an equal number of members as is possible shall expire each year.

102 SECTION 22. Subsection (c) of section 3-10 of said charter is hereby amended by
103 striking out the word “affirm” in the first sentence and inserting in place thereof the following
104 word:- ratify.

105 SECTION 23. Said subsection (c) of said section 3-10 of said charter is hereby amended
106 by inserting after the first sentence the following sentence:-

107 The town manager will be responsible for supervision, evaluation, and all personnel
108 actions relating to this position.

109 SECTION 24. Subsection (c) of section 3-14 of said charter is hereby amended by
110 striking out the word “affirm” and inserting in place thereof the following word:- ratify.

111 SECTION 25. Said subsection (c) of said section 3-14 of said charter is hereby amended
112 by inserting at the end thereof the following sentence:-

113 The town manager will be responsible for supervision, evaluation, and all personnel
114 actions relating to this position.

115 SECTION 26. Section 4-1 of said charter is hereby amended by striking out the words “a
116 list” and “list” in the third sentence and inserting in place thereof, in each instance, the following
117 word:- name(s).

118 SECTION 27. Said section 4-1 of said charter is hereby amended by striking out the
119 words “12 months” in the ninth sentence and inserting in place thereof the following words:- 365
120 days.

121 SECTION 28. Said section 4-1 of said charter is hereby amended by striking out the
122 words “3 months” in the fifteenth sentence, each time they appear, and inserting in place thereof,
123 in each instance, the following words:- 90 days.

124 SECTION 29. Section 4-2 of said charter is hereby amended by striking out subsection
125 (c) and inserting in place thereof the following subsection:-

126 (c) to recommend to the select board candidates to be appointed by the select board to the
127 offices of the town treasurer and town collector, who may be the same individual; to appoint
128 candidates to be ratified by the select board to the offices of director of municipal finance, police
129 chief, fire chief, director of the department of public works, council on aging director, animal
130 control officer, building commissioner, inspector of wires and the plumbing inspector; to appoint
131 candidates to be ratified by the board of assessors to the office of professional assessor; to
132 appoint candidates to be ratified by the planning board to the office of planning director; and to
133 appoint candidates to be ratified by the board of sewer commissioners to the office of sewer
134 business manager; provided, however, that the provisions of this section shall apply to the
135 appointment of any person under any other title who will perform, as the result of any

136 reorganization of the administrative structure of the town, substantially similar duties as the
137 officers named in this section.

138 SECTION 30. Subsection (d) of said section 4-2 of said charter is hereby amended by
139 inserting, after the words “subject to the provisions of,” the following words:- the town personnel
140 by-law.

141 SECTION 31. Said subsection (d) of said section 4-2 of said charter is hereby amended
142 by striking out the word “affirm” and inserting in place thereof the following word:- ratify.

143 SECTION 32. Subsection (e) of said section 4-2 of said charter is hereby amended by
144 inserting at the end thereof the following words:- except the school department.

145 SECTION 33. Subsection (i) of said section 4-2 of said charter is hereby amended by
146 striking out the words “the library trustees.”

147 SECTION 34. Subsection (j) of said section 4-2 of said charter is hereby amended by
148 striking out the words “5 fiscal years next ensuing” and inserting in place thereof the following
149 words:- following 5 fiscal years.

150 SECTION 35. Subsection (l) of said section 4-2 of said charter is hereby amended by
151 inserting, after the words “including contracts with town employees,” the following words:- and
152 bargaining units subject to ratification by the select board.

153 SECTION 36. Subsection (m) of said section 4-2 of said charter is hereby amended by
154 striking out the words “chapter 30B of.”

155 SECTION 37. Said subsection (m) of said section 4-2 of said charter is hereby amended
156 by striking out the words “section 103 of chapter 41 of.”

157 SECTION 38. Section 4-5 of said charter is hereby amended by striking out subsection
158 (b) and inserting in place thereof the following subsection:-

159 (b) Within 5 days after receipt of the preliminary resolution the town manager may
160 request a public hearing by filing a written request for such hearing with the select board as well
161 as the town clerk who shall immediately notify the moderator. This hearing shall be held at a
162 meeting of the appointing authority called by the town moderator not later than 30 days, nor
163 earlier than 20 days after the request is filed. The town moderator shall preside over the hearing.
164 The town manager may file a written statement responding to the reasons for removal stated in
165 the resolution of removal provided the same is received by the town moderator at least 48
166 weekday hours in advance of the public hearing. At any such hearing, the reason for the removal
167 shall first be read aloud. The town manager shall then have the right to respond, either
168 personally or through counsel. The select board and the town manager shall have the right to call
169 and cross-examine witnesses and to subpoena any town records.

170 SECTION 39. Subsection (a) of section 5-3 of said charter is hereby amended by striking
171 out the words “who may be the town manager established by article 4, which” in the first
172 sentence and inserting in place thereof the following words:- who is either the town manager or
173 the town manager’s appointee per Article 4, who.

174 SECTION 40. Said subsection (a) of said section 5-3 of said charter is hereby amended
175 by striking out the word “affirm” in the second sentence and inserting in place thereof the
176 following word:- ratify.

177 SECTION 41. Subsection (d)(5) of said section 5-3 of said charter is hereby amended by
178 striking out the words “in section 103 of chapter 41 of” and inserting in place thereof the
179 following word:- by.

180 SECTION 42. Said subsection (d)(5) of said section 5-3 of said charter is hereby
181 amended by striking out the words “of chapter 30B.”

182 SECTION 43. Section 6-3 of said charter is hereby amended by striking out the words “in
183 a local newspaper” in the second sentence and inserting in place thereof the following words:- on
184 the town website.

185 SECTION 44. Said section 6-3 of said charter is hereby amended by inserting at the end
186 thereof the following sentence:-

187 The summary of the budget shall be mailed with the warrant to households with
188 registered voters as provided in the town by-laws.

189 SECTION 45. Section 6-4 of said charter is hereby amended by striking out the word
190 “affect” in the second sentence and inserting in place thereof the following word:- effect.

191 SECTION 46. Section 6-6 of said charter is hereby amended by striking out subsections
192 (a), (b) and (c) and inserting in place thereof the following subsections:-

193 (a) proposed expenditures for current operations during the ensuing fiscal year, detailed
194 by town agency appropriation, and the method of financing such expenditures;

195 (b) proposed capital expenditures during the ensuing fiscal year, detailed by town agency,
196 and the proposed method of financing each such capital expenditure;

197 (c) estimated surplus revenue and free cash at the end of the current fiscal year, including
198 estimated balances in any special accounts established for specific purposes; and

199 (d) identify all other available sources of funding.

200 SECTION 47. Subsection (b) of section 7-8 of said charter is hereby amended by striking
201 out the words “At least 24 hours” in the first sentence and inserting in place thereof the following
202 words:- Except in an emergency, at least 48 hours not including Saturdays, Sundays and legal
203 holidays.

204 SECTION 48. Said subsection (b) of said section 7-8 of said charter is hereby amended
205 by inserting at the end thereof the following words:- in accordance with the General Laws.

206 SECTION 49. Said section 7-8 of said charter is hereby amended by striking out
207 subsection (c) and inserting in place thereof the following subsection:-

208 (c) Rules and Minutes - Each multiple member body shall determine its own rules and
209 order of business unless otherwise provided by this charter, by-laws or by General Law and shall
210 provide for keeping minutes of its proceedings. These rules and minutes shall be public records,
211 and copies shall be kept available in the office of the town clerk.

212 SECTION 50. Subsection (d) of said section 7-8 of said charter is hereby amended by
213 striking out the word “journal” and inserting in place thereof the following word:- minutes.

214 SECTION 51. Subsection (e) of said section 7-8 of said charter is hereby amended by
215 striking out the words “A majority of the members of the multiple member body then in office”
216 in the first sentence and inserting in place thereof the following words:- A simple majority of the
217 entire authorized complement of the multiple member body.

218 SECTION 52. Said section 7-8 of said charter is hereby amended by striking out
219 subsection (f) and inserting in place thereof the following subsection:-

220 (f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an
221 appointed multiple member body, the remaining members shall forthwith and no later than 30
222 days thereafter, give written notice of such vacancy to its appointing authority. If no notice is
223 given, the vacancy shall be deemed to have occurred 30 days after it actually occurs or after it
224 becomes known to the appointing authority, whichever is later. If, at the expiration of 60 days
225 following the delivery of such notice to the appointing authority, and there is a candidate(s)
226 available, said appointing authority has not appointed some person to fill the vacancy, the
227 remaining members of the multiple member body shall fill such vacancy for the remainder of
228 any unexpired term by majority vote of the remaining members.

229 SECTION 53. Section 7-10 of said charter is hereby amended by inserting in the first
230 sentence, after the words "can be anticipated," the following words:- by a Town employee, other
231 than those on multiple-member bodies.

232 SECTION 54. Said charter is hereby amended by adding the following Section 7-11:-

233 SECTION 7-11 ENFORCEMENT OF CHARTER PROVISIONS AND TOWN
234 GENERAL BY-LAWS

235 It shall be the duty of the town manager to see that the provisions of the charter and town
236 general by-laws are faithfully followed and complied with by all town agencies and town
237 employees. Whenever it appears to the town manager that any town agency or town employee is
238 failing to follow any provision of this charter or town general by-laws the town manager shall, in
239 writing cause notice to be given to such agency or employee directing compliance with the

240 charter or the by-laws. If it shall appear to the select board that the town manager personally is
241 not following the provisions of the charter or town general bylaws it shall, by resolution, direct
242 the attention of the town manager to those areas in which they believe there is a failure to comply
243 with charter provisions. The procedures made available in chapter 231A of the Massachusetts
244 General Laws may be used to determine the rights, duties, status, or other legal relations arising
245 under this charter or town general by-laws, including any question of construction or validity
246 which may be involved in such determination.

247 SECTION 55. This act shall take effect upon its passage.

248 SECTION 56. The General Court may reasonably vary the form and substance of the
249 requested legislation within the scope of the general public objectives of the Home Rule Petition;
250 provided, however, that any such changes or alterations to the text of said legislation shall occur
251 only following consultation with and approval of the Town of Lunenburg Charter Review
252 Committee.