

**SENATE . . . . . No. 2754**

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Senate, June 9, 2020 -- Substituted by amendment by the Senate (Senator Tran) as a new draft for Senate, No. 2557

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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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 table of contents of the charter of the town of Lunenburg, which is on  
2 file in the office of the archivist of the Commonwealth, as provided in section 12 of chapter 43B  
3 of the General Laws, is hereby amended by striking out the words “board of selectmen” and  
4 inserting in place thereof the following words:- select board.

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

8           SECTION 3. The first sentence of section 1-4 of said charter is hereby amended by  
9 striking out the words “board of selectmen” and inserting in place thereof the following words:-  
10 select board.

11           SECTION 4. The second sentence of said section 1-4 of said charter is hereby amended  
12 by inserting after the word “all” the following word:- registered.

13 SECTION 5. Section 1-7 of said charter is hereby amended by inserting after subsection  
14 (c) the following subsection:-

15 (c½) “Day”, a standard calendar day unless otherwise specified.

16 SECTION 6. Said section 1-7 of said charter is hereby further amended by striking out  
17 the words “board of selectmen”, each time they appear, and inserting in place thereof, in each  
18 instance, the following words:- select board.

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

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

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

25 SECTION 9. Subsection (b) of section 2-3 of said charter is hereby amended by inserting  
26 after the first sentence the following sentence:- The members shall be residents registered to vote  
27 in the town.

28 SECTION 10. Said subsection (b) of said section 2-3 of said charter is hereby further  
29 amended by striking out the words “board of selectmen”, each time they appear, and inserting in  
30 place thereof, in each instance, the following words:- select board.

31 SECTION 11. Subsection (c) of said section 2-3 of said charter is hereby amended by  
32 striking out the title and inserting in place thereof the following title:- Finance Committee  
33 Powers and Duties.

34 SECTION 12. Section 2-5 of said charter is hereby amended by striking out the words  
35 “board of selectmen” and inserting in place thereof the following words:- select board.

36 SECTION 13. Section 2-6 of said charter is hereby amended by striking out the words  
37 “board of selectmen” and inserting in place thereof the following words:- select board.

38 SECTION 14. Section 2-7 of said charter is hereby amended by striking out the words  
39 “board of selectmen”, the first, third, fourth, fifth and sixth times they appear, and inserting in  
40 place thereof, in each instance, the following words:- select board.

41 SECTION 15. Said section 2-7 of said charter is hereby amended by striking out  
42 subsection (b) and inserting in place thereof the following subsection:-

43 (b) Referral - Immediately following receipt of any proposed warrant article, the select  
44 board shall cause a written or electronic copy of the proposal to be provided to the chair of the  
45 finance committee and a copy to be posted on the town bulletin board and shall cause such other  
46 distribution to be made of each such proposal as may be required by law or by-law.

47 SECTION 16. Section 3-1 of said charter is hereby amended by striking out the words  
48 “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the  
49 following words:- select board.

50 SECTION 17. Paragraph (1) of subsection (g) of said section 3-1 of said charter is hereby  
51 amended by striking out the words “6 months” and inserting in place thereof the following  
52 words:- 180 days.

53 SECTION 18. Paragraph (3) of said subsection (g) of said section 3-1 of said charter is  
54 hereby amended by striking out the word “Selectmen’s” and inserting in place thereof the  
55 following words: Select Board’s.

56 SECTION 19. Said paragraph (3) of subsection (g) of said section 3-1 of said charter is  
57 hereby further amended by striking out the word “selectmen”, each time it appears, and inserting  
58 in place thereof, in each instance, the following words:- select board.

59 SECTION 20. Paragraph (7) of said subsection (g) of said section 3-1 of said charter is  
60 hereby amended by striking out the words “3 months”, each time they appear, and inserting in  
61 place thereof, in each instance, the following words:- 90 days.

62 SECTION 21. Section 3-2 of said charter is hereby amended by striking out the words,  
63 “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the  
64 following words:- select board.

65 SECTION 22. Subsection (d) of said section 3-2 of said charter is hereby amended by  
66 striking out the words “a director of said council”.

67 SECTION 23. Said subsection (d) of said section 3-2 of said charter is hereby further  
68 amended by striking out the third sentence and inserting in place thereof the following sentence:-

69 The appointment of a town treasurer, town collector, director of municipal finance, police  
70 chief, fire chief, director of the department of public works, council on aging director, animal  
71 control officer, building commissioner, inspector of wires and plumbing inspector by the town  
72 manager shall become effective on the fifteenth day following the day on which notice of the

73 appointment is filed with the select board, unless the select board shall, within that period, by a  
74 majority vote of all its members, reject such appointment, or has sooner voted to ratify it.

75 SECTION 24. Clause (1) of subsection (b) of section 3-3 of said charter is hereby  
76 amended by striking out the word “elect” and inserting in place thereof the following word:-  
77 appoint.

78 SECTION 25. The first sentence of subsection (b) of section 3-5 of said charter is hereby  
79 amended by inserting after the word “the”, the second time it appears, the following word:- sole.

80 SECTION 26. Section 3-7 of said charter is hereby amended by striking out subsection  
81 (b) and inserting in place thereof the following subsection:-

82 (b) Powers and Duties - The board of trustees shall act as an agent of the public trust  
83 governing the library. The library shall create the general operating and administrative policies  
84 relating to budget, personnel and contracts as is specified by state law and local ordinances. All  
85 funds raised or appropriated by the town for the support and maintenance of the library shall be  
86 expended under the direction of the board. All funds that the town may receive by gift, bequest  
87 or otherwise for library purposes shall be administered under the direction of the board in  
88 accordance with the terms of such gift, bequest or otherwise. The board shall hire and manage  
89 the library director. The responsibilities and governance of the board shall cover the following  
90 specific areas: (i) legal; (ii) policy making; (iii) financial governance; and (iv) strategic planning.

91 The board shall, in all matters of general municipal policy and procedure, be subject to  
92 policy directives designed to achieve uniformity and better administrative control as may from  
93 time to time be established by the town manager.

94           The library director shall exercise professional judgment under the direction and review  
95 of the board to implement the strategic objectives and policies set by the board. The library  
96 director shall be responsible for the day-to-day administration of the library, including  
97 management of personnel, collection development, budget, physical plant and programmatic  
98 functions, subject to policy directives established by the board. The library director shall work in  
99 conjunction with the board on strategic planning and library policies. The library director shall  
100 prepare an annual budget for approval by the board. The library director shall hire library  
101 employees, fix their salaries, define their duties, make rules concerning their tenure of office and  
102 discharge them in accordance with and within the limits established by the town personnel by-  
103 laws, policies, procedures and practices and any applicable collective bargaining agreement, in  
104 accordance with municipal policies.

105           The board shall make all reasonable rules and regulations for the operation and  
106 management of the library system and for the conduct of its own business and affairs as may be  
107 deemed necessary.

108           The board shall have all of the other powers and duties that are given to library trustees  
109 by general law, this charter, by-law or other vote of the town meeting.

110           SECTION 27. Section 3-9 of said charter is hereby amended by striking out subsection  
111 (a) and inserting in place thereof the following subsection:-

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

115 SECTION 28. Subsection (c) of section 3-10 of said charter is hereby amended by  
116 striking out the word “affirm” and inserting in place thereof the following word:- ratify.

117 SECTION 29. Said subsection (c) of said section 3-10 of said charter is hereby further  
118 amended by inserting after the first sentence the following sentence:-

119 The town manager shall be responsible for supervision, evaluation, and all personnel  
120 actions relating to this position.

121 SECTION 30. Subsection (c) of section 3-14 of said charter is hereby amended by  
122 striking out the word “affirm” and inserting in place thereof the following word:- ratify.

123 SECTION 31. Said subsection (c) of said section 3-14 of said charter is hereby further  
124 amended by adding the following sentence:-

125 The town manager shall be responsible for supervision, evaluation and all personnel  
126 actions relating to this position.

127 SECTION 32. Section 4-1 of said charter is hereby amended by striking out the words  
128 “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the  
129 following words:- select board.

130 SECTION 33. The second sentence of said section 4-1 of said charter is hereby amended  
131 by striking out the words “a list” and inserting in place thereof the following word:- names.

132 SECTION 34. The third sentence of said section 4-1 of said charter is hereby amended by  
133 striking out the words “a list” and inserting in place thereof the following words:- the names.

134 SECTION 35. Said third sentence of said section 4-1 of said charter is hereby further  
135 amended by striking out the word “list”, the second time it appears, and inserting in place thereof  
136 the following word:- names.

137 SECTION 36. The ninth sentence of said section 4-1 of said charter is hereby amended  
138 by striking out the words “12 months” and inserting in place thereof the following words:- 365  
139 days.

140 SECTION 37. The fifteenth sentence of said section 4-1 of said charter is hereby  
141 amended by striking out the words “3 months”, each time they appear, and inserting in place  
142 thereof, in each instance, the following words:- 90 days.

143 SECTION 38. Section 4-2 of said charter is hereby amended by striking out the words  
144 “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the  
145 following words:- select board.

146 SECTION 39. Said section 4-2 of said charter is hereby further amended by striking out  
147 clause (c) and inserting in place thereof the following clause:-

148 (c) to: (i) recommend to the select board candidates to be appointed by the select board to  
149 the offices of the town treasurer and town collector, who may be the same individual; (ii) appoint  
150 candidates to be ratified by the select board to the offices of director of municipal finance, police  
151 chief, fire chief, director of the department of public works, council on aging director, animal  
152 control officer, building commissioner, inspector of wires and the plumbing inspector; (iii)  
153 appoint candidates to be ratified by the board of assessors to the office of professional assessor;  
154 (iv) appoint candidates to be ratified by the planning board to the office of planning director; and  
155 (v) appoint candidates to be ratified by the board of sewer commissioners to the office of sewer



156 business manager; provided, however, that this section shall apply to the appointment of any  
157 person under any other title who will perform, as the result of any reorganization of the  
158 administrative structure of the town, substantially similar duties as the officers named in this  
159 section.

160 SECTION 40. Clause (d) of said section 4-2 of said charter is hereby amended by striking  
161 out the word “civil” and inserting in place thereof the following words:- the town personnel by-  
162 law, civil.

163 SECTION 41. Clause subsection (d) of said section 4-2 of said charter is hereby further  
164 amended by striking out the word “affirm” and inserting in place thereof the following word:-  
165 ratify.

166 SECTION 42. Clause (e) of said section 4-2 of said charter is hereby amended by  
167 inserting after the word “law” the following words:- , except the school department.

168 SECTION 43. Clause (i) of said section 4-2 of said charter is hereby amended by striking  
169 out the words “, the library trustees.”.

170 SECTION 44. Clause (j) of said section 4-2 of said charter is hereby amended by striking  
171 out the words “5 fiscal years next ensuing” and inserting in place thereof the following words:-  
172 following 5 fiscal years.

173 SECTION 45. Clause (l) of said section 4-2 of said charter is hereby amended by  
174 inserting after the word “employees”, the first time it appears, the following words:- and  
175 bargaining units subject to ratification by the select board.

176 SECTION 46. Clause (m) of said section 4-2 of said charter is hereby amended by  
177 striking out the words “chapter 30B of.”

178 SECTION 47. Said clause (m) of said section 4-2 of said charter is hereby further  
179 amended by striking out the words “section 103 of chapter 41 of.”

180 SECTION 48. Section 4-4 of said charter is hereby amended by striking out the words  
181 “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the  
182 following words:- select board.

183 SECTION 49. Section 4-5 of said charter is hereby amended by striking out the words  
184 “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the  
185 following words:- select board.

186 SECTION 50. Said section 4-5 of said charter is hereby further amended by striking out  
187 subsection (b) and inserting in place thereof the following subsection:-

188 (b) Within 5 days after receipt of the preliminary resolution, the town manager may  
189 request a public hearing by filing a written request for the hearing with the select board as well as  
190 the town clerk who shall immediately notify the moderator. The hearing shall be held at a  
191 meeting of the appointing authority called by the town moderator not later than 30 days, nor  
192 earlier than 20 days after the request is filed. The town moderator shall preside over the hearing.  
193 The town manager may file a written statement responding to the reasons for removal stated in  
194 the resolution of removal provided the same is received by the town moderator not less than 48  
195 weekday hours in advance of the public hearing. At any such hearing, the reason for the removal  
196 shall first be read aloud. The town manager shall then have the right to respond, either

197 personally or through counsel. The select board and the town manager shall have the right to call  
198 and cross-examine witnesses and to subpoena any town records.

199 SECTION 51. Section 5-1 of said charter is hereby further amended by striking out the  
200 words “board of selectmen”, each time they appear, and insert in place thereof, in each instance,  
201 the following words:- select board.

202 SECTION 52. Section 5-3 of said charter is hereby further amended by striking out the  
203 words “board of selectmen”, each time they appear, and insert in place thereof, in each instance,  
204 the following words:- select board.

205 SECTION 53. The first sentence of subsection (a) of said section 5-3 of said charter is  
206 hereby amended by striking out the words “who may be the town manager established by article  
207 4, which” and inserting in place thereof the following words:- who is the town manager or the  
208 town manager’s appointee per Article 4, who.

209 SECTION 54. The second sentence of said subsection (a) of said section 5-3 of said  
210 charter is hereby amended by striking out the word “affirm” and inserting in place thereof the  
211 following word:- ratify.

212 SECTION 55. Clause (5) of subsection (d) of said section 5-3 of said charter is hereby  
213 amended by striking out the words “in section 103 of chapter 41 of” and inserting in place  
214 thereof the following word:- by.

215 SECTION 56. Said clause (5) of said subsection (d) of said section 5-3 of said charter is  
216 hereby further amended by striking out the words “of chapter 30B,”.

217 SECTION 57. The second sentence of section 6-3 of said charter is hereby amended by  
218 striking out the words “in a local newspaper” and inserting in place thereof the following words:-  
219 on the town website.

220 SECTION 58. Said section 6-3 of said charter is hereby further amended by adding the  
221 following sentence:-

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

224 SECTION 59. The second sentence of section 6-4 of said charter is hereby amended by  
225 striking out the word “affect” and inserting in place thereof the following word:- effect.

226 SECTION 60. Said section 6-4 of said charter is hereby further amended by striking out  
227 the word “selectmen” and inserting in place thereof the following words: select board.

228 SECTION 61. Section 6-5 of said charter is hereby amended by striking out the words  
229 “board of selectmen” and inserting in place thereof the following words:- select board.

230 SECTION 62. Said section 6-5 of said charter is hereby amended by striking out clauses  
231 (a), (b) and (c) and inserting in place thereof the following 4 clauses:-

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

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

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

238 (d) identification of all other available sources of funding.

239 SECTION 63. Section 6-6 of said charter is hereby amended by striking out the words  
240 “board of selectmen” and insert in place thereof the following words:- select board.

241 SECTION 64. Section 6-7 of said charter is hereby amended by striking out the words  
242 “board of selectmen” and insert in place thereof the following words:- select board.

243 SECTION 65. Section 7-7 of said charter is hereby amended by striking out the words  
244 “board of selectmen”, each time they appear, and insert in place thereof, in each instance, the  
245 following words:- select board.

246 SECTION 66. The first sentence of subsection (b) of section 7-8 of said charter is hereby  
247 amended by striking out the words “At least 24 hours before” and inserting in place thereof the  
248 following words:- Except in an emergency, not less than 48 hours, not including Saturdays,  
249 Sundays and legal holidays, before.

250 SECTION 67. The second sentence of said subsection (b) of said section 7-8 of said  
251 charter is hereby amended by inserting after the word “town” thereof the following words:- in  
252 accordance with the General Laws.

253 SECTION 68. Said section 7-8 of said charter is hereby amended by striking out  
254 subsection (c) and inserting in place thereof the following subsection:-

255 (c) Rules and Minutes - Each multiple member body shall determine its own rules and  
256 order of business unless otherwise provided by this charter, by-laws or by General Law and shall

257 provide for keeping minutes of its proceedings. These rules and minutes shall be public records  
258 and copies shall be kept available in the office of the town clerk.

259 SECTION 69. Subsection (d) of said section 7-8 of said charter is hereby amended by  
260 striking out the word “journal” and inserting in place thereof the following word:- minutes.

261 SECTION 70. The first sentence of subsection (e) of said section 7-8 of said charter is  
262 hereby amended by striking out the words “A majority of the members of the multiple member  
263 body then in office” and inserting in place thereof the following words:- A simple majority of the  
264 entire authorized complement of the multiple member body.

265 SECTION 71. Said section 7-8 of said charter is hereby amended by striking out  
266 subsection (f) and inserting in place thereof the following subsection:-

267 (f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an  
268 appointed multiple member body, the remaining members shall immediately and not later than  
269 30 days thereafter, give written notice of such vacancy to its appointing authority. If no notice is  
270 given, the vacancy shall be deemed to have occurred 30 days after it actually occurs or after it  
271 becomes known to the appointing authority, whichever is later. If, at the expiration of 60 days  
272 following the delivery of such notice to the appointing authority, and there is a candidate  
273 available, the appointing authority has not appointed some person to fill the vacancy, the  
274 remaining members of the multiple member body shall fill the vacancy for the remainder of any  
275 unexpired term by majority vote of the remaining members.

276 SECTION 72. The first sentence of section 7-10 of said charter is hereby amended by  
277 inserting after the word “anticipated” the following words:- by a town employee, other than  
278 those on multiple-member bodies.

279 SECTION 73. Article 7 of said charter is hereby amended by adding the following  
280 section:-

281 SECTION 7-11 ENFORCEMENT OF CHARTER PROVISIONS AND TOWN  
282 GENERAL BY-LAWS

283 It shall be the duty of the town manager to see that the charter and town general by-laws  
284 are faithfully followed and complied with by all town agencies and town employees. Whenever  
285 it appears to the town manager that any town agency or town employee is failing to follow any  
286 provision of this charter or town general by-laws the town manager shall, in writing cause notice  
287 to be given to such agency or employee directing compliance with the charter or the by-laws. If it  
288 shall appear to the select board that the town manager personally is not following a provision of  
289 the charter or town general by-laws it shall, by resolution, direct the attention of the town  
290 manager to the area in which the board believes there is a failure to comply with a charter or by-  
291 law provision. The procedures made available in chapter 231A of the General Laws may be used  
292 to determine the rights, duties, status, or other legal relations arising under this charter or town  
293 general by-laws, including any question of construction or validity which may be involved in  
294 such determination.

295 SECTION 74. This act shall take effect upon its passage.