

SENATE No. 2999

Senate, January 4, 2021 --Text of the Senate amendment (Senator Crighton) to the House Bill amending the charter of the town of Lynnfield (House, No. 5204).

The Commonwealth of Massachusetts

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

1 SECTION 1. Section 1-3-1 of chapter 1 of the charter of the town of Lynnfield, which is
2 on file in the office of the archivist of the commonwealth as provided in section 12 of chapter
3 43B of the General Laws, is hereby amended by striking out the word “selectmen” and inserting
4 in place thereof the following words:- select board.

5 SECTION 2. Section 2-2-4 of chapter 2 of said charter is hereby amended by striking out
6 the words “Board of Selectmen” and inserting in place thereof the following words:- select
7 board.

8 SECTION 3. Section 2-3-3 of said chapter 2 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. Section 2-3-5 of said chapter 2 of said charter is hereby amended by
12 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
13 select board.

14 SECTION 5. Section 2-4-1 of said chapter 2 of said charter is hereby amended by
15 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
16 select board.

17 SECTION 6. Section 2-5-1 of said chapter 2 of said charter is hereby amended by
18 striking out the word “He” and inserting in place thereof the following words:- The moderator.

19 SECTION 7. Said charter is hereby further amended by striking out chapter 3 and
20 inserting in place thereof the following chapter:-

21 CHAPTER 3

22 THE SELECT BOARD

23 Section 1 The Select Board

24 3-1-1 A select board of 3 members shall be elected for 3-year overlapping terms. The
25 regular election for the office of a member of the select board shall be held in accordance with
26 chapter 8.

27 3-1-2 A vacancy on the select board shall be filled by special election in accordance
28 with the General Laws.

29 Section 2 General Powers

30 3-2-1 All executive powers of the town, except as otherwise provided in this charter,
31 shall be vested in the select board. It is the intent of this section that the select board shall
32 exercise control over town affairs by recommending major courses of action to the town meeting

33 and by setting policies to be carried out by the town administrator and other officers, boards and
34 commissions appointed by the select board.

35 3-2-2 The select board shall have the power to enact rules and regulations relating to the
36 conduct of town elections and for the establishment of town policies not otherwise governed by
37 statute, this charter or by-law; provided, however, that whenever an appropriation shall be
38 necessary to implement such action, the vote of the select board shall be effective only if such
39 appropriation shall be made by the town meeting.

40 Section 3 Powers of Appointment

41 3-3-1 The select board shall have the powers of appointment as provided in chapter 5.

42 Section 4 Powers of Investigation

43 3-4-1 The select board may make investigations and may authorize the town
44 administrator or other agent to investigate the affairs of the town and the conduct of any town
45 department, office or agency, including any doubtful claims against the town. For this purpose,
46 the select board may subpoena witnesses, administer oaths, take testimony and require the
47 production of evidence. The report of such investigation shall be placed on file in the office of
48 the town administrator and a report summarizing such investigation shall be printed in the next
49 annual town report.

50 Section 5 Administrative Reorganization

51 3-5-1 Except as otherwise provided by the General Laws, any function assigned to a
52 particular department, office or agency may be assigned to another by vote of the town meeting.

53 Any article providing for such a reorganization shall be considered previously and a
54 recommendation issued thereon by the select board.

55 SECTION 8. Chapter 4 of said charter is hereby amended by striking out section 4-1-3
56 and inserting in place thereof the following section:-

57 4-1-3 During the term for which a member of a board or commission established under
58 this chapter is elected and for 1 year following the expiration of any such member's term, no
59 such member shall be eligible to accept any appointed paid town position.

60 SECTION 9. Section 4-2-1 of said chapter 4 of said charter is hereby amended by
61 striking out the words "Board of Selectmen" and inserting in place thereof the following words:-
62 select board.

63 SECTION 10. Chapter 5 of said charter is hereby amended by striking out the title an
64 inserting in place thereof the following title:-

65 APPOINTMENTS BY THE SELECT BOARD.

66 SECTION 11. Section 5-1-1 of said chapter 5 of said chapter is hereby amended by
67 striking out the words "Board of Selectmen" and inserting in place thereof the following words:-
68 select board.

69 SECTION 12. Section 3 of said chapter 5 of said charter is hereby amended by striking
70 out the words "Board of Selectmen", each time they appear, and inserting in place thereof, in
71 each instance, the following words:- select board.

72 SECTION 13. Section 5-5-1 of said charter is hereby amended by striking out the words
73 "Board of Selectmen" and inserting in place thereof the following words:- select board.

74 SECTION 14. Said section 5-5-1 of said chapter 5 of said charter is hereby further
75 amended by striking out the word “his” and inserting in place thereof the following words:- the
76 appointee’s.

77 SECTION 15. Section 5-5-3 of said chapter 5 of said charter is hereby amended by
78 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
79 select board.

80 SECTION 16. Section 7 of said chapter 5 of said charter is hereby amended by striking
81 out the words “Board of Selectmen”, each time they appear, and inserting in place thereof, in
82 each instance, the following words:- select board.

83 SECTION 17. Section 5-7-1 of said chapter 5 of said charter is hereby amended by
84 striking out the word “his” and inserting in place thereof the following words:- the town
85 administrator’s.

86 SECTION 18. Said section 7 of said chapter 5 of said charter is hereby amended by
87 striking out the word “He”, each time it appears, and inserting in place thereof, in each instance,
88 the following words:- The town administrator.

89 SECTION 19. Section 5-8-1 of said chapter 5 of said charter is hereby amended by
90 striking out the word “his” and inserting in place thereof the following words:- the town
91 administrator’s.

92 SECTION 20. Section 5-8-2 of said chapter 5 of said charter is hereby amended by
93 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
94 select board.

95 SECTION 21. Section 5-8-3 of said chapter 5 of said charter is hereby amended by
96 striking out the word “his” and inserting in place thereof the following words:- the town
97 administrator’s.

98 SECTION 22. Section 5-8-4 of said chapter 5 of said charter is hereby amended by
99 striking out the word “he”, each time it appears, and inserting in place thereof, in each instance,
100 the following words:- the moderator.

101 SECTION 23. Section 5-8-5 of said chapter 5 of said charter is hereby amended by
102 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
103 select board.

104 SECTION 24. Said chapter 5 of said charter is hereby further amended by striking out
105 section 5-8-6 and inserting in place thereof the following section:-

106 5-8-6 Final removal of a town administrator shall be effected by the affirmative vote of
107 3 members of the select board, at a public meeting of the select board held within 7 days of such
108 public hearing if the town administrator shall have requested a hearing. If the town administrator
109 shall not have requested a hearing, final removal may be effected by the affirmative vote of 3
110 members of the select board held not sooner than 14 days after the vote initiating the removal.
111 The salary of the town administrator shall continue to be paid for a period of 30 days after the
112 vote effecting the town administrator’s removal from office.

113 SECTION 25. Chapter 6 of said charter is hereby amended by striking out section 6-1-2
114 and inserting in place thereof the following section:-

115 6-1-2 Any person duly elected to any office or board shall take up the duties of that
116 office immediately; provided, however, that such person shall have first been sworn to the
117 faithful performance of the duties of that office.

118 SECTION 26. Said chapter 6 of said charter is hereby further amended by striking out
119 section 6-4-1 and inserting in place thereof the following section:-

120 6-4-1 An elective officer of the town may be recalled and removed from public office by
121 the voters of the town as herein provided. Any voter of the town may file with the director of
122 finance and administrative services a petition containing the name and title of the elective officer
123 whose removal is sought, together with a statement of the grounds for such elective officer's
124 removal. The petition shall be filed with the director and shall be signed in ink or indelible pencil
125 by qualified voters of the town equal in number to at least 20 per cent of the voters registered at
126 the last regular municipal election; provided, however, that no recall petition may be filed against
127 an elective officer until such person shall have held office for at least 6 months. The petition
128 shall be accompanied by affidavits as to authenticity of signatures, signed and sworn to by each
129 circulator.

130 SECTION 27. Section 6-4-4 of said chapter 6 of said charter is hereby amended by
131 striking out the word "him" and inserting in place thereof the following words:- such person.

132 SECTION 28. Section 7-3-1 of chapter 7 of said charter is hereby amended by striking
133 out the words "Board of Selectmen" and inserting in place thereof the following words:- select
134 board.

135 SECTION 29. Section 7-3-2 of said chapter 7 of said charter is hereby amended by
136 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
137 select board.

138 SECTION 30. Section 7-4-1 of said chapter 7 of said charter is hereby amended by
139 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
140 select board.

141 SECTION 31. Section 7-4-3 of said chapter 7 of said charter is hereby amended by
142 striking out the words “him to the Finance Committee, provided that the appointee shall first
143 have been served with a written notice specifying the Moderator’s intention, specifying his
144 reasons therefore, and informing the appointee of his” and inserting in place thereof the
145 following words:- the moderator to the finance committee, provided that the appointee shall first
146 have been served with a written notice specifying the moderator’s intention, specifying the
147 moderator’s reasons therefor and informing the appointee of the appointee’s.

148 SECTION 32. Section 7-5-2 of said chapter 7 of said charter is hereby amended by
149 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
150 select board.

151 SECTION 33. Section 7-5-3 of said chapter 7 of said charter is hereby amended by
152 striking out the word “Selectmen” and inserting in place thereof the following words:- select
153 board.

154 SECTION 34. Section 7-5-4 of said chapter 7 of said charter is hereby amended by
155 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
156 select board.

157 SECTION 35. Section 7-6-2 of said chapter 7 of said charter is hereby amended by
158 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
159 select board.

160 SECTION 36. Section 7-6-4 of said chapter 7 of said charter is hereby amended by
161 striking out the word “selectmen” and inserting in place thereof the following words:- select
162 board.

163 SECTION 37. Section 7-7-1 of said chapter 7 of said charter is hereby amended by
164 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
165 select board.

166 SECTION 38. Section 7-7-4 of said chapter 7 of said charter is hereby amended by
167 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
168 select board.

169 SECTION 39. Section 7-10-2 of said chapter 7 of said charter is hereby amended by
170 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
171 select board.

172 SECTION 40. Section 7-11-1 of said chapter 7 of said charter is hereby amended by
173 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
174 select board.

175 SECTION 41. Said chapter 7 of said charter is hereby further amended by striking out
176 section 7-12-1 and inserting in place thereof the following section:-

177 7-12-1 If at any time during the fiscal year it appears probable to the town administrator
178 that the revenue available will be insufficient to meet the amount appropriated, the town
179 administrator shall report to the select board without delay, indicating the estimated amount of
180 the deficit and any remedial action taken by the town administrator and the town administrator's
181 recommendations as to any other steps to be taken. The select board shall then take such further
182 action as it deems necessary.

183 SECTION 42. Section 7-14-1 of said chapter 7 of said charter is hereby amended by
184 string out the word "his" and inserting in place thereof the following words:- such town officer's
185 or employee's.

186 SECTION 43. Section 8-1-1 of chapter 8 of said charter is hereby amended by striking
187 out the words "Board of Selectmen" and inserting in place thereof the following words:- select
188 board.

189 SECTION 44. Said chapter 8 of said charter is hereby further amended by striking out
190 section 8-2-1 and inserting in place thereof the following section:-

191 8-2-1 The select board may appoint a planning director from a list of 2 or more eligible
192 candidates prepared by the planning board. The director shall be professionally qualified for the
193 duties of a planning director by reason of education, training and experience and shall provide
194 planning director services under the direction of the planning board.

195 SECTION 45. Section 8-3-1 of said chapter 8 of said charter is hereby amended by
196 striking out the words "Board of Selectmen" and inserting in place thereof the following words:-
197 select board.

198 SECTION 46. Section 9-1-2 of chapter 9 of said charter is hereby amended by striking
199 out the words “Board of Selectmen” and inserting in place thereof the following words:- select
200 board.

201 SECTION 47. Section 9-3-3 of said chapter 9 of said charter is hereby amended by
202 striking out the word “Selectmen”, each time it appears, and inserting in place thereof, in each
203 instance, the following words:- select board.

204 SECTION 48. Section 9-5-2 of said chapter 9 of said charter is hereby amended by
205 striking out the words “Board of Selectmen” and inserting in place thereof the following words:-
206 select board.

207 SECTION 49. Section 10-4-1 of chapter 10 of said charter is hereby amended by striking
208 out the words “Board of Selectmen” and inserting in place thereof the following words:- select
209 board.

210 SECTION 50. Section 10-5-1 of said chapter 10 of said charter is hereby amended by
211 striking out the word “chairman” and inserting in place thereof the following word:- chair.

212 SECTION 51. Section 10-6-3 of said chapter 10 of said charter is hereby amended by
213 striking out the word “his” and inserting in place thereof the following words:- such person’s.

214 SECTION 52. Section 11-6-2 of chapter 11 of said charter is hereby amended by striking
215 out the words “Board of Selectmen”, each time they appear, and inserting in place thereof, in
216 each instance, the following words:- select board.

217 SECTION 53. This act shall take effect upon its passage.” and

218 by striking out the title and inserting in place thereof the following title:- “An act
219 providing for a gender neutral charter in the town of Lynnfield.”