

HOUSE No. 4292

The Commonwealth of Massachusetts

PRESENTED BY:

Sheila C. Harrington

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 approving the Townsend Special Act Charter.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>12/3/2021</i>

HOUSE No. 4292

By Mrs. Harrington of Groton, a petition (accompanied by bill, House, No. 4292) of Sheila C. Harrington (by vote of the town) relative to the charter of the town of Townsend. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act approving the Townsend Special Act Charter.

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 Townsend Home Rule Charter, originally adopted at the Town Election
2 in 1999, on file with the Office of the Archivist of the Commonwealth, as subsequently
3 amended, is hereby repealed and replaced.

4 SECTION 2. The following shall be the Townsend Special Act Charter : Detailed
5 Summary and complete proposal can be found on the Town’s website at :

6 Proposed Charter Changes | Townsend, MA

7 Copies are available in the Town Clerk’s Office and will also be provided at the Town
8 Meeting

9 SECTION 3. The General Court may make clerical or editorial changes to the Charter
10 only; provided that the Board of Selectmen may, before enactment by the General Court,

11 approve such other changes as reasonably vary the form and substance of the requested
12 legislation within the scope of the general public objectives of the Town’s petition.

13 SECTION 4. This act shall take effect upon its passage.

14 All in accordance with the Charter Review Committee’s Report to the Board of
15 Selectmen, dated March 10, 2020; or take any action relative thereto.

16 Article 1

17 Incorporation; Short Title; Powers

18 Section 1-1 Incorporation

19 The inhabitants of the Town of Townsend within the corporate limits as established by
20 law shall continue to be a body corporate and politic with perpetual succession under the name
21 “Town of Townsend”.

22 Section 1-2 Short Title

23 This instrument shall be known and may be cited as the Townsend Special Act Charter.

24 Section 1-3 Powers of the Town

25 Subject only to express limitations on the exercise of any power or function by a
26 municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of
27 the voters of Townsend to secure through the adoption of this Charter all of the powers it is
28 possible to secure for a municipal government under the constitution and laws of the
29 Commonwealth.

30 Section 1-4 Division of Powers

31 The administration of all the fiscal, prudential and municipal affairs of the town shall be
32 vested in an executive branch headed by a Selectboard. The legislative powers of the Town shall
33 be vested in a Town Meeting open to all registered voters.

34 Section 1-5 Construction

35 The powers of the Town of Townsend under this Charter to be construed liberally in its
36 favor and the specific mentions of any particular power is not intended to limit in any way the
37 general powers of the Town of Townsend stated in section 1-3.

38 Section 1-6 Intergovernmental Relations

39 Subject to the applicable requirements of any provision of the Constitution or Statutes of
40 the Commonwealth, the Town of Townsend may exercise any of its powers or perform any of its
41 functions and may participate in the financing thereof, jointly or in cooperation by contract or
42 otherwise, with any one (1) or more states or civil divisions or agencies thereof or the United
43 States government or any one (1) or more agencies thereof.

44 Article 2

45 Legislative Branch

46 Section 2-1 Open Town Meeting

47 The legislative powers of the Town shall be vested in a Town Meeting open to all
48 registered voters.

49 Section 2-2 Presiding Officer

50 All session of the Town Meeting will be presided over by a Moderator elected as
51 provided in Article 3. At the Annual Town Meeting the Moderator shall appoint a Deputy
52 Moderator subject to ratification by the Town Meeting. The Deputy Moderator shall serve as
53 acting Moderator in the temporary absence or disability of the Moderator. The Deputy Moderator
54 shall while presiding at Town Meeting session have all the powers and duties of the Moderator
55 but shall have no other powers or duties of the Moderator. In the absence of the Moderator and
56 the Deputy Moderator, the Town Clerk will act as Moderator until Town Meeting elects a
57 Temporary Moderator, Article 3, Section 3-4.

58 Section 2-3 Committees

59 (a) Finance Committee – There shall be a Finance Committee appointed by the
60 Moderator in accordance with the Town Bylaw and the laws of the Commonwealth.

61 (b) Capital Planning Committee – There shall be a Capital Planning Committee with
62 members appointed in accordance with the Town Bylaw and the laws of the Commonwealth.

63 Section 2-4 Annual Town Meeting

64 The Annual Town Meeting shall be held on such date or dates as may from time to time
65 be fixed by Town Bylaw.

66 Section 2-5 Special Town Meetings

67 Special Town Meetings shall be held at the call of the Selectboard as such times as they
68 deem necessary, or desirable to transact the legislative business of the Town in an orderly
69 manner. Special Town Meetings may also be held on the petition of two hundred (200) or more

70 registered voters, in accordance with the procedures made available by the laws of the
71 Commonwealth.

72 Section 2-6 Warrants

73 Every Town Meeting shall be called by a Warrant issued by the Selectboard, which shall
74 state the time and place at which the meeting is to convene and, by separate Articles, the subject
75 matter be acted upon. The publication and posting of the Warrant for every Town Meeting shall
76 be in accordance with Massachusetts General Law and the Town Bylaw.

77 Section 2-7 Initiation and Inclusion of Warrant Articles

78 (a) Initiation – The Selectboard shall receive at any time all petitions which request
79 submission of any manner to the Town Meeting, which are filed by any elected Town Official,
80 any multiple member Town Body acting by a majority of its members, any ten (10) registered
81 voters for the Annual Town Meeting or a petition of one hundred (100) voters for a Special
82 Town Meeting.

83 A registered voter may request at a regular meeting of the Selectboard that a matter be
84 placed on the Town Meeting Warrant in lieu of a written petition. The Selectboard may, at its
85 discretion, accept the request and place it on the warrant under its sponsorship, or it may refuse
86 and request that the matter be submitted by a written petition of the required number of
87 registered voters.

88 (b) Inclusion – The Selectboard shall include on the Annual Town Meeting Warrant all
89 matters which were submitted in accordance with Town Bylaw for the submission of Articles.
90 When a Special Town Meeting is to be called, the Selectboard shall give public notice of the

91 Special Town Meeting at a posted Selectboard Meeting and it may cause additional public notice
92 to be given pursuant to the laws of the Commonwealth or Town's Bylaw in any form it deems
93 necessary. Any and all public notices shall include the date of the close of the Warrant. The
94 Selectboard shall include on a Speical Town Meeting Warrant the subject matter of all petitions
95 which are received in its office in accordance with the date and time set by the Selectboard for
96 the close of the Warrant.

97 Section 2-8 Availability of Town Officials

98 Every Town Agency shall designate at least one (1) representative to attend all session of
99 Town Meeting in which Warrant Articles pertinent to that Town Agency are or may be taken up,
100 for the purpose of providing information to the Meeting pertinent to the Articles. If a person
101 designated as a representative is not a Town resident, they shall notwithstanding, be allowed to
102 speak to provide the meeting with pertinent information.

103 Section 2-9 Clerk of the Meeting

104 The Town Clerk shall serve as clerk of the Town Meeting, recording all votes and shall
105 preserve as public records all proceedings of the Town Meeting sessions, give notice of all
106 adjourned sessions thereof, and perform such duties in connection therewith as may be provided
107 by Town Bylaw, this Charter, or the laws of the Commonwealth.

108 If at a Town Meeting the office of Town Clerk is vacant, the Moderator shall appoint a
109 clerk pro tempore. In the event of the unavoidable absence of the Town Clerk, the Town Clerk
110 shall designate a substitute, if the Town Clerk fails to name a substitute, then the Moderator shall
111 also be empowered to appoint a clerk to pro tempore.

112 Section 2-10 Rules of Procedure

113 The Town Meeting shall be run in accordance with the accepted edition of the book
114 “Town Meeting Time.” Town Meeting may, by Town Bylaw, establish and from time to time
115 amend, revise or repeal rules governing Town Meeting. A procedural change would become
116 effective in governing the next Annual and succeeding Town Meetings following the procedural
117 change.

118 Article 3

119 Elected Officials

120 Section 3-1 In General

121 (a) Elective Offices – The offices to be filled by the ballot vote shall be the Selectboard,
122 Town Moderator, Town Clerk, Board of Assessors, Board of Health, Planning Board, Board of
123 Water Commissioners, Board of Library Trustees, North Middlesex Regional School Committee
124 Representatives, Cemetery and Parks Commissioners, Recreation Commissioners, Trustees of
125 Soliders’ Memorials, Amanda Dwight Entertainment Fund, Townsend Housing Authority, James
126 H. Tucker Fund (members elected at Town Meeting) and such other regional authorities,
127 districts, or committees as may be required by law of the Commonwealth or local, inter-local or
128 regional agreements.

129 (b) Eligibility – Any registered voter shall be eligible to hold any elective town office.

130 (c) Town Election – The Annual Town Election shall be held according to Bylaw.

131 (d) Compensation – Elected town officials shall receive such compensation for their
132 services as may be appropriated annually for such purpose.

133 (e) Coordination – Notwithstanding their election by the registered voters, the town
134 officers named in this section shall be subject to the call of the Selectboard at reasonable times
135 for consultation, conference and discussion on any matter relating to their respective offices.

136 (f) Filling of Vacancies

137 (1) Multiple Member Bodies – If there is a vacancy in a body consisting of two (2) or
138 more members, other than the Selectboard and unless under the terms of a will or other trust
139 where some other provisions is made, the remaining members shall immediately give written
140 notice to the Selectboard and in addition to the public by posting the vacancy and its description
141 on the town bulletin board and utilizing the official notice posting method under the Open
142 Meeting Law, each for at least (10) days. A notice of five (5) business days shall be posted of a
143 joint meeting between the Selectboard and the remaining members of the body to fill the
144 vacancy. The appointment will be made by vote and carried by a simple majority. This
145 appointment will run until the next town election. If notice is not given within thirty (30) days
146 following the date of the vacancy, after a notice of five (5) business days the Selectboard shall
147 fill the vacancy without participation of the remaining members of the multiple member body.

148 (2) Selectboard – If there is a failure to elect or a vacancy occurs and six (6) months
149 or more will elapse before the next annual town election, the remaining members of the
150 Selectboard shall, forthwith, call a special election to fill the vacancy. If a vacancy occurs and
151 more than three (3) months but less than six (6) months will elapse before the next annual town
152 election the Selectboard may call a special election, however, upon receipt by petition of two
153 hundred (200) or more registered votes of Townsend remaining members of the Selectboard will
154 forthwith call a special election.

155 (g) Recall Election Procedures – Recall elections shall be conducted as provided pursuant
156 to Chapter 27 of the Acts of 1995 and the laws of the Commonwealth not in conflict therewith.

157 Section 3-2 Selectboard

158 (a) Composition and Term of office –

159 A Selectboard, three (3) members elected for three (3) years each, arranged so that the
160 term of one (1) member expires each year.

161 The composition of the Board may change from three (3) to five (5) members as
162 determined by a two-thirds vote of an Annual Town Meeting, provided that such vote is ratified
163 by the voters of the Town at the next Annual Town Election. A five (5) member Board would
164 have three (3) year overlapping terms, so arranged that as nearly an equal number of members as
165 possible shall expire each year.

166 (b) Power and Duties –

167 The executive powers of the Town shall be vested in a Selectboard, which shall be
168 deemed the chief executive office of the Town. The Selectboard shall have all of the executive
169 power possible to have and to exercise in accordance with the Constitution, the laws of the
170 Commonwealth, the Charter and the Bylaws of the Town of Townsend. These powers shall also
171 be extended to any trusts granted to the Selectboard. The Selectboard shall be responsible for the
172 formulation and promulgation of policy directives and guidelines to be followed by all Town
173 Agencies serving under it and, in conjunction with other elected multiple member bodies to
174 develop and promulgate policy guidelines designed to bring the operation of all Town Agencies
175 into harmony. Nothing in this section shall be construed to authorize any member of the

176 Selectboard, nor a majority of such members, to become involved in the day-to-day
177 administration of any Town Agency, including direction or supervision of department heads and
178 staff. It is in the intention of this provision that the Selectboard shall act through the adoption of
179 policy guidelines that are to be implemented by officers and employees appointed by or under its
180 authority. The Selectboard shall assign a liaison to each multiple member body.

181 (c) Licensing Authority – The Selectboard shall be licensing authority for the Town and
182 shall have power to issue licenses as otherwise authorized by law, to make all necessary rules
183 and regulations regarding the issuance of such licenses and to attach conditions and to impose
184 restrictions on any such license it may issue as it deems to be in the public interest, and to
185 enforce all laws, rules and regulations relating to all businesses for which it issues any licenses.

186 (d) Appointment Authority

187 (1) Town Employees –

188 Except as otherwise provided for hereinafter, the Selectboard shall appoint Town
189 employees as provided by statute or Charter.

190 (2) Multiple Member Bodies –

191 Except as otherwise provided for hereinafter, the Selectboard shall appoint multiple
192 member bodies as provided by statute or Charter.

193 (3) Other Appointments –

194 The Selectboard shall appoint other multiple member bodies the functions of which do
195 not involve direct operating responsibilities, but which are primarily policy making or advisory
196 in nature or required law. Unless some other provision is expressly made by law, the Selectboard

197 shall also appoint other individuals who are to serve as representatives of the Town to the
198 governing or advisory bodies of area, regional, or district authorities. Personal contracts
199 hercunder shall be limited to three (3) years; provided, however, that all such contracts shall be
200 subject to applicable provisions of the Massachusetts General Laws, which shall control.

201 (e) Investigations

202 The Selectboard may make investigations and may authorize the Town Administrator to
203 investigate the affairs of the Town and the conduct of any Town Agency including any doubtful
204 claims against the Town. The report of the results of such investigation shall be placed on file in
205 the office of the Selectboard and a report summarizing the results of such an investigation shall
206 be printed in the next annual Town Report.

207 (f) Screening Committee

208 Unless otherwise specified by Town Bylaw, there shall be a Screening Committee to
209 support the transparent selection of candidates for the following positions

210 -Town Administrator

211 -Police Chief

212 -Fire Chief

213 The Screening Committee shall be appointed by the Selectboard and include any number
214 and combination of qualified professionals, town residents and town employees.

215 Section 3-3 Moderator

216 (a) Composition and Term of Office

217 A Moderator elected for a three (3) year term.

218 (b) Power and Duties

219 The Town Moderator shall have the powers and duties given that office by the laws of the
220 Commonwealth, the Charter, Town Bylaw, Regional Agreement, or other Town Meeting vote.

221 Section 3-4 Town Clerk

222 (a) Composition and Term of Office

223 A Town Clerk elected for a three-year term.

224 (b) Powers and Duties

225 The Town Clerk shall be the keeper of vital statistics for the Town. The Town Clerk shall
226 be the custodian of the Town Seal, shall administer the oath of office to all persons elected or
227 appointed to any Town office and shall issue such licenses and permits as are required By-law to
228 be issued by the Town Clerk. The Town Clerk shall supervise and manage the conduct of all
229 elections and all other manners relating to elections. The Town Clerk shall be the clerk of the
230 Town Meeting, keep its records and in the absence of the Moderator and the Deputy Moderator
231 shall preside pending the election of a temporary Moderator by Town Meeting vote. The Town
232 Clerk shall have such other powers and duties as given by the laws of the Commonwealth, the
233 Charter, Town Bylaws and by other Town Meeting vote.

234 Section 3-5 Assessors

235 (a) Composition and Term of Office

236 A Board of Assessors consisting of three members elected for a three (3) year term each,
237 arranged so that one (1) term expires each year.

238 (b) Powers and Duties

239 The Board of Assessors shall have all the powers and duties given to Boards of Assessors
240 by the laws of the Commonwealth, the Charter, Town Bylaw or by other Town Meeting vote.

241 Section 3-6 Board of Health

242 (a) Composition and Term of Office

243 A Board of Health consisting of three (3) members elected for a three (3) year term each,
244 arranged so that one (1) term expires each year.

245 (b) Powers and Duties

246 The Board of Health shall be responsible for the formulation and enforcement of rules
247 and regulations concerning public health. The Board shall have all the powers and duties given to
248 Boards of Health under the laws of Commonwealth, the Charter, Town Bylaw or other Town
249 Meeting vote.

250 Section 3-7 Planning Board

251 (a) Composition and Term of Office

252 A Planning Board consisting of five (5) members elected for a five (5) year term each,
253 arranged so that the term of one (1) member expires each year.

254 (b) Powers and Duties

255 The Planning Board shall have all the powers and duties given to Planning Boards by the
256 laws of the Commonwealth, the Charter, Town Bylaw or other Town Meeting vote.

257 Section 3-8 Water Commissioners

258 (a) Composition and Term of Office

259 A Board of Water Commissioners consisting of three (3) members elected for a three (3)
260 year term each, arranged so that the term of one (1) member expires each year.

261 (b) Powers and Duties

262 The Board of Water Commissioners shall have all the powers and duties as defined by
263 special agreement voted on September 16, 1933, pursuant to Chapter 391 of the Acts of 1920 and
264 the laws of the Commonwealth not in conflict therewith, as well as those set forth in M.G.L. c.
265 41, Section 69B, accepted by the Town by vote at the Town Meeting on May 9, 2017.

266 Section 3-9 Library Trustees

267 (a) Composition and Term of Office

268 A Board of Library Trustees consisting of five (5) members elected for three (3) year
269 overlapping terms, so arranged that the terms of as nearly equal number of members as possible
270 shall expire each year.

271 (b) Powers and Duties

272 The Board of Library Trustees shall be responsible for the governance of the free public
273 library. The Board of Library Trustees, in accordance with the provisions of the gift or bequest
274 shall administer all money and property that the Town may receive for library purposes by gift or

275 bequest. The Board of Library Trustees shall have all the powers and duties given to Library
276 Trustees by the laws of the Commonwealth, the Charter, Trust Agreements, Town Bylaw or
277 other Town Meeting vote.

278 Section 3-10 North Middlesex Regional School Committee

279 (a) Composition and Term of Office

280 The composition and term of office of members of the North Middlesex Regional School
281 Committee shall be defined in accordance with the North Middlesex Regional School District
282 Agreement, as amended.

283 (b) Powers and Duties

284 The North Middlesex Regional School Committee members shall have all the powers and
285 duties as defined by Regional Agreement, as amended.

286 Section 3-11 Cemetery and Parks Commission

287 (a) Composition and Term of Office

288 Three (3) commissioners elected for a three (3) year term each, arranged so that the term
289 of one (1) member expires each year.

290 (b) Powers and Duties

291 (1) As Cemetery Commissioners they shall have general charge of and superintendence
292 of all the public burial grounds within Town and of any lands set aside by the Town for
293 Cemetery purposes. The Cemetery Commissioners shall have all the powers and duties given to

294 Cemetery Commissions by the laws of the Commonwealth, and any additional powers or duties
295 as provided by the Charter, By-law, Trust Agreements, or other Town Meeting vote.

296 (2) As Park Commissioners they shall have general charge and superintendence of all
297 public parks. They may improve and make rules and regulations for Public Parks. The Parks
298 Commissioners shall have all the powers and duties given to Parks Commissioners by the laws
299 of the Commonwealth, the Charter, Trust Agreements, Town Bylaw or other Town Meeting
300 vote.

301 Section 3-12 Recreation Commission

302 (a) Composition and Term of Office

303 A Recreation Commission consisting of five (5) members elected for a three (3) year
304 term each, arranged so that the terms of as nearly an equal number of members shall expire each
305 year.

306 (b) Powers and Duties

307 The Recreation Commission shall be responsible for the development, operation,
308 scheduling and coordination of recreation programs for the town. The Commission shall have all
309 the powers and duties as may be provided by the laws of the Commonwealth, the Charter, Town
310 Bylaw or other Town Meeting vote.

311 Section 3-13 Trustees of Soliders' Memorials

312 (a) Composition and Term of Office

313 A committee consisting of five (5) positions elected for a three (3) year term each,
314 consisting of three (3) veterans and two (2) non-veterans, arranged so that the terms of as nearly
315 an equal number of members shall expire each year.

316 (b) Powers and Duties

317 The Trustees of Solider's Memorials shall have all the powers and duties as may be
318 provided by the laws of the Commonwealth.

319 Section 3-14 Amanda E. Dwight Entertainment Fund

320 (a) Composition and Term of Office

321 Three (3) Trustees elected for a three (3) year term each, arranged so that the term of one
322 (1) member expires each year.

323 (b) Powers and Duties

324 The Trustees of the Amanda E. Dwight Trust shall have all the powers and duties as
325 defined by the Amanda E. Dwight Trust Agreement as established by the town of September 28,
326 1928.

327 Section 3-15 Townsend Housing Authority

328 (a) Composition and Term of Office

329 There shall be a Townsend Housing Authority the composition of which is in accordance
330 with MGL.

331 (b) Powers and Duties

332 The Housing Authority shall make studies of the housing needs of the town and shall
333 provide programs to make available low-income housing for families and the elderly of low
334 income. The Housing Authority shall have all the powers and duties given to Housing
335 Authorities by the laws of the Commonwealth.

336 Section 3-16 James H. Tucker Trust Fund Committee

337 (a) Composition and Term of Office

338 There shall be a James H. Tucker Trust Fund Committee consisting of three (3) West
339 Townsend Village residents elected at the Annual Town Meeting.

340 (b) Powers and Duties

341 The James H. Tucker Trust Fund Committee shall act in accordance with the bequest for
342 the sole purpose to keep the curbing, gravestones, and monuments in good order, including the
343 installation and maintenance of fencing as necessary.

344 Article 4

345 Town Administrator

346 Section 4-1 Appointment; Qualification; Term

347 The Selectboard shall appoint a Town Administrator for a term of up to three (3) years,
348 which term or portion thereof may be renewed. With the exception of the limit on term described
349 directly above, or any other requirements of local, state or federal law to the contrary the terms
350 affecting the appointment, termination of appointment, renewal or non-renewal of such
351 appointment shall be set forth and subject to a mutually agreed upon contract. Nothing contained

352 in this section shall grant tenure to the Town Administrator. The Selectboard shall fix the
353 compensation for such person, annually, within the amount appropriated by the Town. The Town
354 Administrator shall be appointed solely on the basis of demonstrated executive and
355 administrative qualifications. The Town Administrator shall be a person especially fitted by
356 education, training and or previous experience in public administration to person the duties of the
357 office as outlined in the job description. Education requirements include a minimum of a
358 Bachelor's Degree (Masters preferred) with sufficient experience administrating similar sized
359 communities (Commonwealth of MA preferred).

360 The Town Administrator need not be a resident of the Town at the time of appointment or
361 at any time during the period of such service. The Town Administrator shall not have served in
362 an elective position in Town government for at least twelve months prior to appointment. The
363 Town may from time to time establish, by Town Bylaw, such additional qualifications as seem
364 necessary and appropriate. The Town Administrator shall not hold any other public office in
365 Townsend except as allowed by Massachusetts General Law.

366 Annual Review: The Selectboard shall provide for an annual review of the job
367 performance of the Town Administrator which shall, at least in summary form, be a public
368 record. This review shall reflect the Town Administrator's performance of duties as listed in the
369 approved job description and goals and objective developed by the Selectboard.

370 Section 4-2 Powers and Duties

371 The Town Administrator shall be the chief administrative officer of the Town, directly
372 responsible for the Selectboard for the administration of all Town affairs for which the office of
373 Town Administrator is given responsibility by or under this Charter. The words "chief

374 administrative officer” shall refer to the person responsible for administrative management of
375 governmental operations. The powers and duties of the Town Administrator shall include, but
376 are not intended to be limited to, the following:

377 (a) To supervise, direct and be responsible for the efficient administration of all functions
378 and activities for which the office of Town Administrator is given authority, responsibility or
379 control by this Charter, by Town Bylaw, by Town Meeting vote, or by vote of the Selectboard as
380 consistent with Massachusetts General Law.

381 (b) To see that the personnel policies and practices, rules and regulations are equally
382 administered for all Town employees. If a union or other employment contract differs from the
383 general policies, the Town Administrator shall see that there are administered according to the
384 collective bargaining agreement or contract, respectively, with the exception of the Town
385 Administrator’s contract which will be overseen and administered by the Selectboard.

386 (c) To attend all regular and special meetings of the Selectboard, unless unavailable for
387 reasonable cause, and shall have a voice, but no vote, in all proceedings.

388 (d) To keep the Selectboard fully advised at a public meeting or in writing as to the needs
389 of the Town and all Town Agencies, all applicable state and federal agencies and to make
390 appropriate recommendations to the Selectboard of actions required to address matters of
391 concern.

392 (e) To prepare the budgets which fall directly under the Selectboard. To oversee the
393 budgets for the Town Agencies which fall directly under the Selectboard, and in addition the
394 Town Administrator will present to the Selectboard the budgets of elected Town Agencies and
395 the Capital Plan in such a manner that the Selectboard have an understanding of the total budget.

396 The Town Administrator will also work with other Town Agencies, including but not limited to
397 the Finance Committee, the Accountant, the Assessor and the Treasurer, to develop a plan for the
398 funding of appropriations.

399 (f) To be the chief procurement office for the town, in accordance with Massachusetts
400 General Laws, and to appoint such assistance procurement officers as provide in Massachusetts
401 General Laws.

402 (g) To see that all the provisions of the Laws of the Commonwealth, this Charter, Town
403 Bylaw, other votes of Town Meeting, and votes of the Selectboard which require enforcement by
404 the Town Administrator or other officers subject to the direction and supervision of the Town
405 Administrator, are faithfully executed, performed or otherwise carried out.

406 (h) To inquire, at any time, into the conduct and operation of any office or the
407 performance of any Town Agency officer or employees under the jurisdiction of the Selectboard.

408 (i) To attend all sessions of all Town Meetings and to be prepared to answer all questions
409 raised by voters which relate to warrant articles and to matters over which the Town
410 Administrator exercises any supervision.

411 (j) To coordinate the activities of all Town Departments serving under the Town
412 Administrator and the office of the Selectboard with those under the control of other officers and
413 multiple member bodies elected directly by the registered voters. For this purpose, the Town
414 Administrator shall have the authority to require the person so elected, or their representatives to
415 meet with the Town Administrator, at reasonable times, for the purpose of effecting coordination
416 and cooperation among all Town Agencies.

417 (k) To perform any other duties that are required to be performed by the Town
418 Administrator by Town Bylaws, Administrative Code, Charter, vote of the Town Meeting or
419 votes of the Selectboard.

420 (l) Work with the Selectboard to develop long-range goals and objectives for the Town,
421 including keeping the board informed on the long-range needs of the Town and proactively
422 suggesting best practices for the Town. The words “best practices” shall mean procedure(s) that
423 have been shown by research and/or experience to produce optimal results and that are generally
424 established as standard(s) suitable for widespread adoption.

425 Section 4-3: Delegation of Authority

426 The Town Administrator may authorize any subordinate officer or employee to exercise
427 any power or perform any function or duty which is assigned to the office of Town
428 Administrator, provided, however, that all sets performed under any such delegation shall at all
429 times be deemed to be the acts of the Town Administrator.

430 Section 4-4: Interim Town Administrator

431 A vacancy in the office of town administrator shall be filled as soon as possible by the
432 Selectboard, but, pending permanent appointment by the Selectboard, the Selectboard shall
433 appoint a qualified person to perform the duties of the Town Administrator on a temporary basis.
434 The Interim Town Administrator shall have all the duties and responsibilities of the Town
435 Administrator. In the case of vacancies, the qualifications and educational requirements as
436 described in 4-1 shall be maintained unless waived by the Selectboard. Compensation for such
437 person shall be set by the Selectboard.

438 Article 5

439 Administrative Organization

440 Section 5-1 Administration of Government

441 The organization of the town into operating agencies for the provision of services and the
442 administration of the government shall be accomplished through either of the methods provided
443 in this article.

444 (a) Bylaws – Subject only to express prohibitions in a general law or the provisions of
445 this Charter, the Town Meeting may, by Town Bylaw, reorganize, consolidate, create, merge,
446 divide or abolish any Town Agency, in whole or in part; establish such new Town Agencies as it
447 deems necessary or advisable, determine the matter of selection, the term of office and prescribe
448 the functions of all such entities; provided, however, that no function assigned by this Charter to
449 a particular Town Agency may be discontinued, or unless this Charter specifically so provides,
450 assigned to any other.

451 (b) Administrative Code – The Town Administrator, after consultation with the
452 Selectboard, may from time to time prepare and submit to the Town Meeting plans of
453 organization or reorganization which establish operating divisions for the orderly, efficient or
454 convenient conduct of the business of the town.

455 Whenever the Town Administrator prepares such a plan the Selectboard shall hold one
456 (1) or more public hearings on the proposal giving notice by publication in a local newspaper,
457 which notice shall describe the scope of the proposal and the time and place at which the hearing
458 will be held, not less than seven (7) nor more than fourteen (14) days following said publication.

459 Following such public hearing, the proposal, which may have been amended subsequent to the
460 public hearing, shall be submitted to the Town Meeting by an appropriate warrant article.

461 An organization or reorganization plan shall become effective at the expiration of sixty
462 (60) days following the date of adjournment of the Town Meeting at which the proposal is
463 approved, by a majority vote. The Town Meeting may vote only to approve or to disapprove the
464 plan and may not vote to amend or to alter it.

465 The Selectboard may, through the administrative code, and subject only to express
466 prohibitions in a general law, or this Charter, reorganize, consolidate or abolish any Town
467 Agency, in whole or in part; establish such a new Town Agencies as is deemed necessary to the
468 same extent as in provided in section 5-1 (a), above, for Town Bylaws; and for such purpose
469 transfer the duties and powers, and, so far as in consistent with the use for which the funds were
470 voted by the town, transfer the appropriation of one Town Agency to another; provided, however
471 that no function assigned by this Charter to a particular Town Agency may be discontinued or,
472 unless this Charter specifically so provides, assigned to any other.

473 Section 5-2 Publication of Administrative Code and Personnel Plan

474 For the convenience of the public, the administrative code and any amendments thereto
475 shall be printed as an appendix to, but not an integral part of the Bylaws of the Town of
476 Townsend. The personnel and staffing plan as prepared by at the Selectboard shall be published
477 annually in the town report.

478 Section 5-3 Removals and Suspensions

479 Any appointed officer, member of a multiple member body or employee of the town, not
480 subject to the provisions of the state civil service law, or covered by the terms of a collective
481 bargaining agreement or employment contract, which provides a different method, and whether
482 appointed for a fixed or an indefinite term, may be suspended or removed from office, without
483 compensation, by the appointing authority for Cause. The term Cause shall include, but not be
484 limited to the following: incapacity or inability to complete assignments in a timely manner on a
485 routine basis in accordance with principals of reasonable care; neglect, namely failure to perform
486 the duties of the position in a reasonably competent manner or failure to satisfy performance
487 standards; chronic absenteeism, insubordination, conduct unbecoming the office, gross
488 negligence, willful misconduct, willful dereliction of duty, embezzlement, fraud against the
489 Town, or conviction of a felonious act in office. Any appointed officer, member of a multiple
490 member body or employee of the town may be suspended from office by the appointing
491 authority to be necessary to protect the interests of the town. However, no suspension shall be for
492 more than fifteen (15) days. Suspension may be simultaneous with removal process and shall not
493 interfere with the rights of the individual under the removal procedure given below.

494 The appointing authority when removing any such officer, member of a multiple member
495 body or employee of the town shall act in accordance with the following procedure:

496 (a) A written notice of the intent to remove and a statement of the cause or causes
497 therefore shall be delivered in hand, or by registered mail or certified mail, return receipt
498 requested, to the last known address of the person sought to be removed.

499 (b) Within five (5) days following delivery of such notice the officer, member of a
500 multiple body or employee of the town may request a public hearing to be convened within thirty

501 (30) days of the request, unless extended by agreement, at which such person may be represented
502 by counsel, shall be entitled to present evidence, call witnesses and to question any witness
503 appearing at the hearing.

504 (c) Between one (1) and ten (10) days after the public hearing is adjourned, or if the
505 officer, member of a multiple member body or employee of the town fails to request a public
506 hearing, between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the
507 appointing authority shall take final action, either removing the officer, member of a multiple
508 member body or employee of the town or notifying such person that the notice is rescinded.
509 Failure of the appointing authority to take any action within the time periods as stated in this
510 section shall be deemed to be rescinded of the original notice and the officer, member of a
511 multiple member body or employee shall, forthwith, be reinstated.

512 Notwithstanding any other provisions of this Charter to the contrary or any other
513 requirements of local, state or federal law to the contrary, a decision not to renew any
514 employment contract of appointment for a fixed term shall not be construed as a dismissal,
515 require a hearing, or trigger the removal procedures required by this section.

516 This section shall not be applicable to any appointed officer, member of a multiple
517 member body or employee of the town covered by civil service, a collective bargaining
518 agreement or employment contract. In that case, notwithstanding any other provision of this
519 Charter to the contrary or any other requirements of local, state or federal law to the contrary, the
520 requirements of civil service collective bargaining agreement or employment contract shall
521 prevail and govern the process and requirements for suspension, removal or non-renewal.

522 Section 5-4 Procedures Governing Multiple Member Bodies

523 (a) Meetings

524 All multiple member bodies shall meet regularly at such times and places within the town
525 as they may by their own rules prescribe. Except in cases of emergency, special meetings of any
526 multiple member body shall be held on the call of respective chairman or by one-third of the
527 members thereof by suitable written notice delivered to the residence or place of business of each
528 member at least forty-eight (48) hours in advance of the time set. A copy of the said notice shall
529 also be posted on the town bulletin board(s). Special meetings of any multiple member body
530 shall also be called within one (1) week after the date of at the filing with the Town Clerk of a
531 petition signed by at least fifty (50) voters and which states the purpose or purposes for which
532 the meeting is to be called.

533 (b) Agendas

534 Before any meetings of a multiple member body is to be held, an agenda containing all
535 items which are scheduled to come before the multiple member body at the meeting shall be
536 posted as required by law.

537 (c) Rules and Minutes

538 Each multiple member body shall determine its own rules and order of business unless
539 otherwise provided by this Charter or by-law and shall provide for keeping minutes of its
540 proceedings. These rules and minutes shall be public records, and copies shall be placed on file
541 in the office of the Town Clerk and for the convenience of the public, kept available for public
542 inspection in the office of the Town Clerk.

543 (d) Voting

544 Except on procedural matters all votes of all multiple member bodies shall be taken by a
545 call of the roll and the vote of each member shall be recorded in the minutes, provided, however,
546 that if the vote is unanimous only that fact needed be recorded.

547 (e) Quorum

548 A majority of the members of the multiple member body then in office shall constitute a
549 quorum, except where otherwise provided by law, but a smaller number may adjourn from time
550 to time and may compel the attendance of absent members in the manner and subject to the
551 penalties prescribed by the rules of the multiple member body.

552 (f) Filling of Vacancies

553 Whenever a vacancy shall occur in the membership of an appointed multiple member
554 body the remaining members shall forthwith given written notice of such vacancy to the
555 Selectboard appointing authority. If, at the expiration of forty-five (45) days following the
556 delivery of such notice, the Selectboard appointing authority has not appointed some person to
557 fill the vacancy the remaining members of the multiple member body shall fill such vacancy for
558 the remainder of any unexpired term by majority vote of the remaining members. The Town
559 Clerk and the Selectboard appointing authority shall be notified in writing when the vacancy in
560 filled.

561 (g) Composition of Multiple Member Bodies

562 All multiple member bodies when established shall be composed of an odd number of
563 members. Whenever the terms of office of a multiple member body are for more than one (1)

564 year such terms of office shall be so arranged that as nearly an equal number of terms as is
565 possible will expire each year.

566 Section 5-5 Notice of Vacancies

567 Whenever a vacancy occurs in any town office, position or employment, or whenever by
568 reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the
569 appointing authority shall forthwith cause public notice of such vacancy to be posted on the town
570 bulletin board for not less than ten (10) days. Such notice shall contain a description of the duties
571 of the office, position or employment and a listing of necessary or desirable qualifications, to fill
572 the office, position or employment. No permanent appointment to full such office, position or
573 employment shall be effective until fourteen (14) days following the date such notice was posted
574 to permit reasonable consideration of all applicants. This section shall not apply to positions
575 covered by the civil service law and rules or if in conflict with the provisions of any collective
576 bargaining agreement.

577 Section 5-6 Loss of Office, Excessive Absence

578 If any person appointed to serve as a member of a multiple member body shall fail to
579 attend four (4) or more consecutive meetings, or one-half or more of all meetings of such body
580 held in one (1) calendar year, the remaining members of the multiple member body may, by a
581 majority vote of the remaining members of such body, declare the office to be vacant, provided,
582 however, that not less than ten (10) days prior to the date said votes is scheduled to be taken the
583 body has given in hand, or mailed, by registered or certified mail, return receipt requested, notice
584 of such proposed or pending vote to the last known address of such person.

585 Section 5-7 Terms of Office

586 With the exception of employees covered by personal service contracts or union contracts
587 and notwithstanding any other provisions of this Charter which might appear to be to the
588 contrary, whenever a person after having served for an initial term of years in a full time
589 appointed town office is reappointed to the same office to succeed themselves, such
590 reappointment shall be for an indefinite term not subject to further periodic reappointment, but
591 subject to removal and/or suspension in accordance with the procedures in section 5-3 of this
592 Charter.

593 Article 6

594 Finance and Fiscal Procedures

595 Section 6-1 Fiscal Year

596 The fiscal year of the Town shall begin on the first day of July and shall end of the last
597 day of June, unless the laws of the Commonwealth require another period.

598 Section 6-2 Submission of Budget and Budget Message

599 Within the time fixed by Town Bylaw, before the Annual Town Meeting is to convene,
600 the Town Administrator, after approval of the Selectboard, shall submit to the Finance
601 Committee a proposed operating budget for the Town Agencies for which the Selectboard are
602 responsible for the ensuing fiscal year with an accompanying budget message and supporting
603 documents. Additionally, elected officials shall submit to Town Administrator, the Selectboard
604 and the Finance Committee a proposed operating budget for the ensuing fiscal year with an
605 accompanying budget message and supporting documents.

606 Section 6-3 Budget Message

607 The budget message of the Selectboard shall explain the budget for all Town Agencies.

608 Section 6-4 Town Budget

609 The proposed operating budget shall provide a complete financial plan for all town funds
610 and activities for the ensuing fiscal year. The presentation of the budget shall utilize modern
611 concepts of fiscal presentations required by Massachusetts General Law and Department of
612 Revenue regulations so as to furnish maximum information and the best financial control.

613 Section 6-5 Approval of Warrants

614 The Selectboard shall be the chief fiscal officer of the town. Warrants for the payment of
615 town funds prepared by the Town Accountant in accordance with the provisions of the laws of
616 the Commonwealth shall be submitted to the Town Administrator for review.

617 Article 7

618 General Provisions; Definitions; Periodic Review

619 Section 7-1 Charter Changes

620 This Charter may be replaced, revised or amended in accordance with any procedures
621 made available under the state constitution and by statutes enacted to implement the said
622 constitutional provisions.

623 Section 7-2 Severability

624 The provisions of this Charter are severable. If any provisions of this Charter is held
625 invalid, the other provisions shall not be affected thereby. If the application of this Charter of any

626 of its provisions to any person or circumstance is held invalid, the application of this Charter and
627 its provisions to other persons and circumstances shall not be affected thereby.

628 Section 7-3 Specific Provisions to Prevail

629 To the extent that any specific provisions of this Charter shall conflict with any
630 provisions expressed in general terms, the specific provisions shall prevail.

631 Section 7-4 Number and Gender

632 Words importing the singular number may extend and be applied to several persons or
633 things; words importing the plural number may include the singular; words importing the
634 feminine gender shall include the masculine gender; words importing the masculine gender shall
635 include the feminine gender.

636 Section 7-5 Rules and Regulations

637 A copy of all rules and regulations adopted by any Town Agency shall be filed in the
638 office of the Town Clerk before any such rule or regulation shall become effective, and copies
639 shall be made available for review by any person who requests such information. No rule or
640 regulation adopted by any Town Agency shall become effective until ten (10) days following the
641 date it has been so filed in the office of the Town Clerk.

642 Section 7-6 Periodic Review, Charter and Town Bylaws

643 (a) Charter Review – At least once in every ten (10) years, the Selectboard shall establish
644 a special committee to consist of nine (9) members for the purpose of reviewing this Charter and
645 to make a report, with recommendations, to the town meeting concerning any proposed
646 amendments which said committee may determine to be necessary or desirable. The Committee

647 shall consist of nine (9) members appointed as follows; the Selectboard, the Planning Board, the
648 Council on Aging and the Board of Library Trustees, shall each appoint one (1) person, the
649 Finance Committee shall appoint two (2) person and three (3) persons shall be appointed by the
650 Town Moderator. Persons appointed by the said Town Agencies may, but need not, be members
651 of the Town Agency by which they are appointed. The Committee shall meet to organize
652 forthwith following the final adjournment of the Annual Town Meeting.

653 (b) Bylaw Review – The Selectboard shall at five (5) year intervals, in each year ending
654 in three (3), or in eight (8) cause to be prepared by a special committee appointed for that
655 purpose, a proposed revision or recodification of all Town Bylaws of the town which shall be
656 presented to the Town Meeting for reenactment at the Annual Town Meeting in the year
657 following the year in which the said committee is appointed. The said committee in its final or in
658 an interim report shall include recommendations for such substantive change in Town Bylaws as
659 it deems necessary or advisable. The review of Town Bylaws shall be in conjunction with town
660 counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the Town
661 Meeting, copies of the revised Town Bylaws shall be forwarded to the Attorney General of the
662 Commonwealth per Massachusetts General Law for approval and they shall be otherwise
663 published, all as required by the copies of the revised Town Bylaws shall be made available for
664 distribution to the public.

665 Section 7-7 Continuation of Government

666 All Town Agencies shall continue to perform their duties until reappointed, reelected, or
667 until successors to their respective positions are duly appointed or elected, or their duties have

668 been transferred and assumed by another Town Agency in accordance with the provisions of this
669 Charter.

670 Section 7-8 Definitions

671 Unless another meaning is clearly apparent from the manner in which the word is used,
672 the following words as used in this Charter shall have the following meanings:

673 (a) Charter – The word “Charter” shall mean this Charter and any amendments to it
674 which may hereafter be adopted.

675 (b) Days – The word “days” shall refer to business days, not including Saturdays,
676 Sundays and legal holidays when the time is set less than seven (7) days; when the time set is
677 seven (7) days or more, every day shall be counted.

678 (c) Emergency – The word “emergency” shall mean a sudden, unexcepted, unforeseen
679 happening, occurrence, event or condition which necessitates immediate action.

680 (d) General Laws – The words “general laws” shall mean Law of the Commonwealth
681 which apply alike to all cities and towns, to all towns, or to a class of municipalities of which
682 Townsend is a member.

683 (e) Laws of the Commonwealth – The words “Laws of the Commonwealth” shall refer to
684 the General Laws of Massachusetts (Massachusetts General Law (MGL)), a codification and
685 revision of statues enacted on December 22, 1920, and including all amendments thereto
686 subsequently adopted.

687 (f) Local Newspaper – The words “local newspaper” shall mean a newspaper (regardless
688 of media) of general circulation in the Town of Townsend.

689 (g) Majority Vote – The words “majority vote” shall mean a majority of those present
690 and voting, provided that a quorum of the body is present when the vote is taken, unless a higher
691 number is required by law.

692 (h) Multiple Member Body – The words “multiple member body” shall mean any town
693 body consisting of two (2) or more persons and whether styled board, commission committee,
694 subcommittee, or otherwise and however elected or appointed or otherwise constituted.

695 (j) Town – The word “Town” shall mean the Town of Townsend

696 (k) Town Agency – The words “Town Agency” shall mean any board, commission,
697 committee, department division or office of the town government.

698 (l) Town Bulletin Board – The words “town bulletin board” shall mean the official Town
699 webpage posting and the bulletin board at the town hall on which official town notices are posted
700 and those at other locations within which may from time to time designated as town bulletin
701 boards by by-law, or by vote of the Selectboard and as required by Massachusetts General Law.

702 (m) Registered Voter(s) – The words “registered voter(s)” shall mean a person registered
703 to vote in the Town of Townsend.