

HOUSE No. 4559

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick Joseph Kearney

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 amending the charter of the town of Scituate.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/25/2024</i>

HOUSE No. 4559

By Representative Kearney of Scituate, a petition (accompanied by bill, House, No. 4559) of Patrick Joseph Kearney (by vote of the town) relative to amending the charter of the town of Scituate. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act amending the charter of the town of Scituate.

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 following shall be the charter of the town of Scituate:

2 ARTICLE 1: INCORPORATION; SHORT TITLE; POWERS

3 Section 1-1 - Incorporation

4 The residents of the Town of Scituate, within the corporate limits as established by law,
5 shall continue to be a body corporate and politic with perpetual succession under the name
6 "Town Scituate."

7 Section 1-2 - Short Title

8 This instrument shall be known and may be cited as the Scituate Home Rule Charter.

9 Section 1-3 - Powers

10 Subject only to express limitation on the exercise of any power or function by a
11 municipality the constitution or the General Laws, it is the intent and the purpose of the voters of
12 the Town of Scituate to secure through the adoption of the Charter all of the powers it is possible
13 to secure for a Town government under the constitution and the General Laws as fully and as
14 completely as though each such power were specifically and individually enumerated herein.

15 Section 1-4 - Interpretation of Powers

16 The powers of the Town of Scituate under the Charter are to be construed liberally in
17 favor of the Town and the specific mention of a particular power is not intended to limit in any
18 way the general powers of the Town of Scituate as stated in Section 1-3.

19 Section 1-5 - Continuation of Existing Laws

20 All special laws, Town By-Laws, Town Meeting votes, and rules and regulations of or
21 pertaining to the Town in force shall continue in full force and effect until they expire by their
22 own limitation.

23 Section 1-6 - Intergovernmental Relations

24 Subject to the applicable requirements of any provision of the constitution or the General
25 Laws of the Commonwealth, the Town of Scituate may exercise any of its powers or
26 perform any of its functions and may participate in the financing thereof, jointly or in
27 cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies
28 thereof, or the United States government or agency thereof.

29 ARTICLE 2: LEGISLATIVE BRANCH

30 Section 2-1 - Town Meeting

31 The legislative powers of the Town shall continue to be exercised by a Town Meeting
32 open to all
33 voters.

34 Section 2-2 - Presiding Officer

35 (a) The Moderator chosen as provided in Section 3-3 shall preside at all sessions of the
36 Town Meeting. The Moderator shall regulate the proceedings, decide all questions of order,
37 make public declaration of all votes, and may exercise such additional powers and duties as may
38 be given to moderators under the constitution and the General Laws, by By-Law, or other vote of
39 the Town Meeting. The Moderator shall, at the first session of the Town Meeting held following
40 the election, appoint a deputy Moderator who shall preside at the sessions of the Town Meeting
41 in the event of the absence or disability of the Moderator provided that the said appointment is
42 ratified by the Town Meeting.

43 (b) Subject to the provisions of the Charter and such By-Laws regarding committees as
44 may be adopted, the Moderator shall appoint the members of the Advisory Committee and the
45 members of such other committees of the Town Meeting, special or standing, as may from time-
46 to-time be established.

47 (c) The Moderator shall perform such other duties as may from time-to-time be assign to
48 the office of the Moderator by By-Law, or other vote of the Town Meeting.

49 Section 2-3 - Time of Meeting

50 The regular annual Town Meeting of the Town of Scituate for the transaction of business
51 relating to the prudential affairs of the Town shall be held on such date as may from time-to-time
52 be fixed in the By-Laws of the Town.

53 Section 2-4 - Availability of Town Officials at Town Meetings

54 (a) Every Town officer, or in the case of a Multiple Member Body a designated
55 representative of such Multiple Member Body, the head of each department and the head of each
56 division within the said departments shall attend all sessions of the Town Meeting for the
57 purpose of providing the Town Meeting with information pertinent to matters appearing in the
58 warrant.

59 (b) Any Town officer, department head or division head who is to be absent due to illness
60 or other reasonable cause, shall designate a deputy to attend to represent the office, department
61 or division.

62 (c) If any person required to attend the sessions of Town Meeting under the preceding
63 provisions of this section is not a voter such person shall, notwithstanding such fact, be entitled
64 to speak to provide the Town Meeting with information on pertinent warrant articles.

65 Section 2-5 - Procedures

66 (a) Clerk of the Meeting - The regular Town Clerk shall serve as clerk of the meeting,
67 give notice of all meetings, record the proceedings of all meetings and perform such other duties
68 as may from time-to-time be assigned to the clerk of the meeting by By-Law or other vote of the
69 Town Meeting.

70 (b) Rules of Procedure - The Town Meeting shall by By-Law adopt and may from time-
71 to-time amend, revise, or repeal such rules governing the conduct of the Town Meeting as it may
72 deem necessary or advisable.

73 (c) Warrant Articles - The Select Board shall insert in the warrant for each Town Meeting
74 all articles the subjects of which are requested of them in the manner provided by law. In
75 preparation of the warrant the Select Board shall, insofar as it is practical to do so, join into one
76 (1) article all requests which deal with the same subject matter.

77 ARTICLE 3: ELECTED OFFICIALS

78 Section 3-1 - General Provisions

79 (a) Elective Offices - The offices to be filled by the voters shall be a Select Board, a
80 Moderator, a School Committee, a Planning Board, a Board of Assessors, a Board of Library
81 Trustees, a Town Clerk, a Housing Authority and such members of regional authorities or
82 districts as may be established by the General Laws, interlocal agreement or otherwise.

83 (b) Eligibility - Only individuals registered to vote in the Town of Scituate shall be
84 eligible to hold elective Town office; but no elected Town official shall simultaneously hold any
85 other elected Town office or be appointed to any office other than as a member of a Multiple
86 Member Body.

87 (c) Election - The regular elections for Town office shall be held annually on such date as
88 may from time-to-time be fixed in the By-Laws of the Town.

89 (d) Compensation - Elected Town officials shall receive for their services such
90 compensation as may annually be provided for that purpose by appropriation.

91 (e) Coordination of Officials - Notwithstanding the election by the voters of the officers
92 named in this article, the said officers shall be subject to the call of the Select Board or of the
93 Town Administrator for consultation, conference and discussion of any matter relating to their
94 respective offices.

95 Section 3-2 - Select Board: Composition, Term of Office; Powers, Duties, Etc.

96 (a) Composition, Term of Office - There shall be a Select Board consisting of five (5)
97 members elected by the voters. The term of office of Select Board members shall be for three
98 (3) years. The terms of office of Select Board members shall be so arranged that two (2)
99 Select Board members shall be elected one (1) year, two (2) Select Board members shall be
100 elected the next year, and one (1) Select Board member shall be elected the third year. The
101 election ballots for each year in which more than one (1) Select Board member is to be elected
102 shall set forth each position to be filled as a separate position, called position one and position
103 two. A candidate for the office of Select Board shall be listed as a candidate for either position
104 one or a candidate for position two, but not as a candidate for both. The candidate receiving the
105 highest number of votes for each position shall be declared elected to that position.

106 (b) (1) General Powers and Duties -The executive powers of the Town shall be vested in
107 the Select Board. The Select Board shall have the powers and duties given to the Select Board
108 under the constitution and the General Laws, except those powers and duties assigned by this
109 Charter to the Town Administrator, and shall have additional powers and duties as may be
110 authorized by the Charter, by By-Law, or by other Town Meeting vote. The Select Board shall
111 be the water and sewer commissioners of the Town. The Select Board shall cause the laws and
112 orders for the government of the Town to be enforced and shall cause a record of all its official

113 acts to be kept. To aid the Select Board, in its official duties, the board shall appoint a Town
114 Administrator, as provided in Article 4.

115 (2) The Select Board shall serve as the chief policy making agency of the Town and shall
116 exercise its general supervisory powers through the adoption of policy directives and guidelines.
117 Such policies shall include, but shall not be limited to: policies by which the legislative directives

118 and intent of the Town Meeting may be implemented; policies governing a general
119 oversight and evaluation of the administration of the Town government; policies for the
120 coordination and development of both short and long range planning for the future of the Town;
121 policies to support appropriate emergency response plans; and policies governing the
122 development of an

123 annual operating budget sufficient to perform all functions required by law and by
124 legislative actions of the Town Meeting. All such policies shall be reviewed by the Select Board
125 at least every three (3) years.

126 (3) The Select Board shall serve as the chief policy making agency of the Town and shall
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132 evaluation of the administration of the Town government; policies for the coordination
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134 development of both short and long range planning for the future of the Town; policies to
135 support appropriate emergency response plans; and policies governing the development
136 of an
137 annual operating budget sufficient to perform all functions required by law and by
138 legislative actions of the Town Meeting. All such policies shall be reviewed by the Select Board
139 at least
140 every three (3) years.

141 (4) The Select Board shall be responsible for the efficient and orderly operation of the
142 Town government through its policies except for those under the direction of another
143 separately
144 elected Town agency.

145 (5) The Select Board shall be the license board of the Town and shall have the power to
146 issue licenses, except those licenses issued by the Town Clerk in accordance with the
147 General
148 Laws, to make all necessary rules and regulations regarding the issuance of such licenses
149 and to
150 attach such conditions and restrictions thereto as it deems to be in the public interest, and
151 to enforce the laws relating to all business for which it issues licenses.

152 (6) The Select Board shall perform a review of the job performance of a new Town

153 Administrator after the first six (6) months of the effective date of the initial contract. The
154 job
155 performance of the Town Administrator shall then be reviewed annually thereafter by the
156 Select
157 Board. The Select Board shall be required to publicly acknowledge that the performance
158 reviews
159 required under this subsection have occurred.

160 (c) Appointments - The Select Board shall appoint a Town Administrator and a Town
161 counsel to serve indefinite terms, as allowed under the General Laws. It shall appoint, for
162 fixed terms, a Town accountant, a treasurer-collector, election officers, the veteran officers,
163 constables
164 and all individuals who are to serve as representatives or delegates of the Town to
165 governing or
166 advisory bodies of other units of government. It shall also appoint for fixed terms, fence
167 viewers,
168 field drivers, and a measurer of wood and bark. It shall appoint, for fixed overlapping
169 terms, the
170 members of the board of appeals, registrars of voters, board of health and all other
171 Multiple

172 Member Bodies that are established for other than a temporary purpose, except those for
173 which

174 the Charter provides another appointing authority. Any person appointed to an office
175 under this

176 section may be removed in accordance with the procedures governing removal in Section
177 7-12.

178 (d) Investigations - The Select Board may investigate or authorize the Town
179 Administrator, another officer of the Town, or any agency, public or private, to investigate the
180 conduct of any Town department, office, or agency. The report of any such investigation shall be
181 filed in the Town Administrator's office, and a summary of that report shall be printed in the next
182 annual Town report.

183 (e) Responsibility to Assure Charter Provisions are Met - It shall be the duty of the Select
184 Board to see that the provisions of the Charter are faithfully followed and complied with
185 by all

186 Town agencies and Town employees. Whenever it appears to the Select Board that any
187 Town

188 agency or Town employee is failing to follow any provision of this Charter, the Select
189 Board

190 shall, in writing, cause notice to be given to such agency or employee directing
191 compliance with the Charter. If ten (10) or more voters for an annual Town Meeting or one
192 hundred (100) or more

193 voters for a special Town Meeting believe the Select Board itself is not following the
194 procedures

195 established in the Charter, a warrant article may be submitted to a Town Meeting
196 suggesting that

197 the Select Board is not following the provisions of the Charter. The Town Meeting, if it
198 shall

199 agree with the petitioners, shall, by resolution, direct the attention of the Select Board to
200 those

201 areas in which the voters at the Town Meeting believe there is a failure to comply with
202 Charter

203 provisions.

204 (f) The procedures made available in chapter 231A of the General Laws may be used to
205 determine the rights, duties, status or other legal relations arising under this Charter,
206 including

207 any question of construction or validity which may be involved in such determination.

208 Section 3-3 - Moderator: Term of Office; Powers and Duties

209 (a) Term of Office - At each Town election a Moderator shall be nominated and elected
210 by the voters for a term of one (1) year.

211 (b) Powers and Duties - The Moderator shall have the powers and duties provided for that

212 office by the General Laws, by this Charter, as defined in Section 2-2, by By-Law and by
213 other
214 vote of the Town Meeting.

215 Section 3-4 - School Committee: Composition, Term; Powers and Duties

216 (a) Composition, Term of Office - There shall be a School Committee consisting of five
217 (5) members elected by the voters. The term of office of a School Committee member shall be
218 for three (3) years. The terms of office of School Committee members shall be so arranged that
219 two (2) School Committee members shall be elected one (1) year, two (2) School Committee
220 members shall be elected the next year, and one (1) School Committee member shall be elected
221 the third year. The election ballots for each year in which more than one (1) School Committee
222 member is to be elected shall set forth each position to be filled as a separate position, called
223 position one and position two. A candidate for School Committee member shall be listed as a
224 candidate for either position one or a candidate for position two, but not as a candidate for both.
225 The candidate receiving the highest number of votes for each position shall be declared elected
226 to that position.

227 (b) Powers and Duties - The School Committee shall have all of the powers and duties
228 school committees may have under the constitution and the General Laws, and it shall have such
229 additional powers and duties as may be authorized by the Charter or by By-Law.

230 Section 3-5 - Planning Board: Composition, Terms of Office; Powers and Duties

231 (a) (1) Composition, Term of Office - There shall be a Planning Board consisting of five
232 (5) members elected by the voters. The voters shall also elect one (1) person as an alternate

233 member of the Planning Board. The terms of office for Planning Board members, including the
234 alternate member, shall be for three (3) years. The terms of office of the Planning Board
235 members shall be so arranged that two (2) Planning Board members shall be elected one (1) year,
236 two (2) Planning Board members shall be elected the next year, and one (1) Planning Board
237 member and the alternate member shall be elected the third year. The election ballots for each
238 year in which two (2) Planning Board members are to be elected shall set forth each position to
239 be filled as a separate position called position one and position two. A candidate for Planning
240 Board member shall be listed as a candidate for either position one, or as a candidate for position
241 two, or as a candidate for alternate member (but not both positions appearing on the ballot). The
242 candidate receiving the highest number of votes for each position shall be declared elected to that
243 position.

244 (2) Whenever a member of the Planning Board is absent, or because of a conflict of
245 interest or other disability is unable to sit on a particular matter the chair shall designate the
246 alternate member to sit as a member of the Planning Board during such absence or disability.

247 (b) Powers and Duties - The Planning Board shall have all of the powers and duties
248 planning boards may have under the constitution and the General Laws. The Planning Board
249 may also exercise such additional powers and duties as may from time-to-time be assigned to
250 them by the Charter, by By-Law or by other vote of the Town Meeting.

251 Section 3-6 - Board of Library Trustees: Composition, Term of Office; Powers and
252 Duties

253 (a) Composition, Term of Office - There shall be a Board of Library Trustees consisting
254 of six (6) members nominated and elected by the voters. Two (2) of these members shall be
255 elected each year for terms of three (3) years.

256 (b) Powers and Duties - The Board of Library Trustees shall have general charge of the
257 management of Town libraries, and of all non-facility property of the Town relating thereto.

258 Section 3-7 - Town Clerk: Term of Office; Powers and Duties

259 (a) Term of Office - There shall be a Town Clerk nominated and elected by the voters for
260 the term of three (3) years.

261 (b) Powers and Duties - The Town Clerk shall have all of the powers and duties town
262 clerks may have under the constitution and the General Laws. The Town Clerk may also exercise
263 such additional powers and duties as may from time-to-time be assigned to that office by the
264 Charter, by By-Law or by other vote of the Town Meeting.

265 Section 3-8 - Board of Assessors: Composition, Term of Office; Powers and Duties

266 (a) Composition, Term of Office - There shall be a Board of Assessors consisting of three
267 (3) members who shall be nominated and elected by the voters. One (1) of these members shall
268 be elected each year to serve for the term of three (3) years.

269 (b) Powers and Duties - The Board of Assessors shall have all of the powers and duties
270 which boards of assessors may have under the constitution and the General Laws. The Board of
271 Assessors may also exercise such additional powers and duties as may from time-to-time be
272 assigned to that office by the Charter, by By-Law or by other vote of the Town Meeting.

273 Section 3-9 - Housing Authority: Composition, Term of Office; Powers and Duties

274 (a) Composition, Team of Office - There shall be a Housing Authority to consist of five
275 (5) members serving five (5) year overlapping terms such that the term of one (1) member term
276 expires each year. Such members shall be appointed or elected in accordance with the General
277 Laws.

278 (b) Powers and Duties - The Housing Authority shall have all of the powers and duties
279 housing authorities may have under the constitution and the General Laws.

280 ARTICLE 4: TOWN ADMINISTRATOR

281 Section 4-1 - Qualifications

282 The Town Administrator shall be appointed solely on the basis of executive and
283 administrative qualifications and experience. The Town Administrator shall be a person
284 especially fitted by education, training and professional experience in full-time service in public
285 administration to perform the duties of the office. The Town Administrator need not be a resident
286 of the Town. The Town Administrator shall not have served in elective office in the Town's
287 government for at least two (2) years prior to appointment. The Town Administrator shall devote
288 full-time to the office and shall not hold any other public office, elective or appointive, nor
289 engage in any other business or occupation during the term, unless such other service is approved
290 in advance by vote of the Select Board. The Select Board shall fix compensation for the Town
291 Administrator within the amount appropriated by the Town, provided for in the Town
292 Administrator's contract along with all other requirements for the Town Administrator,
293 including performance, benefits, and other items relating thereto.

294 Section 4-2 - Powers and Duties

295 The Town Administrator, the chief administrative officer of the Town, shall be
296 responsible to the Select Board, and shall be accountable to the said board, for the efficient and
297 orderly conduct of the departments, offices, and functions placed in the charge of the Town
298 Administrator by the Charter and for the proper execution of the powers and duties that follow:

299 (a) The Town Administrator shall be the personnel director of the Town responsible for
300 the administration of all personnel matters, including personnel By-Laws and all personnel
301 policies and regulations that the Select Board may adopt.

302 (b) The Town Administrator shall appoint and may remove, subject to the civil service
303 law where applicable, all department heads, all officers and all subordinates and employees of
304 the Town except those appointments for which another method of appointment is provided in the
305 Charter, appointments of the School Committee, and appointments made by representatives of
306 the Commonwealth. Appointments made by the Town Administrator shall become effective on
307 the fifteenth (15th) day following the day notice of the appointment is filed with the Select Board
308 unless the said board shall within that period by a majority of all of its members vote to reject the
309 said appointment. Within said fifteen (15) day period the Select Board may, by a majority of all
310 of its members vote to waive its power to reject the appointment, whereupon the appointment
311 shall become effective forthwith.

312 (c) The Town Administrator shall exercise a general supervision over all Town agencies
313 for which the Town Administrator is the appointing or employing authority.

314 (d) The Town Administrator shall fix the compensation of all Town officers and
315 employees appointed by the Town Administrator, within the limits established by existing
316 appropriations and the By-Laws.

317 (e) The Town Administrator shall see that all provisions of the General Laws, the
318 Charter, and the By-Laws, and all votes of the Town Meeting and the Select Board, that require
319 enforcement by the Town Administrator or officers subject to the supervision of the Town
320 Administrator, are faithfully carried out.

321 (f) The Town Administrator shall prepare and submit the annual budget as provided in
322 Article 6.

323 (g) The Town Administrator shall be responsible for keeping full and complete records of
324 the financial and administrative activities of the Town, and shall render a full report to the Select
325 Board at the end of each fiscal year and otherwise as said board may require.

326 (h) The Town Administrator shall keep the Select Board informed as to the financial
327 condition and needs of the Town and shall make such recommendations to the Select Board as is
328 deemed to be necessary or expedient.

329 (i) The Town Administrator shall have full jurisdiction over the rental and use of all
330 Town facilities except schools and properties designated by By-Laws or other vote of the Town
331 as Scituate Historical Sites. The Town Administrator, as directed by the Select Board, shall be
332 responsible for the maintenance and repair of all Town property, including school
333 buildings, placed under the control of the Town Administrator by the Charter, by By-Laws or
334 otherwise; provided; however, that the approval of the School Committee shall be obtained for
335 all school maintenance and repair plans.

336 (j) The Town Administrator may, without notice, examine the activities of any agency
337 under the control of the Town Administrator or the conduct of any officer or employee

338 thereof. The Town Administrator shall have access to all Town books and records necessary for
339 the performance of the duties of the office.

340 (k) The Town Administrator shall keep a full and complete inventory of all property of
341 the Town, both real and personal.

342 (l) The Town Administrator shall be responsible for the negotiation or bidding of all
343 contracts involving any matter within the responsibility of the Town Administrator. All contracts
344 for purchases or services exceeding an amount fixed by the Select Board shall be subject to final
345 approval and execution by the Select Board.

346 (m) The Town Administrator shall be responsible for purchasing all supplies, materials
347 and equipment for all departments and activities of the Town, excluding all operational
348 expenditures of the school department and Town library books and related materials, unless
349 specifically requested to do so by the School Committee or the Board of Library Trustees, as
350 applicable.

351 (n) The Town Administrator shall perform any other duties required by the By-Laws or
352 votes of the Town Meetings, the Select Board, or the General Laws.

353 (o) The Town Administrator shall be the Town's risk administrator and be responsible for
354 ensuring that all pertinent insurance policies are in effect, that adequate insurance coverage is
355 provided, and that claims are properly processed.

356 (p) Powers and duties shall include, in addition to those set forth in the Charter, any
357 reasonable assignment by the Select Board or Town Meeting that does not conflict with the
358 powers and duties of other Town officials or Multiple Member Bodies, or the Charter.

359 Section 4-3 - Acting Town Administrator

360 During a temporary absence, the Town Administrator shall designate by letter filed with
361 the Select Board, a qualified administrative employee or officer to exercise the powers and
362 perform the duties of Town Administrator. If the Town Administrator fails to do so, or the
363 person appointed fails to serve to the satisfaction of the Select Board, the Select Board may
364 appoint a qualified administrative employee or officer to so serve. In the event of suspension of
365 the Town Administrator or a vacancy in the office, the Select Board shall appoint an acting
366 Town Administrator within fourteen (14) days. Appointment of a new Town Administrator must
367 be made within five (5) months of the effective date of a vacancy in that office, except that such
368 period may be extended by a period not to exceed two (2) months by vote of the Select Board.

369 Section 4-4 - Hiring Procedures for Town Administrator

370 The Select Board is responsible for recruiting, interviewing, and hiring of the Town
371 Administrator. They will be assisted in this duty by appointing a search committee comprised of
372 qualified Town officials and residents. The composition of this committee is determined by the
373 Select Board or, if defined, by Town By-Law. Finalists for the position of Town Administrator
374 shall be interviewed in a public meeting posted in accordance with the Town By-Laws. Selection
375 of the Town Administrator shall require a majority affirmative vote by the Select Board.

376 Section 4-5 - Removal of the Town Administrator

377 The Select Board may remove the Town Administrator from office after first applying
378 the
379 following procedures:

380 (a) Notice: The Select Board, by a super majority affirmative vote consisting of not less
381 than four (4) of its members, shall adopt a preliminary resolution of removal setting forth in
382 reasonable detail the reason(s) for the proposed removal. This resolution may suspend the Town
383 Administrator for a period not to exceed forty-five (45) days. Notice of this resolution will
384 immediately be delivered to the Town Administrator and filed with the Town Clerk.

385 (b) Public Hearing: Within five (5) days of delivery of said resolution, the Town
386 Administrator may request a public hearing. Such a hearing must take place not more than thirty
387 (30) days from receipt of the request. Notice of the hearing date must be publicly posted and
388 directly provided to the Town Administrator at least five (5) days prior to the hearing. The Town
389 Administrator shall be entitled to present evidence, have counsel, call witnesses, or
390 question any witnesses during the hearing.

391 (c) Removal: If the Town Administrator does not request a hearing, the Select Board may
392 vote by super majority to affirm the resolution and permanently remove the Town Administrator.
393 If the Town Administrator requests a hearing, the Select Board must wait at least five (5) days
394 after the conclusion of the hearing to vote by super majority to affirm the resolution and
395 permanently remove the Town Administrator. Failure to adopt a final resolution within forty-five
396 (45) days of the preliminary resolution shall nullify the resolution.

397 (d) The Town Administrator shall continue to receive salary and benefits included in a
398 valid contract until a final resolution of removal becomes effective.

399 ARTICLE 5: ADMINISTRATIVE ORGANIZATION

400 Section 5-1 - Creation of Departments, Divisions, Agencies, and Offices

401 The organization of the Town into operating agencies may be accomplished through
402 either of the following methods provided in this section:

403 (a) By-Laws - Subject only to express prohibitions in the constitution and the General
404 Laws, and provisions of the Charter, the Town Meeting may, by By-Law, reorganize,
405 consolidate, or abolish any Town agency, in whole or in part; establish such new Town agencies
406 as it deems necessary or advisable and may prescribe the functions of any such Town agency;
407 provided, however, that no function assigned by the Charter to a particular Town agency may be
408 discontinued or, unless the Charter specifically so provides, assigned to any other.

409 (b) (1) Administrative Code - The Select Board, after consultation with the Town
410 Administrator, shall from time-to-time prepare and submit to the Town Meeting plans of
411 organization or reorganization, which establish Town agencies for the orderly, efficient or
412 convenient conduct of the business of the Town. Whenever the Select Board prepares such a plan
413 it shall hold one (1) or more public hearings on the proposal giving notice as required by the
414 General Laws or special mandate of the Commonwealth not less than five (5) days in advance,
415 which notice shall describe the scope of the proposal and the time and place at which the hearing
416 will be held. Following such public hearing, the Select Board shall submit to the Town Meeting
417 by warrant article their proposal which may have been amended subsequent to the public
418 hearing.

419 (2) An organization or reorganization plan shall become effective at the expiration of
420 ninety (90) days following the date of the Town Meeting at which the proposal is submitted
421 unless the Town Meeting shall, by a majority vote within that time, vote to disapprove the plan.

422 The Town Meeting may vote only to approve or disapprove the plan and may not vote to amend
423 or alter it.

424 (3) The Select Board may through the administrative code, and subject only to express
425 prohibitions in the constitution, the General Laws and the Charter, reorganize, consolidate or
426 abolish all Town agencies in whole or in part; establish such new Town agencies as they deem
427 necessary; and for such purpose may transfer the duties and powers and, so far as is consistent
428 with the use for which the funds were voted by the Town, transfer the appropriation of one Town
429 agency to another; provided, however, that no function assigned by this Charter to a particular
430 Town agency may be discontinued, or, unless this Charter specifically so provides, assigned to
431 any other.

432 Section 5-2 - Personnel Plan

433 The Town Administrator shall be responsible for preparing and maintaining a personnel
434 policy manual to support the professional management of the Town and its employees. Such
435 requirements included in the personnel plan shall be consistent with the Charter, By-Laws, and
436 the General Laws; and shall be approved by the Select Board.

437 Section 5-3 - Merit Principle

438 All appointments and promotions of Town officers and employees shall be made solely
439 on the basis of merit and fitness demonstrated by examination or by other evidence of
440 competence and suitability.

441 Section 5-4 - Department of Public Works

442 (a) The Department of Public Works shall be headed by a director, who shall be
443 appointed by the Town Administrator. The director of the Department of Public Works shall be a
444 person especially fitted by education, training, and previous experience to perform the duties of
445 the office.

446 (b) The director of the Department of Public Works shall be responsible to the Town
447 Administrator for the efficient and orderly operation of the department. The director of the
448 Department of Public Works shall be responsible for the supervision of all public works
449 operations of the Town placed under the control of the director of public works by the Charter,
450 the By-Laws, administrative codes, the General Laws or otherwise including, but not limited to,
451 the department's principal functions, as well as refuse disposal, forestry service, protection of
452 natural resources, and maintenance of physical plant.

453 (c) The Town Administrator shall be responsible to the Select Board for the planning and
454 coordination of Department of Public Works projects. To assist in the planning and coordinating
455 functions, the Town Administrator may appoint a public works advisory board of three (3)
456 members for indefinite terms, whose training, occupation or experience indicate qualification for
457 service on such a board. This board shall serve in an advisory capacity to the Town
458 Administrator and director and shall not become involved in the day-to-day operations of the
459 department.

460 (d) Other functions and duties, the nature of which are related to a Department of Public
461 Works, may be assigned to the department from time-to-time by By-Law or
462 administrative code as provided in Section 5-1.

463 Section 5-5 - Public Building Maintenance

464 (a) The responsibility for the maintenance and repair of all Town owned buildings and
465 grounds shall be consolidated under the Select Board, who shall oversee maintenance of all
466 Town buildings as set forth in Section 4-2(i). The Select Board, after consultation with the
467 School Committee where appropriate, shall determine the manner in which such responsibility
468 shall be assumed and the services delivered. The Select Board and the School Committee may
469 from time-to-time, but no less than annually, meet or otherwise communicate to assure the
470 proper maintenance of all school buildings.

471 (b) Nothing in this section shall be construed so as to interfere in any way with the
472 appointment by the School Committee, or by other school department personnel serving under it,
473 of the maintenance personnel in school buildings who perform, so-called, ordinary maintenance.
474 It is the intention of this provision however, that standards for the work to be performed will be
475 established jointly by the School Committee and the Select Board.

476 ARTICLE 6: FINANCES AND FISCAL PROCEDURES

477 Section 6-1 - Fiscal Year

478 The fiscal year of the Town shall be as required by the General Laws.

479 Section 6-2 - Submission of Budget and Budget Message

480 On or before a date determined by the Select Board, the Town Administrator shall submit
481 to the Select Board a proposed operating budget for the ensuing fiscal year with an
482 accompanying budget message and supporting documents.

483 Section 6-3 - Budget Message

484 (a) The message of the Town Administrator shall explain the budget for all departments
485 and agencies both in fiscal terms and in terms of work programs, point out all major deviations
486 from the current year and the reasons therefore, provide an outline of general problems,
487 summarize the Town's debt position, and include such other material as the Town Administrator
488 may deem desirable or the Select Board may instruct.

489 (b) The budget message shall include all the expected revenues and expenses of the Town
490 (including the schools) projected over, at least, a five (5) year period, and this message is
491 to be included in the report of the Advisory Committee.

492 (c) When the budget is subject to an amendment at Town Meeting which adjusts a line
493 item upward, said amendment must identify the funding source as either: (i) from available
494 revenue, (ii) a decrease in another line item, or (iii) a combination of available revenue and a
495 decrease in another line item.

496 Section 6-4 - The Budget

497 The budget shall provide a complete financial plan of all Town funds and activities,
498 including the budget adopted by the School Committee, for the ensuing year. Except for the
499 school budget, or as may be required by the General Laws or by the Charter, it shall be in the
500 form which the Town Administrator deems desirable or the Select Board may require. In the
501 presentation of the budget, the Town Administrator shall utilize modern concepts of fiscal
502 presentation so as to furnish maximum information and the best financial control. The budget
503 shall show in detail all estimated income from the proposed property tax levy and other sources
504 and all proposed expenditures, including debt service for the following year. The budget shall be

505 arranged to show the actual and estimated income and expenditures for the previous, current and
506 at least the next five (5) fiscal years and shall indicate in separate sections:

507 (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed
508 by agency and position in terms of work programs, and the method of financing such
509 expenditures;

510 (b) Proposed capital expenditures during the ensuing fiscal year, detailed by Town
511 agency, and the proposed method of financing each such capital expenditure; and,

512 (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including
513 estimated balances in any special accounts established for specific purposes.

514 Section 6-5 - Action on the Budget

515 (a) The Select Board shall review the proposed budget and make such changes as it
516 considers necessary to reflect its stated policies. It shall return the proposed budget to the Town
517 Administrator for revision and arranging for the delivery of the document to the Advisory
518 Committee on or before a date agreed upon by the Advisory Committee, which shall in no event
519 be less than seventy-five (75) days prior to the annual Town Meeting. At least fourteen (14) days
520 before Town Meeting, the Select Board and the Advisory Committee shall jointly hold one (1) or
521 more public hearings on the proposed budget.

522 (b) The proposed budget shall include the budget adopted by the School Committee,
523 insofar as permitted by law, to fund the operations and equipment of the schools.

524 Section 6-6 - Capital Improvement Program

525 (a) The Select Board shall be responsible for preparation and annual revision of the
526 capital improvement program. To assist it in doing so and to advise the voters at Town Meeting
527 on capital planning matters, there shall be a Capital Planning Committee consisting of five (5)
528 voting members who shall be residents of the Town appointed by the Moderator for overlapping
529 three (3) year terms. The Capital Planning Committee shall also consist four (4) non-voting
530 advisory members, including the Town Administrator, one (1) member of the Select Board, one
531 (1) member of the Advisory Committee, and one (1) member of the School Committee, in each
532 case designated annually by their respective Multiple Member Body.

533 (b) The capital improvement program shall include: (i) a clear, concise, summary of it
534 contents; (ii) a list of all capital improvement projects and needs to be undertaken during the
535 ensuing five (5) years with supporting documentation, in such form as the Town Administrator
536 shall prescribe, describing the need for each project; (iii) cost estimates, methods of financing
537 and recommended time schedule for each project; and (iv) the estimated annual cost of operating
538 and maintaining each facility and major piece of equipment involved.

539 (c) The Town Administrator shall submit annually to the Select Board and Capital
540 Planning Committee recommendations for the capital improvement program not less than five
541 (5) months prior to the annual Town Meeting.

542 (d) The Capital Planning Committee shall submit annually to the Select Board a report
543 summarizing their recommendations not less than three (3) months prior to the annual Town
544 Meeting. The Select Board shall base its final capital improvement program on the Capital
545 Planning Committee's report with such changes as it considers necessary. The Select Board shall
546 deliver this plan to the Advisory Committee not less than sixty (60) days prior to the annual

547 Town Meeting. The Advisory Committee shall forthwith proceed to consider the program and
548 shall, in its report to the annual Town Meeting, make such recommendations as it deems to be in
549 the best interests of the Town, both with respect to the capital budget for the next fiscal year and
550 the schedule for the ensuing years.

551 Section 6- 7 - Financial Forecasting Committee

552 (a) Composition - There shall be a Financial Forecasting Committee which shall consist
553 of nine (9) members, as follows: the Town Administrator, the treasurer/collector, the Town
554 accountant, the director of assessing, the business manager of the school department, a member
555 of the Advisory Committee, a member of the Capital Planning Committee, a member of the
556 Select Board and a member of the School Committee.

557 (b) Powers and Duties - The Financial Forecasting Committee shall, annually, prepare a
558 five (5) year, non-binding financial forecasting plan which projects revenues, revenue sources
559 and expenditures for the five (5) years next ensuing. The forecast shall include all elements of
560 revenue, operating expense and debt service.

561 (c) The Financial Forecasting Committee shall prepare quarterly updates of its
562 projections to the Select Board. The quarterly update for the last quarter of the calendar year
563 shall be delivered to the Advisory Committee not later than the last Friday in January.

564 (d) The report of the Financial Forecasting Committee shall be shared not only with the
565 Select Board and the School Committee but it is also to be shared with the voters of the Town of
566 Scituate. The report shall be included in the report of the Advisory Committee published for
567 Town Meetings, in the annual Town report, on the Town's internet site and in any other media as
568 the Financial Forecasting Committee may from time-to-time designate.

569 Section 6-8 - Approval of Warrants

570 The Town Administrator shall be the chief fiscal officer of the Town. Warrants for
571 the payment of Town funds prepared by the Town accountant in accordance with the provisions
572 of the General Laws shall be submitted to the Town Administrator or the Town Administrator's
573 designee. The approval of any such warrant by the Town Administrator shall be sufficient
574 authority to authorize payment by the Town treasurer. If the Town Administrator is absent, or for
575 other cause cannot sign the warrant, the acting Town Administrator shall have the authority to do
576 so.

577 ARTICLE 7: GENERAL PROVISIONS

578 Section 7-1 - Nominations and Elections

579 (a) Nominations - The number of signatures of voters required to place the name of a
580 candidate on the official ballot for use at a Town election shall be not less than one hundred
581 (100) signatures. Nomination papers shall not contain the name of more than one (1) candidate.

582 (b) Elections - The articles in the warrant for every Town Meeting, as far as they relate to
583 the election of the Select Board, School Committee, Moderator, Planning Board and Housing
584 Authority, other Town officers, to referenda and all other matters to be acted upon and
585 determined by ballot shall be acted upon and determined by the voters.

586 (c) The regular Town elections shall be taken on official ballots without party or political
587 designation on the date fixed in the By-Laws of the Town.

588 Section 7-2 - Charter Changes

589 The Charter may be replaced, revised or amended in accordance with the procedures
590 made available by Article LXXXIX of the amendments to the constitution and as provided for in
591 chapter 43B, the Home Rule Procedures Act, of the General Laws.

592 Section 7-3 - Severability

593 The provisions of the Charter are severable, if any provision of the Charter is held
594 invalid, the other provisions of the Charter shall not be affected thereby. If the application of the
595 Charter or any of its provisions to any person or circumstance is held invalid, the application of
596 the Charter and its provisions to other persons and circumstances shall not be affected thereby.

597 Section 7-4 - Specific Provisions Shall Prevail

598 To the extent that any specific provision of the Charter shall conflict with any provision
599 expressed in general terms, the specific provision shall prevail.

600 Section 7-5 - References to General Laws

601 All references to the General Laws contained in the Charter refer to the General Laws of
602 the Commonwealth of Massachusetts and are intended to include any amendments or revisions
603 to such chapters and sections or to the corresponding chapters and sections of any rearrangement
604 of the General Laws enacted subsequent to the adoption of the Charter.

605 Section 7-6 - Computation of Time

606 In computing time under the Charter, if seven (7) days or less, "days" shall refer to
607 business days and shall not include Saturdays, Sundays or legal holidays. If more than seven (7)
608 days is noted every day shall be counted.

609 Section 7-7 - Definitions

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

612 (a) Advisory Committee - shall mean the Multiple Member Body appointed by the
613 Moderator as described in Section 2-2.

614 (b) By-Laws - shall mean the By-Laws of the Town.

615 (c) Capital Planning Committee - shall mean the Multiple Member Body described in
616 Section 6-6.

617 (d) Charter - shall mean this Charter and any amendments to it made through any of the
618 methods provided under article LXXXIX of the amendments to the state constitution.

619 (e) Commonwealth - shall mean the Commonwealth of Massachusetts.

620 (f) Financial Forecasting Committee - shall mean the Multiple Member Body described
621 in Section 6-7.

622 (g) General Laws - shall mean the General Laws of the Commonwealth of Massachusetts.

623 (h) Majority Vote - shall mean a majority of those present and voting; provided that a
624 quorum of the body is present.

625 (i) Moderator - shall mean the person elected to serve as the Moderator of the Town as
626 described in Section 3-3.

627 (j) Multiple Member Body - shall mean any board, commission or committee
628 consisting of two or more persons whether elected or appointed.

629 (k) Policy - shall mean a statement of general purpose or a goal, from which specific
630 administrative procedures or regulations may be developed.

631 (l) School Committee - shall mean the persons elected to serve on the Multiple Member
632 Body as described in Section 3-4.

633 (m) Select Board - shall mean the persons elected to serve on the Multiple Member Body
634 as described in Section 3-2.

635 (n) Town - shall mean the Town of Scituate.

636 (o) Town Administrator - shall mean the person hired in accordance with the provisions
637 of Article 4 responsible for the administration of the Town.

638 (p) Town Agency - shall mean any board, commission, committee, department or office
639 of the Town government.

640 (q) Town Clerk - shall mean the person elected to serve as the clerk of the Town as
641 described in Section 3-7.

642 (r) Town Meeting - shall mean any annual or special Town Meeting held by the voters to
643 conduct Town business.

644 (s) Voters - shall mean registered voters of the Town of Scituate.

645 Section 7-8 - Rules and Regulations

646 A copy of all rules and regulations adopted by any Town agency shall be filed in the
647 office of the Town Clerk and made available for review by any person who requests such
648 information. Such rules and regulations shall become effective when filed or as otherwise
649 provided by law.

650 Section 7-9 - Re-Enactment and Publication of By-Laws

651 (a) At intervals of not more than five (5) years, proposed revisions or re-codification of
652 the By-Laws shall be presented to the Town Meeting for re-enactment. Immediately following
653 the annual Town Meeting preceding the year in which such presentation is to be made, the Select
654 Board shall appoint a special By-Law review committee to prepare such revisions or re-
655 codifications. In reviewing the By-Laws, the committee shall have the assistance of Town
656 Counsel or a special counsel appointed for that purpose.

657 (b) Within eight (8) months following appointment, the committee shall prepare
658 preliminary report and cause its report to be published as required by the General Laws or special
659 mandate of the Commonwealth and posted to the Town website.

660 (c) The report shall include (i) a summary of its recommendations; (ii) the places where
661 the complete report is available for inspection; and (iii) the date (not less than two (2) weeks
662 following such publication), time, and place of a public hearing to be held on the report.

663 (d) Copies of revised By-Laws enacted by the Town Meeting shall be made available for
664 public distribution at the office of the Town Clerk.

665 Section 7-10 - Recall Petitions

666 (a) Who can be Recalled - Any holder of an elective office, as defined in section 3-1(a),
667 may be recalled there from by the voters as herein provided.

668 (b) (1) Recall Petition - Any twenty-five (25) voters, of the Town may file with the Town
669 Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the
670 grounds of recall. The Town Clerk shall thereupon deliver to said voters making the affidavit
671 copies of petition blanks demanding such recall, printed forms of which shall be kept available.
672 The blanks shall be issued with the signature and official seal of the Town Clerk attached
673 thereto. They shall be dated, shall be addressed to the Select Board and shall contain the names
674 of all persons to whom they are issued, the name of the person whose recall is sought, the
675 grounds for recall as stated in the affidavit, and shall demand the election of a successor in the
676 said office. A copy of the petition shall be entered in a record book to be kept in the office of the
677 Town Clerk. The recall petitions shall be returned and filed with the Town Clerk within twenty
678 (20) days following the date of the filing of the affidavit, and shall have been signed by at least
679 fifteen per cent (15%) of the voters of the Town. Each voter who signs the petition shall also add
680 the street and number, if any, of their residence.

681 (2) The Town Clerk shall, within twenty-four (24) hours of receipt, submit the petition to
682 the registrars of voters, and the registrars shall forthwith certify thereon the number of signatures
683 which are names of voters.

684 (c) Select Board's Action on Receiving Petition - If the petition shall be found and
685 certified by the Town Clerk to be sufficient, it shall be submitted, with the certificate, to the
686 Select Board without delay. Upon its receipt of the petition and certificate the Select Board shall
687 forthwith give written notice of such petition and certificate to the officer sought to be recalled.

688 If the officer sought to be recalled does not resign from office within five (5) days after delivery
689 of the notice by the Select Board, the Select Board shall order an election of the Town to be held
690 on a date fixed by them not less than sixty-four (64) nor more than seventy-four (74) days after
691 the date of the Town Clerk's certificate that a sufficient petition is filed; provided, however, that
692 if any other Town election is to occur within ninety (90) days after the date of the certificate, the
693 Select Board shall postpone the holding of the recall election to the date of such other election. If
694 a vacancy occurs in said office after a recall election has been ordered, the election shall
695 nevertheless proceed as provided in this section.

696 (d) Nomination of Candidates - Any officer sought to be removed may be a candidate to
697 be re-elected to the office, and unless the person being recalled requests otherwise in writing, the
698 Town Clerk shall place the name on the ballot without nomination. The nomination of other
699 candidates, the publication of the warrant for the removal election, and the conduct of the same,
700 shall all be in accordance with the provisions of law relating to elections, unless otherwise
701 provided in this section.

702 (e) Incumbent Holds Office Until Election - The incumbent shall continue to perform the
703 duties of the office until the recall election. If then re-elected, such person shall continue in office
704 for the remainder of the unexpired term, subject to recall as before, except as provided in this
705 section. If not re-elected in the recall election, such person shall be deemed removed upon the
706 qualification of the successor, who shall hold office during the unexpired term. If the successor
707 fails to qualify within five (5) days after receiving notification of election, the incumbent shall
708 thereupon be deemed removed and the office vacant.

709 (f) Propositions on Ballot - Ballots used in a recall election shall submit the following
710 propositions in the order indicated:

711 For the recall of (name of officer)

712 Against the recall of (name of officer)

713 Under the proposition shall appear the word "candidates", and beneath this the names of
714 candidates nominated as herein before provided. If a majority of the votes cast upon the question
715 of recall is in the affirmative, the candidate receiving the highest number of votes shall be
716 declared elected. If a majority of votes on the question is in the negative the ballots for
717 candidates need not be counted.

718 (g) Appointment of Person Recalled - No person who has been recalled from an office, or
719 who has resigned from office while recall proceedings were pending against them, shall be
720 appointed to any Town office within two (2) years after such recall or such resignation.

721 Section 7-11 - Procedures

722 (a) In General - All Multiple Member Bodies, whether elected or appointed, shall conduct
723 their meetings as provided by the General Laws, with respect to prior posted notices, quorums,
724 use of executive sessions, maintenance of records, and the public availability of those records.
725 Upon being sworn in, each person elected or appointed to such a body shall be given a copy of
726 the applicable laws by the Town Clerk.

727 (b) Agendas - At least forty-eight (48) hours, or as required by the General Laws or
728 special mandate of the Commonwealth, before each meeting of a Multiple Member Body, such
729 committee shall post an agenda of all matters on which it will act at that meeting on the Town

730 bulletin board(s). No action taken on a matter not on the posted agenda shall be valid, unless
731 such body first adopts, by a separate vote, a resolution declaring that an emergency exists and
732 that action must be taken for the immediate preservation of peace, health, safety or convenience
733 of the Town.

734 (c) Rules - Each Multiple Member Body shall determine its own rules and order of
735 business unless otherwise provided in the By-Laws.

736 (d) Voting - Except on procedural matters, all votes of Multiple Member Bodies shall be
737 taken by calling the roll and recording the ayes and nays in the minutes. If, however, a vote is
738 unanimous, only that fact need be recorded.

739 (e) Petitions for Meetings - Should a Multiple Member Body fail to hold a meeting within
740 a reasonable time, based on its normal schedule, or persist in refusing to consider a matter
741 requested of it by a citizen, any fifty (50) voters or one-third (1/3) of the members of that body
742 may deliver a petition, calling for a special meeting and stating the purpose for which it is to be
743 held, to the Town Clerk who shall promptly post notice of the meeting, to be held within seven
744 (7) days, and so notify the members of that body in writing. In the case of an appointed body, if
745 such meeting then fails to take place for lack of a quorum, any fifty (50) voters or one-third (1/3)
746 of its members may petition its appointing authority to declare vacant the offices of the absent
747 members.

748 Section 7-12 - Removals and Suspensions

749 (a) Any appointed officer or full-time salaried employee of the Town, not subject to the
750 provisions of the Commonwealth's civil service law, whether appointed for a fixed or an
751 indefinite term, may be suspended or removed from office by the appointing authority for cause.

752 The term cause shall include, but not be limited to, the following: incapacity other than
753 temporary illness, inefficiency, insubordination and conduct unbecoming the office.

754 (b) Any appointed officer or full-time salaried employee of the Town may be suspended
755 from office by the appointing authority if such action is deemed by them to be necessary to
756 protect the interests of the Town. Suspension may be conterminous with removal and shall not
757 interfere with the rights of the officer or employee under the removal procedure given below.

758 (c) The appointing authority when removing any such officer or employee shall act in
759 accordance with the following procedures:

760 (i) A written notice of the intent to remove and a statement of the cause or causes
761 therefore shall be delivered by registered mail to the last known address of the person sought to
762 be removed.

763 (ii) Within five (5) days of delivery of such notice the officer or employee may request a
764 public hearing at which they may be represented by counsel, shall be entitled to present
765 evidence, call witnesses and to question any witness appearing at the hearing.

766 (iii) Between one (1) and ten (10) days after the public hearing is adjourned, or if the
767 officer or employee fails to request a public hearing between six (6) and fifteen (15) days after
768 delivery of the notice of the intent to remove. The appointing authority shall take final action
769 either removing the officer or employee or notifying them that the notice is rescinded.

770 (d) Nothing in this section shall be construed as granting a right to such a hearing when a
771 person who has been appointed for a fixed term is not reappointed when their original term

772 expires. The action of the appointing authority in suspending or removing an officer or employee
773 under this section shall be final.

774 Section 7-13 - Vacancies

775 A vacancy occurring in any office shall be filled in the manner provided by the General
776 Laws, except as provided elsewhere in the Charter or by By-Law.

777 ARTICLE 8: TRANSITIONAL PROVISIONS

778 Section 8-1 - Continuation of Existing Laws

779 (a) All General Laws, special laws, Town By-Laws, and rules and regulations of or
780 pertaining to the Town of Scituate that are in force when this revised Charter takes effect, and
781 not specifically or by implication repealed hereby, shall continue in full force and effect until
782 amended or repealed, or rescinded by due course of law, or until they expire by their own
783 limitation.

784 (b) In any case in which the provisions of this Charter are found to be inconsistent with
785 the provisions of any general or special law which would otherwise be applicable, the provisions
786 of this Charter shall be deemed to prevail. Every inconsistency between the prior law and this
787 Charter shall be decided in favor of this Charter.

788 Section 8-2 - Continuation of Government and Administration

789 All Town agencies shall continue to perform their duties until re-elected, re-appointed, or
790 until successors to their respective positions are duly appointed or elected, or until their duties
791 have been transferred and assumed by another Town agency.

792 Section 8-3 - Effect on Obligations, Taxes, Etc.

793 All official bonds, recognizances, obligations, contracts, and other instruments entered
794 into or executed by or to the Town before the adoption of this Charter, and all taxes, assessments,
795 fines, penalties, forfeitures, incurred or imposed, due or owing to the Town, shall be enforced
796 and collected, and all writs, prosecutions, actions and causes of action, except as herein
797 otherwise provided, shall continue without abatement and remain unaffected by the Charter; and
798 no legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption
799 of this Charter.

800 Section 8-4 - Time of Taking Effect

801 This Charter shall take effect upon its ratification by the voters and in accordance with
802 the following schedule:

803 (a) Time of Meetings - The Town By-Laws control when the annual Town Meeting shall
804 convene. Special Town Meetings shall be convened at such times as may be called by the Select
805 Board, or by petition of registered voters as provided by law, or at such other time or times as
806 may be provided by By-Law of the Town.

807 Section 8-5 - Town Meeting Quorum

808 Town By-Laws shall define quorum requirements for annual and special Town Meetings.

809 SECTION 2. This act shall take effect upon its passage.