

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Durant

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 relative to the town charter for the town of Southbridge.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>9/14/2023</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	<i>10/23/2023</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relative to the town charter for the town of Southbridge.

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 Southbridge:

2 CHAPTER 1

3 INCORPORATION; SHORT TITLE;

4 POWERS; DEFINITIONS

5 SECTION 1 - INCORPORATION

6 1-1-1: The inhabitants of the Town of Southbridge, within the corporate limits as
7 established by law, shall continue to be a body politic and corporate with perpetual succession
8 under the name Town of Southbridge.

9 SECTION 2 - FORM OF GOVERNMENT AND TITLE

10 1-2-1: This charter provides for a Town Council-Town Manager form of Town
11 government and it shall be known by the title of Southbridge Home Rule Charter. The Town of

12 Southbridge shall be governed by the General Laws applicable to towns where the laws of the
13 commonwealth distinguish between towns and cities and all the provisions of law applicable to
14 the Town of Southbridge, except as otherwise specifically provided in this charter; provided,
15 however, section 32 of chapter 40 of the General Laws shall not apply to the Town of
16 Southbridge.

17 SECTION 3 - POWERS

18 1-3-1: Subject only to express limitations on the exercise of any power or function by a
19 municipality in the Constitution or laws of the commonwealth, it is the intent and the purpose of
20 the voters of the Town of Southbridge to secure, through the adoption of this charter, all of the
21 powers it is possible to secure for a municipal government under the Constitution and laws
22 of the commonwealth.

23 SECTION 4 - CONSTRUCTION

24 1-4-1: The powers of the Town of Southbridge under this charter are to be construed
25 liberally in its favor and the specific mention of particular powers is not intended to limit in any
26 way the general powers of the Town of Southbridge as stated in section 1-3-1.

27 SECTION 5 - DEFINITIONS

28 1-5-1: "By-Law": shall refer to a general and permanent legislative enactment by the
29 Town Council establishing the structure of the Town government or prescribing the activities of
30 its citizens.

31 "Charter": shall mean this document and any amendments to it that may hereafter be
32 adopted.

33 "Measure": shall refer to any enactment, vote, resolution or motion by the Town Council
34 other than a by-law.

35 CHAPTER 2

36 THE TOWN COUNCIL

37 SECTION 1 - COMPOSITION

38 2-1-1: A Town Council of 9 members shall be nominated and elected from the Town at-
39 large to serve 3-year staggered terms.

40 SECTION 2 - ELIGIBILITY

41 2-2-1: All qualified voters of the Town shall be eligible to hold the office of Town
42 Councilor except as otherwise limited by this charter.

43 2-2-2: No Town Councilor shall hold any other Town office during their term of office.
44 Any person elected to the Town Council while serving as a municipal employee or officer shall,
45 prior to assuming the office of Town Councilor, resign from said municipal employee or officer
46 position. No Town Councilor or former Town Councilor shall be offered or accept any
47 compensated Town appointive office or employment until 1 year after their term shall have
48 ended.

49 2-2-3: Terms of Town Councilors shall be limited to 3 consecutive terms. For purposes
50 of this section, the word "term" shall mean 3 years or any portion thereof.

51 SECTION 3 - COMPENSATION

52 2-3-1: The Town Council may provide an annual salary for its members. No Town
53 Councilor shall receive said salary nor shall any increase thereof become effective until after the
54 commencement of the next fiscal year.

55 2-3-2: Town Councilors may be reimbursed for actual expenses incurred in the
56 performance of their official duties from an annual appropriation for such purposes.

57 SECTION 4 - GENERAL POWERS AND DUTIES

58 2-4-1: Except as otherwise provided in this charter, all general, corporate, legislative,
59 policy-making and appropriation powers of the Town shall be vested in the Town Council.

60 2-4-2: The Town Council may enact by-laws and other measures and rules and
61 regulations not inconsistent with this charter governing its own proceedings and other matters
62 pertaining to the exercise of its powers and the performance of its duties.

63 2-4-3: The Town Council shall provide for keeping accurate minutes of its proceedings
64 which shall be a public record. Annually, at the reorganizational meeting, the Town Council
65 shall appoint a Recording Secretary and a Clerk of the Town Council. For the purpose of this
66 section only, the Recording Secretary shall be under the jurisdiction of the Town Council.

67 2-4-4: The Town Council may establish committees, subcommittees and advisory
68 committees as it deems reasonable and necessary and such committees may include non-Town
69 Council members. Town Councilor appointments to such committees shall be made by the chair
70 of the Town Council and non-Town Council member appointments to such committees shall be
71 made by the Town Council subcommittee members subject to confirmation by the Town
72 Council, as provided for in section 2-4-2.

73 2-4-5: Town Councilors shall not impede the daily municipal operations, nor give orders
74 or directions to Town officers and employees, either publicly or privately. This prohibition shall
75 not preclude the Town Council or its members from asking questions, seeking information or
76 conducting conversations with said employees.

77 2-4-6: The Town Council or its members may freely and fully discuss with the Town
78 Manager anything pertaining to the appointment or removal of any Town officer or employee,
79 but neither the Town Council nor its members shall in any way dictate the appointment or
80 removal of any Town officer or employee under the jurisdiction of the Town Manager unless
81 otherwise specified by this charter.

82 SECTION 5 - MEETINGS AND QUORUM

83 2-5-1: The Town Council shall meet regularly, at least twice every month. Special
84 meetings may be held if called by the chair or by any 3 members of the Town Council; provided
85 that written notice of such meeting shall have been delivered to each other member at least 48
86 hours in advance thereof and shall have been posted in accordance with state law.

87 2-5-2: All meetings of the Town Council shall be public except, as provided by the
88 General Laws, provisions respecting closed sessions. The agenda for such meetings shall
89 be as determined by the chair and shall follow the order of business set forth in Roberts Rules of
90 Order. Inhabitants and employees of the Town shall have a reasonable opportunity to be heard at
91 any such meeting as set forth in Town Council rules and regulations, except matters that could be
92 subject to executive session.

93 2-5-3: Five members of the Town Council shall constitute a quorum for the conduct of
94 business. A lesser number than the quorum may organize any meeting lacking a quorum in order
95 to adjourn it to a stated date, time and place.

96 2-5-4: In no instance shall it be required that all members of the Town Council be
97 present at a meeting to allow the conduct of business.

98 SECTION 6 - BY-LAWS

99 2-6-1: All proposed by-laws and repeals or amendments to current Town by-laws shall
100 deal with one subject only and shall be submitted in writing to the office of the Town Clerk at
101 least 14 days prior to the date of the first reading by Town Council. Any by-law which repeals
102 or amends part of the Town by-laws shall set out in full in the agenda item for the meeting the
103 section or sections of the Town by-laws to be repealed or amended by the use of strikeout type,
104 brackets or underscoring. All proposed or amended sections of the Town by-laws shall be set out
105 in red or in some other way that easily identifies the proposed amendments or revisions.

106 2-6-2: Any by-law which repeals or amends part of the Town by-laws shall set out in full
107 the section or sections of the Town by-laws to be repealed or amended by the use of strikeout
108 type, brackets or underscoring. Proposed by-laws shall deal with one subject only and shall be
109 introduced in writing in the form required for formal adoption. The Town Council shall ensure
110 the full text of every proposed by-law is posted on the Town website and in any other public
111 media as deemed appropriate by the Town Council.

112 2-6-3: Every Town by-law adopted, amended or repealed shall be read at 3 separate
113 meetings before its passage, as follows:

114 (a) At the first meeting, every proposed Town by-law change shall be read aloud in its
115 entirety by the chair of the Town Council or their designee. Proposed Town by-law amendments
116 shall be read aloud in its entirety by section or sections.

117

118 (b) At the second meeting, a summary of every proposed Town by-law change shall be
119 read aloud by the chair of the Town Council or their designee.

120 (c) At the third meeting, all amendments shall be considered and voted upon, followed by
121 a summary reading of the proposed Town by-law change as amended by the chair of the Town
122 Council or their designee.

123 2-6-4: Final adoption of a Town by-law, amendment or repeal shall occur at the next
124 regularly scheduled Town Council meeting. Publication of the final Town by-law or measure
125 shall be posted on the Town's website within 24 hours of the newly adopted Town by-law or
126 measure. No new amendments shall be allowed at this meeting and published.

127 2-6-5: The affirmative vote of at least 5 members of the Town Council shall be necessary
128 for the passage of any Town by-law, amendment or repeal unless a greater number is prescribed
129 by the General Laws or by this charter and all votes thereon shall be taken by roll call and
130 recorded in the meeting minutes.

131 SECTION 7 - ACTION REQUIRING A BY-LAW

132 2-7-1: In addition to other acts, required by Town by-law or by this charter, to be done
133 by a by-law, those acts of the Town Council shall be by a by-law which: (i) adopts or amends
134 administrative by-laws or establishes, alters or abolishes any Town department, office or agency;

135 and (ii) provides for a fine or other penalty or establish a rule or regulation for violation of which
136 a fine or other penalty is imposed.

137 SECTION 8 - FILLING VACANCIES IN THE TOWN COUNCIL

138 2-8-1: A vacancy in the office of Town Councilor whether caused by death, resignation
139 or removal shall be filled by a special election to be called within 30 days of said vacancy unless
140 a regular Town election shall occur within 180 days.

141 SECTION 9 - THE CHAIR AND VICE-CHAIR OF THE TOWN COUNCIL;

142 ELECTION AND REMOVAL

143 2-9-1: On the first regularly scheduled meeting on or after July 1 following the Town
144 elections and after newly elected members shall have taken office, the Town Council shall
145 organize itself and elect 1 of its members to serve as chair of the Town Council and as vice-chair
146 of the Town Council, both for a term expiring at the first regularly scheduled Town Council
147 meeting on or after July 1 following the Town elections the next year. The chair pro tem of the
148 organizational meeting would be the senior in point of service or if equal in service, senior in
149 age.

150 2-9-2: The chair shall preside at meetings of the Town Council, shall be recognized as
151 head of the Town government for all ceremonial purposes and shall be the point of contact on
152 behalf of the Town Council in case of an emergency.

153 2-9-3: The chair may be removed from office by a 2/3 vote of the entire Town Council, a
154 minimum of 6 votes. Any member of the Town Council at any point may make a motion to

155 remove the chair and if the motion is seconded, the motion shall be debated and voted upon at
156 that time, without exception, by the Town Council.

157 2-9-4: The vice-chair shall automatically become chair in the event of the permanent
158 disability, death, resignation or removal of the chair. A new vice-chair shall be elected by a
159 majority vote of the Town Council at the first regularly scheduled meeting called by the new
160 chair.

161 2-9-5: The vice-chair may be removed from office by a 2/3 vote of the entire Town
162 Council, a minimum of 6 votes. Any member of the Town Council at any point may make a
163 motion to remove the vice-chair and if the motion is seconded, the motion shall be debated and
164 voted on by the Town Council at that time, without exception. A new vice-chair shall be elected
165 by a majority vote of the Town Council at the next regularly scheduled meeting.

166 CHAPTER 3

167 OTHER ELECTED TOWN BOARDS AND OFFICERS

168 SECTION 1 - GENERAL PROVISIONS

169 3-1-1: Members of Town boards to be elected by the qualified voters of the Town shall
170 be, in addition to the Town Council:

171 (a) 7 members of a School Committee;

172 (b) 2 members of a Regional Vocational School Committee;

173 (c) 1 Town Clerk;

174 (d) 4 members of a Housing Authority in accord with applicable law;

175 (e) 4 members of a Redevelopment Authority; and

176

177 (f) 2 part time members to the Board of Assessors.

178 3-1-2: Boards and commissions, established under this charter, shall perform their
179 functions and duties in accordance with the Constitution, the General Laws, this charter and
180 Town by-laws.

181 3-1-3: During the term for which they were elected and for 1 year following the
182 expiration of this term, no member of any board or commission, established under this charter,
183 shall be eligible to accept any appointed paid Town position under jurisdiction of the board of
184 which they were a member.

185

186 3-1-4: Members of boards and committees, established under this charter, may be
187 reimbursed for actual expenses incurred in the performance of their official duties from an
188 annual appropriation made for such purposes.

189 3-1-5: Any elected or appointed member of a quasi-judicial board (Zoning Board of
190 Appeals, the Conservation Commission, the Board of Health, the Liquor Licensing Board
191 and the Special Permit Granting Authority) shall be limited to 1 such board and ineligible to
192 serve on any other such quasi-judicial board during that member's term.

193 SECTION 2 - VACANCIES

194 3-2-1: Vacancies in the elected Town boards, established under this charter, shall be
195 filled by a majority vote of the Town Council in joint convention with a majority of the
196 remaining members of the respective board within 60 days unless a regular Town election shall
197 occur within 120 days, but only until the next Town election.

198 SECTION 3 - REGIONAL VOCATIONAL SCHOOL COMMITTEE

199 3-3-1: Terms for the 2 members of the Southern Worcester County Regional Vocational
200 School Committee, (Bay Path) shall be for 3 years. The terms are to be staggered.

201 SECTION 4 - TOWN CLERK

202 3-4-1: The Town Clerk shall be elected to serve for a 3-year term. The Town Clerk shall
203 receive such compensation not to exceed the amount appropriated by the Town Council.

204 SECTION 5 - HOUSING AUTHORITY

205 3-5-1: A Housing Authority of 5 members who shall be elected or appointed as provided
206 by state law.

207 SECTION 6 - REDEVELOPMENT AUTHORITY

208 3-6-1: A Redevelopment Authority of 5 members, 4 of whom shall be elected and 1 of
209 who shall be appointed as provided by state law.

210 SECTION 7 - BOARD OF ASSESSORS

211 3-7-1 : The Board of Assessors, 2 part-time members, elected by the voters for 3-year
212 staggered terms and a third member who shall be full time, appointed by the Town Manager for a
213 3-year term and shall be the Clerk of the Board of Assessors.

214 SECTION 8 - POWERS, DUTIES AND COMPENSATION

215 3-8-1: Officers and members of boards, established under this chapter, unless otherwise
216 provided herein, shall exercise such powers and duties as are and may be provided by the
217 General Laws, this charter or Town by-laws.

218 3-8-2: Officers and members of boards, established under this chapter, may receive such
219 compensation as may be authorized and established by the Town Council within limits of
220 an appropriation made for that purpose.

221

222 CHAPTER 4

223 TOWN MANAGER

224 SECTION 1 - APPOINTMENT AND QUALIFICATIONS

225 4-1-1: The Town Council, by a majority vote of its full membership, a minimum of 5
226 votes, shall appoint or reappoint, as the case may be, a Town Manager who shall administer and
227 implement the directives and policies adopted by the Town Council pursuant to section 108N of
228 chapter 44 of the General Laws.

229 4-1-2: In seeking candidates, the chair of the Town Council shall appoint a search
230 committee of 7 members, 2 of whom shall be members of the Town Council and 5 of whom
231 shall be residents of the Town who are not holding elective office and are not compensated
232 employees of the Town. The appointment of the non-Town Council members of such committee
233 shall be subject to confirmation by the Town Council.

234 The search committee may, in its discretion, subject to appropriation of sufficient funds
235 by the Town Council, engage a professional search firm.

236 4-1-3: The Town Manager shall be appointed solely on the basis of educational,
237 executive and administrative qualifications and experience which shall include at least a
238 bachelor's degree from an accredited 4-year degree granting institution and shall include
239 professional experience of at least 3 years full time, compensated, supervisory service in
240 municipal administration and shall serve at the pleasure of the Town Council. To be considered
241 for appointment such experience shall be certified to the Town Council by an appropriate official
242 of the entity where such experience was obtained.

243 If a resident of the Town, the successful candidate shall have held no elective municipal
244 office for a period of 1 year prior to appointment.

245 4-1-4: Upon appointment or reappointment, as the case may be, the Town Council shall
246 enter into a written contract with the Town Manager. Nothing in said contract shall affect the
247 appointment or removal powers of the Town Council over the Town Manager, as hereinafter set
248 forth.

249 SECTION 2 - POWERS, DUTIES AND ROLE

250 4-2-1: The Town Manager shall be the Chief Administrative Officer of the Town and
251 shall be directly responsible and accountable to the Town Council for the effective
252 administration of all Town affairs placed in their charge by the Town Council or this charter.

253 The Town Manager shall serve as a resource to the Town Council. The Town Council
254 shall provide policy and political leadership for the Town. The Town Manager shall bring policy

255 issues to the Town Council to consider in making policy choices and shall then implement the
256 policies adopted by the Town Council.

257 4-2-2: The Town Manager shall devote their full-time to the duties of the office and shall
258 engage in no other business or occupation. The Town Manager shall hold no elective or
259 appointed office without advance authorization of the Town Council.

260 4-2-3: The Town Manager shall:

261 (a) attend all Town Council meetings, except when excused and shall have the right to
262 speak but not to vote; attend all subcommittee meetings or assign a designee to attend, except
263 when excused and shall have the right to speak but not to vote;

264 (b) keep the Town Council fully informed regarding Town and departmental operations,
265 fiscal affairs, general problems and administrative actions; shall keep the Town Council fully
266 advised as to the financial condition of the Town by filing written reports with the Town Council
267 not less frequently than quarterly throughout the year; shall provide the Town Councilors with
268 such Town records and shall generate such reports as may be requested by a majority of the
269 Town Council;

270 (c) keep the Town Council fully informed as to the long range needs of the Town, the
271 practices and governmental trends of other communities and the laws of the commonwealth and
272 regulations of the commonwealth and make such recommendations to the Town Council as
273 deemed necessary and appropriate;

274 (d) prepare, assemble and present to the Town Council the annual Town operating and
275 capital budgets, present said budgets to the Town Council in a format acceptable to the Town
276 Council and cooperate with the Town Council in all financial matters;

277 (e) serve as general ombudsman for the Town in all matters other than those involving
278 members of the Town Council;

279 (f) maintain an inventory of all Town real and personal property;

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281 (g) be responsible for the daily administration of the personnel system, including the
282 maintenance of personnel records and enforcement of personnel rules and regulations;

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284 (h) except as otherwise set forth in the General Laws or this charter, the Town Manager
285 shall serve as the Chief Procurement Officer for the Town, excluding the school department;

286 (i) be responsible for the maintenance of all buildings and property owned or leased by
287 the Town;

288 (j) perform such other duties as may be required by this charter, Town by-law or order of
289 the Town Council;

290 (k) the Town Manager shall propose and the Town Council may adopt personnel rules
291 providing for the job descriptions for all Town positions, based on the duties, responsibilities and
292 authority of each position, with adequate provisions for reclassification of any position whenever

293 warranted by changed circumstances and such other practices and procedures as may be deemed
294 necessary for the administration of the Town's personnel system;

295 (l) execute all deeds conveying Town real property, but any such conveyance shall have
296 been previously authorized by the vote of the Town Council pursuant to the applicable
297 provisions of the General Laws;

298 (m) to negotiate or cause to be negotiated all contracts involving any subject within the
299 jurisdiction of the office of Town Manager; and

300 (n) be responsible for the coordination of the activities of all agencies under their control
301 with the activities of all other Town agencies, including those elected by the voters of the Town
302 of Southbridge and those appointed by other elected officials

303 4-2-4: Subject to confirmation by the Town Council, the Town Manager shall have the
304 power to appoint, on the basis of merit and fitness alone: (i) a fire chief; (ii) a police chief; (iii) a
305 Director of Public Works; (iv) a Town Treasurer; (v) a Town Collector; (vi) a veterans agent;
306 (vii) a Director of Inspection Services and all inspectors except as otherwise provided by the
307 General Laws; (viii) upon recommendation of the chief, a police department; (ix) upon
308 recommendation of the chief, a fire department; (x) upon recommendation of the Director, a
309 department of Public Works; (xi) a Finance Director; (xii) a Town Accountant; (xiii) 1 full time
310 Assessor who shall assume the duties of the Clerk of the Board of Assessors; (xiv) upon the
311 recommendation of the Trustees of the Library, a Library Director; and (xv) such other
312 individual Town officers as are authorized by the General Laws, this charter or Town by-laws
313 and for whom appointment is not otherwise provided.

314 The Town may enter into contracts with such departments and individuals as may be
315 allowed by civil service, collective bargaining or state law.

316 4-2-5: The Town Manager shall, within 12 months of the start of their employment, be a
317 resident of the Town of Southbridge and shall not cease to be a resident during their employment
318 by the Town. The Town Council may, annually, by a 2/3 vote of the entire Town Council,
319 at least 6 Town Councilors, waive this requirement.

320 SECTION 3 - POWER TO APPOINT TOWN BOARDS AND COMMISSIONS

321 4-3-1: The Town Manager shall have the power to appoint, subject to confirmation by
322 the Town Council, the following boards and commissions:

323 (a) a 5 member Board of Health;

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325 (b) a 5 member Planning Board, with 2 alternate members;

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327 (c) a 3 member Board of Registrars;

328 (d) a 5 member Zoning Board of Appeals, with 2 alternate members;

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330 (e) a 5 member Conservation Commission; with 2 alternate members;

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332 (f) a 5 member Liquor Licensing Board with 1 alternate member; and

333 (g) the members of such other boards and commissions as the Town Council
334 deems appropriate to establish.

335 The terms of the members of such boards and commissions shall be staggered.

336 4-3-2: The Town Manager shall have the power to appoint, subject to confirmation by
337 the Town Council, the following Town boards and commissions: Constables,
338 Commissioners of Trust Funds and Trustees of Soldiers, Sailors, Marines and Airmen
339 Memorials.

340 4-3-3: The Town Manager shall have the power to appoint, subject to confirmation by
341 the Town Council, such other members of boards and commissions as are authorized by the
342 General Laws, this charter or Town by-laws and for whom appointment is not otherwise
343 provided.

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345 SECTION 4 - POWER TO RESCIND APPOINTMENTS

346 4-4-1: The Town Manager shall have the power to rescind appointments, subject to
347 confirmation by the Town Council, for cause including, but not limited to, excessive and un-
348 excused absenteeism, incapacity other than temporary illness, inefficiency, insubordination or
349 conduct unbecoming an officer and any appointment made by them to any board, commission,
350 committee or individual office under the authority of this charter; provided that the appointee
351 shall first have been served with written notice of the Town Manger's intention specifying the
352 reasons for the proposed removal and informing the appointee of their right to be heard at a
353 public hearing, if requested.

354 SECTION 5 - REORGANIZATION PLANS BY THE TOWN MANAGER

355 4-5-1: The Town Manager may propose a plan, subject to applicable laws and the terms
356 of this charter, to establish, reorganize, consolidate or abolish any Town agency under their
357 jurisdiction. Such reorganization plan may not be amended by the Town Council but shall either
358 be approved or disapproved in the form as submitted.

359 SECTION 6 - REMOVAL OF THE MANAGER

360 4-6-1: Removal of the Town Manager prior to the expiration of their term of
361 appointment shall be effectuated by a 2/3 vote of the entire Town Council, a minimum of 6
362 votes, at a Town Council open meeting. Such vote shall immediately rescind said appointment.

363 SECTION 7 - ACTING TOWN MANAGER

364 4-7-1: During the temporary absence of the Town Manager, an Acting Town Manager
365 shall be appointed by the Town Council to perform the duties of the Town Manager. Any
366 permanent vacancy in the office of the Town Manager shall be filled as soon as possible by the
367 Town Council. The original term of service of any person as Acting Town Manager may not
368 exceed 12 months. However, subsequent terms of service may be extended by a majority vote of
369 the Town Council. Compensation for such person shall be set by the Town Council. Except as
370 otherwise prohibited by this charter, nothing in this section shall prevent an Acting Town
371 Manager from being appointed as Town Manager.

372 During a period of absence of the Town Manager, pending the appointment of an Acting
373 Town Manager, the Finance Director shall perform the duties of the Town Manager; provided,

374 however, that an Acting Town Manager, who is not a member of the Town Council, shall be
375 appointed by the Town Council as soon as possible.

376 CHAPTER 5

377 SCHOOL COMMITTEE

378 SECTION 1 - COMPOSITION

379 5-1-1: There shall be a School Committee of 7 members. All members of the committee
380 shall be elected for terms of 3 years. The terms shall be staggered so at least 2 members
381 are elected each year. All School Committee members shall be elected by the voters at-large. The
382 members and chair of the School Committee shall receive compensation identical to that
383 received by the members and chair of the Town Council, if any.

384 SECTION 2 - POWERS AND DUTIES

385 5-2-1: The School Committee, established under this charter, shall have general charge
386 of the public schools of the Town. The School Committee shall have the power to select and
387 terminate a superintendent of schools, establish educational goals and policies for the schools
388 consistent with the requirements of the laws of the commonwealth and standards established by
389 the commonwealth. The School Committee shall have all the powers and duties given to school
390 committees by the laws of the commonwealth.

391 CHAPTER 6

392 DEPARTMENT OF PUBLIC WORKS

393 SECTION 1 - ESTABLISHMENT

394 6-1-1: There shall be established in the Town of Southbridge a department of Public
395 Works administered by the Town Manager.

396 6-1-2: The responsibilities of the following departments shall be incorporated in the
397 department of Public Works: Highway department, Engineering department, Sewer
398 department, Parks department, maintenance function of the Recreation Committee, Cemetery
399 department, Tree Warden, Moth Superintendent, Fence Viewer, ELD Driver, Custodian of Town
400 structures, Water department and other related functions.

401 6-1-3: There shall be a Director of Public Works, appointed for a 3-year term by the
402 Town Manager subject to confirmation by the Town Council. The Director shall report directly
403 to the Town Manager.

404 6-1-4: The Director may be removed in the same manner as other Town department
405 heads as provided by this charter.

406 SECTION 2 - POWERS AND DUTIES OF THE DIRECTOR

407 6-2-1: The powers and duties of the Director of the department of Public Works, in
408 addition to those otherwise conferred or imposed by state law or this charter, shall include the
409 power to establish divisions within the department of Public Works. Each division shall assume
410 such management and control as determined by the Director. The Director shall have the power
411 to make rules and regulations for the governing of the department of Public Works and divisions
412 thereof and shall attend to the proper enforcement of the same. The Director shall have
413 jurisdiction over the divisions of the department of Public Works and over each member of each
414 division. No person shall be hired as an employee of the department without the
415 recommendation of the Director.

416 6-2-2: In the event that the Director is absent from the Town, they shall notify the Town
417 Manager, in writing, of the person designated to assume the responsibilities of the Director
418 during their absence.

419 6-2-3: The Director shall attend meetings of the Town Council, as requested by the
420 Town Manager; meetings of the department of Public Works subcommittee, unless excused; and
421 recommend to the Town Manager measures requiring action as deemed necessary or expedient
422 by the Director.

423 6-2-4: The Director shall keep full and complete records of the department and shall
424 render to the Town Manager, as often as may be required, a full report of all department
425 operations during the period reported.

426 6-2-5: Each petition submitted pursuant to Town by-laws and referred to the department
427 of Public Works shall be returned to the Town Council with the recommendations of the Director
428 within 30 days after its referral to the department of Public Works.

429 6-2-6: The Director shall keep the Town Manager and Town Council fully advised as to
430 the needs of the Town within the scope of their duties; furnish the Town Manager on or before
431 March 1 each year a detailed list of the appropriations required during the next ensuing fiscal
432 year for proper conduct of all divisions under their control; furnish a master plan for all
433 major public works for the Town, giving priority to the projects in accordance with their
434 necessity and importance; and establish long range planning as may be determined to be in the
435 best interests of the Town.

436 6-2-7: The Director shall cause to be performed and inspected all the work of
437 construction, reconstruction, alteration, repair, maintenance and upkeep and all other work

438 incidental thereto of the departments specified in section 6-1-2 in accordance with the policies of
439 long range plans, priority of major projects and capital outlay requirements as may be authorized
440 and established by the Town Manager.

441 6-2-8: The Director shall inspect all streets and ways being constructed to ascertain
442 whether said construction complies with plans filed with the Planning Board and with all
443 Planning Board regulations, Town by-laws and state statutes and to give to the Planning
444 Board a report of their inspection prior to the approval of said street by the Planning
445 Board.

446 CHAPTER 7

447 TOWN ATTORNEY

448 SECTION 1 - APPOINTMENT AND DUTIES

449 7-1-1: The Town Manager shall, subject to confirmation by the Town Council, appoint a
450 Town Attorney to serve as Chief Legal Advisor to the Town Council, the Town Manager and
451 all Town departments, offices and agencies. The Town Attorney shall represent the Town in all
452 legal proceedings and shall perform such other duties as may be prescribed by the General Laws,
453 this charter or Town by-laws; provided, however, that nothing in this section shall prevent the
454 Town from engaging or being represented by other counsel, where appropriate.

455 7-1-2: The Town shall adopt a standard operating policy regarding access to and use of a
456 Town Attorney and the policy may be amended from time to time.

457

458 CHAPTER 8

459 TOWN AUDITOR

460 SECTION 1 - APPOINTMENT AND DUTIES

461 8-1-1: The Town Manager shall, subject to confirmation by the Town Council, appoint
462 an auditor who shall annually, in accordance with generally accepted auditing standards for
463 governmental financial audits, audit all Town accounts and financial statements with regards to
464 compliance with applicable laws, regulations, contract provisions and grant agreements. The
465 audits may be made by a certified public accountant or firm of such accountants who have no
466 personal interest, direct or indirect, in the fiscal affairs of the Town. All documents and reports
467 presented to the Town or any employee thereof by the auditor as result of said audit shall, upon
468 submission, be filed with the Town Clerk and shall be deemed a public record.

469 CHAPTER 9

470 LICENSING

471 SECTION 1 - LIQUOR LICENSING BOARD

472 9-1-1: There shall be a Liquor Licensing Board established in accordance with the laws
473 of the commonwealth; provided, however, the Town Manager is authorized to appoint 5
474 members to said board, subject to the approval of the Town Council; provided further, the Town
475 Manager shall appoint 1 alternate member, subject to the approval of the Town Council and said
476 alternate member shall be appointed without regard to party enrollment; provided further, the 5
477 member board shall designate their chair and vice-chair. All members so appointed shall have
478 been residents of the Town of Southbridge for at least 2 years immediately preceding such
479 appointment and shall serve for terms of 3 years each so arranged that the term of 1 member

480 shall expire each year. The alternate member shall sit on the board at the designation of the chair
481 in the case of absence, inability to act or conflict of interest on the part of any member of the
482 board or in the event of a vacancy on the board until such time as the vacancy is filled by
483 the Town Manager. All vacancies shall be filled by the Town Manager for the remainder of the
484 unexpired term in the manner provided for an original appointment.

485 9-1-2: A person appointed to the Liquor Licensing Board shall not be engaged, directly
486 or indirectly, in the commercial manufacture or sale of alcoholic beverages and if once
487 appointed, a member engages in such commercial manufacturing or sale, that member's office
488 shall immediately become vacant.

489 SECTION 2 - LICENSING OTHER THAN LIQUOR

490 9-2-1: With respect to licenses and permits other than those relating to alcoholic
491 beverages, the Town Manager shall grant all such licenses and permits and shall have all the
492 powers and duties of a licensing authority under the General Laws; provided, however, that the
493 Town Council retains the power to delegate to 1 or more Town agencies; the powers vested in
494 the Town Council by the laws of the commonwealth to grant and issue licenses and permits and
495 may regulate the granting and issuing of licenses and permits by any such Town agency; and
496 may in its discretion, rescind any such delegation without prejudice to any prior action which has
497 been taken.

498 CHAPTER 10

499 FINANCIAL PROVISIONS AND PROCEDURES

500 SECTION 1 - APPLICABILITY OF GENERAL LAW

501 10-1-1: In all matters concerning finances and financial procedures of the Town the
502 provisions of the General Laws shall apply together with such other requirements as are provided
503 by this charter or Town by-laws.

504 SECTION 2 - CONTRACTS

505 10-2-1: All contracts for services negotiated by the Town Manager shall be ratified by a
506 majority vote of the Town Council.

507 SECTION 3 - SUBMISSION OF BUDGET AND BUDGET MESSAGE

508 10-3-1: At least 90 days prior to the start of each fiscal year, the Town Manager shall
509 submit to the Town Council a budget for the ensuing year and an accompanying message, unless
510 otherwise provided for by the General Laws.

511 10-3-2: The Town Manager’s message shall explain the budget both in fiscal terms and in
512 terms of work programs. It shall outline the proposed financial policies of the Town for the
513 ensuing fiscal year, describe the important features of the budget, indicate any major changes
514 from the current year in financial policies, expenditures and revenues together with reasons for
515 such changes, summarize the Town’s debt positions and include such other material as the Town
516 Manager deems desirable.

517 SECTION 4 - PROPOSED BUDGET

518 10-4-1: The budget shall provide a complete financial plan of all Town funds and
519 activities for the ensuing fiscal year, including the proposed school budget and, except for the
520 school budget or as required by law or this charter, shall be in such form as the Town Council
521 deems desirable and shall require. It shall indicate in separate sections: (i) proposed expenditures

522 for current operations during the ensuing fiscal year, detailed by offices, departments and
523 agencies and the method of financing such expenditures; and (ii) proposed capital expenditures
524 during the ensuing fiscal year, detailed by offices, departments and agencies when practicable
525 and the proposed method of financing each such capital expenditure.

526 10-4-2: In submitting the proposed budget, the Town Manager shall utilize modern fiscal
527 principles so as to afford maximum information and financial control. The budget shall detail all
528 estimated revenue from the property tax levy and other sources and all proposed expenditures,
529 including debt service for the previous, current and ensuing years and shall indicate separately:

530 (a) proposed expenditures for both current operations and capital projects during the
531 ensuing year detailed by agency purpose and position together with proposed financing methods;
532 and

533 (b) estimated surplus revenue and free cash available at the close of the fiscal year,
534 including estimated balance in special accounts and enterprise funds.

535 SECTION 5 - NOTICE OF PUBLIC HEARING ON PROPOSED BUDGET

536 10-5-1: The Town Council shall publish on the Town's website and in any other public
537 media as determined by the Town Council a general summary of the budget and a notice stating:
538 (i) the times and places where copies of the budget are available for inspection; and (ii) the date,
539 time and place, not less than 2 weeks after such publication, when a public hearing on the budget
540 shall be held.

541 SECTION 6 - ADOPTION OF THE BUDGET

542 10-6-1: The Town Council shall adopt the budget, with or without amendments, on or
543 before the end of the eleventh month of the fiscal year currently ending. In amending the budget,
544 the Town Council may by majority vote of the full Town Council, a minimum of 5 votes, delete
545 or decrease any programs or amounts except expenditures required by law or for debt service.
546 Upon an identification and verification of an available revenue source, the Town Council may by
547 2/3 vote of the full Town Council, a minimum of 6 votes, increase any amount in or the
548 total of the proposed budget. Adoption of the budget shall constitute an appropriation of the
549 amounts specified therein as expenditures from the funds indicated.

550 SECTION 7 - CAPITAL IMPROVEMENTS PROGRAM

551 10-7-1: Within the period provided by the General Laws, the Town Manager shall submit
552 to the Town Council a 5-year capital improvements program which shall include:

553 (a) a clear summary of its contents;

554 (b) a list of all capital improvements proposed to be undertaken during the next 5
555 fiscal years with supporting data;

556 (c) cost estimates, method of financing and recommended time schedules; and

557 (d) the estimated annual cost of operating and maintaining any facility to be constructed
558 or acquired.

559 10-7-2: The above information may be revised and extended each year with regards to
560 capital improvements pending or in process of construction or acquisition.

561 SECTION 8 - NOTICE OF PUBLIC HEARING ON CAPITAL PROGRAMS

562 10-8-1: The Town Council shall publish on the Town's website and in any other public
563 media as determined by the Town Council the general summary of the capital program and a
564 notice stating: (i) the times and places where copies of the capital improvements program are
565 available for inspection by the public; and (ii) the date, time and place, not less than 2 weeks
566 after such publication, when a public hearing on said program shall be held.

567 10-8-2: After the public hearing and on or before the end of the eleventh month of the
568 current fiscal year, the Town Council shall adopt the capital improvements program by
569 resolution, with or without amendments, provided that each amendment must be voted separately
570 and that any increase in the capital improvements program as submitted must clearly identify the
571 method of financing proposed to accomplish this increase.

572 SECTION 9 - SUPPLEMENTAL APPROPRIATIONS

573 10-9-1: If during the fiscal year the Town Manager certifies, through the Finance
574 Director, that revenues in excess of those estimated in the budget are available for appropriation,
575 the Town Council may make supplemental appropriations for the year up to the amount of such
576 excess.

577 SECTION 10 - EMERGENCY APPROPRIATIONS

578 10-10-1: To meet a public emergency affecting life, health, property or the public peace,
579 the Town Council may make emergency appropriations. Any such emergency order shall be so
580 declared in an emergency preamble thereto, separately voted on and receiving the affirmative
581 vote of at least 2/3 of the full Town Council, a minimum of 6 votes.

582 SECTION 11 - REDUCTION OR RESTRICTIONS OF USE OF APPROPRIATIONS

583 10-11-1: If at any time during the fiscal year it appears probable to the Town Manager
584 that the revenues available shall be insufficient to meet the amount appropriated, they shall
585 report to the Town Council, without delay, indicating the estimated amount of the deficit and any
586 remedial actions taken by them and their recommendations as to any other steps to be taken. The
587 Town Council shall then take such further action as it deems necessary and for that purpose may
588 reduce, restrict or limit the use of the unexpended balance of appropriations.

589 SECTION 12 - TRANSFER OF APPROPRIATIONS

590 10-12-1: At any time during the fiscal year the Town Council may, upon
591 recommendation of the Town Manager through the Finance Director, transfer part of or all of
592 any unencumbered appropriation balance among programs within a department, office or agency
593 and may transfer part or all of any unencumbered appropriation balance from one department,
594 office or agency to another.

595 SECTION 13 - LIMITATION EFFECTIVE DATE

596 10-13-1: No appropriation for debt service may be reduced, restricted, limited or
597 transferred and no appropriation may be reduced below any amount required by law to be
598 appropriated or by more than the amount of the unencumbered balance thereof. The
599 supplemental and emergency appropriations and reduction or transfer of appropriations
600 authorized by this section may be made effective immediately upon adoption.

601 SECTION 14 - LAPSE OF APPROPRIATIONS

602 10-14-1: Every appropriation, except an appropriation for a capital expenditure, shall
603 lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An

604 appropriation for a capital expenditure shall continue in force until the purpose for which it was
605 made has been accomplished or abandoned.

606 SECTION 15 - PAYMENTS AND OBLIGATIONS PROHIBITED

607 10-15-1: No payment shall be made or obligation incurred against any appropriation
608 except in accordance with appropriations duly made and unless the Town Accountant first
609 certifies that there is a sufficient unencumbered balance in such appropriation to cover the claim
610 or meet the obligation when it becomes due and payable.

611 10-15-2: Any authorization or payment or incurring of obligations in violation of this
612 charter shall be void and any payment so made illegal. Such action shall be cause for removal of
613 any officer who knowingly authorized or made such payment or incurred such obligation and
614 they shall also be liable to the Town for the payment for any amount so paid. However, except
615 where prohibited by the General Laws, nothing in this charter shall be construed to prevent the
616 making or authorizing of payment or making of contracts for capital improvements to be
617 financed wholly or partly by the issuance of bonds or to prevent the making of any contract or
618 lease providing for payment beyond the end of the fiscal year; provided that such obligation is
619 funded by appropriation or authorized by the General Laws.

620 CHAPTER 11

621 NOMINATIONS AND ELECTIONS

622 SECTION 1 - TOWN ELECTIONS

623 11-1-1: The regular election for all Town offices shall be by official ballot held on the
624 second Tuesday in June.

625 11-1-2: Any person duly elected to any office or board shall take up the duties of their
626 office on the first weekday of July; provided that they first shall have been sworn into the faithful
627 performance of their duties.

628 11-1-3: All provisions of the General Laws with regards to Town elections shall apply,
629 except as may herein be provided by this charter

630 SECTION 2 - ELIGIBILITY OF TOWN VOTERS

631 11-2-1: Any registered voter of the Town shall be eligible for election to any elective
632 office or board of the Town, except as otherwise limited by this charter.

633 SECTION 3 - FILLING OF VACANCIES IN ELECTED TOWN OFFICES

634 11-3-1: A vacancy in the office of Town Councilor whether caused by death, resignation,
635 removal or recall shall be filled by a special election to be called within 30 days
636 of said vacancy unless a regular Town election shall occur within 180 days. Filling of vacancies
637 of elected positions on Town boards, other than the Town Council, shall be by joint convention
638 with the Town Council and the remaining members of said board.

639 SECTION 4 - RECALL OF ELECTIVE OFFICERS

640 11-4-1: An elective officer of the Town may be recalled and removed from public office
641 by the voters of the Town as herein provided. Any voter of the Town may file with the Town
642 Clerk a petition containing the name and title together with a statement of the grounds for their
643 removal. Said petition shall be signed in ink or indelible pencil by qualified voters of the Town
644 equal to at least 10 per cent of the voters registered at the last municipal election; provided that
645 no recall petition may be led against any officer until they shall have held office for at least 6

646 months. Said petition shall be accompanied by affidavits as to the authenticity of signatures,
647 signed and sworn to by each circulator. Said petition shall then be filed with the Board of
648 Registrars of Voters for certification. Within 10 days from such filing, the Board of Registrars of
649 Voters shall check each name to be certified and shall certify thereon the number of signatures so
650 checked and shall report the results to the persons filing the petition, the Town Clerk and the
651 Town Council.

652 11-4-2: Upon presentation of the certified petition to the Town Council, it shall become
653 the duty of the Town Council within 30 days after the receipt thereof to order a special election
654 which shall take place within 90 days but no sooner than 65 days after presentation of the
655 certified petition to the Town Council. No such election shall be ordered if the term of office of
656 such elective official shall expire within 120 days from the date of the original filing or if such
657 elective officer shall resign from such office before the election. Said recall election
658 shall be called and conducted in the same manner as is provided in the General Laws for the call
659 and conduct of a special election.

660 11-4-3: The form of the question to be voted upon shall be substantially as follows: Shall
661 (here insert the name and title of the elective officer whose recall is sought) be recalled?. A
662 majority vote of the voters to recall such elective officer shall not be effective unless a total of at
663 least 15 per cent of the electorate entitled to vote on the question shall have voted. Recall of such
664 elective officer shall become effective upon certification of the results of the voting thereon,
665 regardless of any technical deficiency in the recall petition.

666 11-4-4: No person having been recalled or having resigned from office while recall
667 proceedings were pending against them shall be appointed to any Town office within 2 years
668 following said recall or resignation.

669 SECTION 5 - ELECTION TO BE BY PLURALITY VOTE

670 11-5-1: Election to all Town offices, established by this charter, shall be by a plurality of
671 those voting on each office.

672 CHAPTER 12

673 GENERAL PROVISIONS

674 SECTION 1 - INITIATIVE PETITION AND REFERENDUM

675 12-1-1: The voters of the Town shall have the power to propose by-laws and other
676 measures within the authority of the Town Council by initiative petition and to review by-laws
677 and other measures as set forth in section 12-4-1 of this charter by referendum in accordance
678 with the procedures established by this charter.

679 12-1-2: At any election at which an initiative petition or a referendum is submitted to the
680 voters, the polls shall be opened at 7 o'clock in the morning and shall be closed not earlier than 8
681 o'clock in the evening and all votes upon any questions so submitted shall be taken by ballot.

682 SECTION 2 - INELIGIBLE MEASURES

683 12-2-1: None of the following shall be subject to the initiative or the referendum
684 procedures: (i) proceedings relating to the internal organization or operation of the Town Council
685 or of the School Committee; (ii) an emergency measure adopted in conformity with the Town

686 charter; (iii) the Town budget or the School Committee budget as a whole; (iv) revenue loan
687 orders; (v) any appropriation for the payment of the Town's debt or debt service; (vi) an
688 appropriation of funds to implement a collective bargaining agreement; (vii) proceedings relating
689 to the election, appointment, removal, discharge, employment, promotion, transfer, demotion or
690 other personnel action; (viii) any proceedings repealing or rescinding a measure or part thereof
691 which is protested by referendum procedures; and (ix) any proceeding providing for the
692 submission or referral to the voters at an election.

693 SECTION 3 - INITIATIVE PETITION

694 12-3-1: The voters of the Town may initiate legislation by submitting a petition to the
695 Town Council which requests the submission of the proposed by-law or measure to a vote of the
696 Town Council. Said petition must be signed by qualified voters of the Town equal in number to
697 not less than 5 per cent of the total number of voters registered at the last regular Town election.
698 Each copy of the petition shall have attached to it a copy of the proposed legislation. Said
699 petition shall then be filed with the Board of Registrars of Voters for certification.

700 12-3-2: Within 10 days from such filing, the Board of Registrars of Voters shall check
701 each name to be certified and shall certify thereon the number of signatures so checked and shall
702 report the results to the persons filing the petition, the Town Clerk and the Town Council.

703 12-3-3: Upon presentation of the certified petition to the Town Council, it shall become
704 the duty of the Town Council, within 30 days of receipt thereof, to pass and adopt or reject such
705 by-law or measure without alteration as to meaning or effect. Should the Town Council reject the
706 proposed legislation, it shall be the duty of the Town Council to forthwith submit the question to

707 a vote at the next regular Town election at which the qualified voters of the Town of Southbridge
708 shall vote on the question of adopting or rejecting the proposed legislation.

709 SECTION 4 - REFERENDUM

710 12-4-1: A vote passed by the Town Council authorizing the expenditure of \$250,000 or
711 more as a special appropriation or establishing a new Town board or agency or abolishing an
712 existing Town board or agency or merging 2 or more Town boards or agencies or fixing the term
713 of Town officers, where such term is optional or increasing; reducing the number of members of
714 a board; adopting a new Town by-law; or amending an existing Town by-law shall not be
715 operative until after the expiration of 14 days.

716 12-4-2: If within said 14 days, a petition signed by not less than 5 per cent of the
717 registered voters of the Town containing their names and addresses as they appear on the list of
718 registered voters is filed with the Town Clerk asking that the question or questions involved in
719 such a vote be submitted to the registered voters of the Town at-large, then the Town Council,
720 after the expiration of 14 days, shall forthwith call a special election for the sole purpose of
721 presenting to the registered voters at-large the question or questions so involved.

722 12-4-3: Each copy of the referendum petition shall have attached to it a copy of a brief
723 description of the substance of the Town Council vote sought to be reviewed. The Town Clerk
724 shall forthwith, upon the receipt of a referendum petition, cause the signatures appearing thereon
725 to be certified by the Board of Registrars of Voters who shall certify thereon within 10 days the
726 number of signatures so checked and shall report the results to the persons filing the petition, the
727 Town Clerk and the Town Council. Upon presentation of the certified referendum petition to the

728 Town Council, it shall become the duty of the Town Council within 30 days after the receipt
729 thereof to order a special election as aforesaid.

730 12-4-4: The questions so submitted shall be determined by a majority vote of the
731 registered voters of the Town voting thereon, but no action of the Town Council shall be
732 reversed unless at least 25 per cent of the registered voters shall vote. Each question so submitted
733 shall be in the form of the following question which shall be placed upon the official ballot:
734 “Shall the Town vote to approve the action of the Town Council whereby it was voted (brief
735 description of the substance of the vote)?” If such petition is not filed within said period of 14
736 days, the vote of the Town Council shall become operative and effective upon the expiration of
737 said period.

738 SECTION 5 - CHARTER AMENDMENT AND BY-LAW REVIEW

739 12-5-1: This charter may be revised or amended with the provisions of the home rule
740 amendment of Article LXXXIX of the Amendments to the Constitution of the commonwealth
741 and the Home Rule Procedures Act of chapter 43B of the General Laws.

742 12-5-2: The chair of the Town Council shall appoint a Charter Review Committee
743 consisting of 5 members, every 5 years. The committee shall report its recommendations to the
744 Town Council within 1 year from the date of its appointment, unless extended by a majority vote
745 of the Town Council.

746 12-5-3: In every year following the issuance of a report by a Charter Review Committee,
747 the chair of the Town Council shall appoint a By-Law Review Committee consisting of 5
748 members. The committee shall report its recommendations to the Town Council within 1 year
749 from the date of its appointment, unless extended by majority vote of the Town Council.

750 SECTION 6 - SEVERABILITY

751 12-6-1: If any provision of this charter is held invalid by a court of competent
752 jurisdiction, such holding shall not affect the validity of the remainder of this charter.

753 SECTION 7 - SPECIFIC PROVISIONS TO PREVAIL

754 12-7-1: To the extent that any specific provision of this charter shall conflict with any
755 general provision thereof, the specific provision shall prevail.

756 SECTION 8 - COUNTING OF DAYS

757 12-8-1: In counting days under this charter, every calendar day shall be counted,
758 including Sundays and all holidays unless otherwise specified.

759

760 CHAPTER 13

761 TRANSITIONAL PROVISIONS

762 SECTION 1 - CONTINUATION OF EXISTING LAWS

763 13-1-1: All General Laws, special laws, Town by-laws, Town Council votes and rules
764 and rules and regulations of or pertaining to the Town that are in force when this charter takes
765 effect and are not specifically or by implication repealed hereby, shall continue in full force and
766 effect until amended, repealed or rescinded by due course of law or until they expire by their
767 own limitation.

768 13-1-2: Where provisions of this charter conflict with provisions of Town by-laws, rules,
769 regulations, orders and special acts and acceptances of the General Laws, this
770 charter provisions shall govern. All provisions of Town by-laws, rules, regulations, orders and
771 special acts not superseded by this charter shall remain in force.

772 SECTION 2 - DISPOSITION OF CERTAIN SPECIAL ACTS

773 13-2-1: Chapter 790 of the Acts of 1975, An Act clarifying the charter of the town of
774 Southbridge, is repealed and shall no longer apply to the Town of Southbridge.

775 SECTION 3 - CONTINUATION OF GOVERNMENT AND ADMINISTRATION

776 13-3-1: Except as otherwise provided in this charter, all Town offices shall continue to
777 perform their duties until reelected or until successors to their respective positions are duly
778 appointed or elected and qualified or until their duties have been transferred and assumed by
779 another office.

780 SECTION 4 - TRANSFER OF RECORDS AND PROPERTY

781 13-4-1: All records, property and equipment whatsoever of any Town agency, or part
782 thereof, the powers and duties of which are assigned in whole or in part to another Town agency,
783 shall be transferred forthwith to such agency.

784 SECTION 5 - EXISTING OFFICIALS AND EMPLOYEES

785 13-5-1: Any person holding a Town office or employment with the Town shall retain
786 such office or employment and shall continue to perform the duties of the office until provisions
787 shall have been made in accordance with this charter for the performance of the said duties by

788 another person or agency. No person in the permanent full-time service or employment of the
789 Town shall forfeit pay grade or time in service.

790 SECTION 6 - EFFECT ON OBLIGATIONS, TAXES, ETC.

791 13-6-1: All official bonds, recognizances, obligations, contracts and other instruments
792 entered into or executed by or to the Town before the adoption of this charter and all taxes,
793 assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the Town shall be
794 enforced and collected and all writs, prosecutions, actions and causes of action, except as herein
795 otherwise provided, shall continue without abatement and remain unaffected by this charter, and
796 no legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption
797 of this charter.

798

799 SECTION 7 - TIME OF TAKING EFFECT

800 13-7-1: This charter shall become effective on the first business day of July in the year
801 following the year in which this charter or any amendment thereto is approved by the General
802 Court or adopted by the voters, as may be applicable.

803 13-7-2: UPON IMPLEMENTATION OF THIS CHARTER:

804 The Town Council shall immediately review the rules and regulations of the Town
805 Council to ensure they are in compliance with this charter.

806 13-7-3: UPON ADOPTION OF THIS CHARTER:

807 Within 3 months after the adoption of this charter, the Town Council shall appoint a By-
808 Law Review Committee to review the Town by-laws to ensure they are in compliance with this
809 charter. Said committee shall report its recommendations to the Town Council within 6 months
810 following their appointment. The committee may in its discretion and subject to appropriation,
811 engage a legal consultant.

812 CHAPTER 14

813 CHARTER COMMISSIONS NOTES

814 SECTION 1 - INTENT OF NOTES

815 The following notes are intended by the nine-member Charter Commission elected on
816 June 7, 2002, to clarify selected provisions of the Charter.

817 Note 1: The intent of Section 2-2-3 is to limit the term of office of Town Councilors to
818 three consecutive terms. A Councilor reaching the end of such three terms would be eligible to
819 hold the office of Town Councilor following a one-year hiatus.

820 Note 2: The Commission clarifies that if it is ever unclear as to the proper way in which
821 any power of the Town is to be exercised, or by whom any power of the Town is to be exercised,
822 the Town Council shall, consistent with Section 2-4-1, provide for the exercise of such power
823 and for the performance of all duties and obligations imposed upon the Town by-law

824 Note 3: The Commission includes non-councilor members of committees in Section 2-4-
825 4 to reduce the workload on Councilors and to utilize expertise in the community. The
826 Commission emphasizes that all committees established by the Town Council are advisory and

827 all committee members, including non-councilor members, shall have a vote for the purpose of
828 committee business.

829 Note 4: Section 2-5-4 is intended to emphasize that the presence of all nine members of
830 the Town Council shall under no circumstances be required in order for the Town Council to
831 conduct business.

832

833 Note 5: It is the intent of the Commission that three non-council members of the five-
834 member search committee provided for in Section 4-1-2 be chosen on the basis of their proven
835 expertise in hiring upper-level management. Further, while the hiring of a professional search
836 firm is discretionary, the Commission strongly recommends that the committee engage such a
837 firm.

838 Note 6: The Finance Director's performance of the duties of the Manager in Section 4-7-
839 1 is intended to last only as long as it takes the Town Council to appoint an Acting Town
840 Manager.

841 Note 7: The purpose of Section 12-2-1, ineligible measures, is to promote stability in the
842 management of the Town's affairs.

843 SECTION 2 . (a) Section 4-2-5 of the charter, as set forth in section 1 of this act, shall be
844 submitted as a change to the town charter concerning a new proposed section 4-2-5 and
845 presented to the voters for acceptance at the next annual election occurring 35 days after the
846 effective date of the act or at a special election.

847 (b) If a majority of votes cast in the affirmative for the new proposed section 4-2-5 of the
848 town charter, the town of Southbridge shall be taken to have accepted the new proposed section
849 4-2-5 for the town charter of the town of Southbridge, but not otherwise.

850 SECTION 3. This act shall take effect upon its passage.