

SENATE No. 2455

Senate, October 19, 2023 -- Text of the Senate amendment (Senator Rush) to the House Bill relative to the charter of the town of Dedham (House, No. 2081).

The Commonwealth of Massachusetts

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

1 SECTION 1. Subsection (b) of section 2-2 of article 2 of the charter of the town of
2 Dedham, which is on file with the archivist of the commonwealth, as provided in section 12 of
3 chapter 43B of the General Laws is hereby amended by striking out the words “registrars of
4 voters”, each time they appear, and inserting in place thereof, in each instance, the following
5 words:- board of registrars of voters.

6 SECTION 2. Subsection (b) of section 2-7 of article 2 of said charter is hereby amended
7 by striking out the second and third sentences and inserting in place thereof the following 3
8 sentences:- If no such election is to be held within 120 days, the vacancy shall be filled by the
9 properly nominated candidate for town representative receiving the highest number of votes at
10 the last annual town election in that district, but who was not elected or appointed under this
11 section. A town representative filling a vacancy provided in this paragraph shall serve until the
12 next regular annual election, at which time the remainder of the term, if any, shall be filled by
13 official ballot. If no such candidate exists, the vacancy shall be filled at a district caucus on or
14 before the date of the next town meeting.

15 SECTION 3. Clause (i) of paragraph (1) of subsection (c) of section 2-9 of said article 2
16 of said charter is hereby amended by striking out the second sentence and inserting in place

17 thereof the following sentence:- The duties of the finance and warrant committee shall include
18 those listed under paragraph (2) of this subsection and section 5A-6.

19 SECTION 4. Clause (ii) of said paragraph (1) of said subsection (c) of said section 2-9 of
20 said article 2 of said charter is hereby amended by striking out the figure “3-8” and inserting in
21 place thereof the following figure:- 3-9.

22 SECTION 5. Clause (iii) of said paragraph (1) of said subsection (c) of said section 2-9
23 of said article 2 of said charter is hereby amended by striking out the word “precinct”, each time
24 it appears, and inserting in place thereof, in each instance, the following word:- district.

25 SECTION 6. Subsection (h) of said section 2-9 of said article 2 of said charter is hereby
26 amended by striking out the word “precinct” and inserting in place thereof the word:- district.

27 SECTION 7. The fourth paragraph of section 2-12 of said article 2 of said charter is
28 hereby amended by striking out the first sentence and inserting in place thereof the following
29 sentence:- The question submitted shall be stated on the ballot in substantially the same language
30 and form in which it was stated when presented by the moderator to the representative town
31 meeting as appearing in the records of the town meeting and shall be similar to the following:
32 "Shall the voters of the town confirm the action taken by the representative town meeting at the
33 town meeting held on [insert date] to [insert here the question as stated when presented by the
34 moderator]?"

35 SECTION 8. Section 3-10 of said article 3 of said charter is hereby amended by striking
36 out subsection (c).

37 SECTION 9. Section 3-12 of said article 3 of said charter is hereby amended by striking
38 out subsection (a) and inserting in place thereof the following subsection:-

39 (a) Composition, Term of Office – There shall be a housing authority, which shall consist
40 of 5 members elected or appointed under section 5 of chapter 121B of the General Laws or as
41 otherwise provided by law.

42 SECTION 10. The second paragraph of paragraph (3) of subsection (b) of section 3-13 of
43 said article 3 of said charter is hereby amended by striking out the words “and the said registrars”
44 and inserting in place thereof the following word:- , who.

45 SECTION 11. Subsection (c) of said section 3-13 of said article 3 of said charter is
46 hereby amended by striking out the words “registrars of voters” and inserting in place thereof the
47 following words:- board of registrars of voters.

48 SECTION 12. Paragraph (1) of subsection (b) of section 4-2 of article 4 of said charter is
49 hereby amended by striking out the words “, board of library trustees, and the parks and
50 recreation commission”.

51 SECTION 13. Said section 4-2 of said article 4 of said charter is hereby further amended
52 by striking out subsection (s) and inserting in place thereof the following subsection:-

53 (s) To supervise and direct all appointed department heads, directors, principal deputies
54 and principal agents of elected and appointed multiple-member bodies, with respect to the day-
55 to-day operational and administrative matters, in a manner consistent with the town’s personnel
56 by-laws and policies and, if applicable, contracts or collective bargaining agreements. The town
57 manager shall, in connection therewith, provide for an annual review of such department heads,

58 directors, principal deputies and principal agents with respect to day-to-day operational and
59 administrative matters, following consultation with the respective multiple-member body or its
60 designee.

61 SECTION 14. Section 6-4 of article 6 of said charter is hereby amended by striking out
62 the first sentence and inserting in place thereof the following sentence:- If a vacancy occurs in
63 any town office or town employment or on any multiple-member body, except for positions
64 covered under laws governing civil service, whether by reason of death, resignation, expiration
65 of a fixed term for which a person has been appointed or otherwise, the appointing authority
66 shall cause public notice of the vacancy to be posted on the town bulletin boards, town website
67 and other available electronic media.

68 SECTION 15. Said section 6-4 of said article 6 of said charter is hereby further amended
69 by adding the following sentence:- Further, the town shall provide written or electronic notice to
70 those members of appointed multiple-member bodies whose terms are expiring not later than 90
71 days prior thereto; provided, however, that failure to provide such notice on or before the date
72 indicated shall not extend the term of such appointment.

73 SECTION 16. Said article 6 of said charter is hereby further amended by striking out
74 section 6-7 and inserting in place thereof the following section:-

75 6-7. Role of Multiple-Member Bodies

76 (a) Multiple-Member Bodies. Nothing in this charter shall be construed to authorize any
77 individual member of an elected or appointed multiple-member body, nor a majority of members
78 of such body, to become involved in the day-to-day operation and administration of any town
79 agency, including appointment and supervision of department heads and staff. Instead, day-to-

80 day operations shall be subject to oversight by the town manager under section 4-2 and
81 department heads under sections 6-5 and 6-6. It is the intention of this section to affirmatively
82 establish that such bodies shall act only through the adoption of broad policy guidelines that are
83 to be implemented by officers and employees serving under such body.

84 (b) Department Heads. Notwithstanding any provision of subsection (a) of section 6-7 or
85 paragraph (2) of subsection (b) of section 4-2 to the contrary, department heads appointed by the
86 town manager under the provision of paragraph (1) of said subsection (b) of said section 4-2
87 shall be responsible to the appropriate elected or appointed multiple-member body for
88 implementation of policy decisions made and policy guidance given. Each department head shall
89 report regularly to such multiple-member body concerning department operations, actions taken
90 and the status of new or ongoing issues. Each department head shall work cooperatively with the
91 chair of the appropriate multiple-member body and the town manager to ensure the body has
92 appropriate administrative and operational support.