

SENATE No. 2716

Senate, April 1, 2024 -- Text of the Senate amendment (Senator Tarr) to the House Bill further amending the charter of the town of Middleton (House, No. 3970).

The Commonwealth of Massachusetts

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

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

5 SECTION 2. Section 3 of chapter 2 of said charter is hereby amended by striking out
6 subsections 2-3-4 and 2-3-5 and inserting in place thereof the following subsection:-

7 2-3-4 The Town Meeting shall possess and exercise all powers generally conferred upon
8 town meetings under General Law.

9 SECTION 3. Subsection 2-4-3 of section 4 of said chapter 2 of said charter is hereby
10 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
11 following words:- select board.

12 SECTION 4. Subsection 2-4-4 of said section 4 of said chapter 2 of said charter is hereby
13 amended by striking out the word “Selectmen” and inserting in place thereof the following
14 words:- select board members.

15 SECTION 5. Subsection 2-4-12 of said section 4 of said chapter 2 of said charter is
16 hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof
17 the following words:- select board.

18 SECTION 6. Subsection 2-4-13 of said section 4 of said chapter 2 of said charter is
19 hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof
20 the following words:- select board.

21 SECTION 7. Subsection 2-5-2 of section 5 of said chapter 2 of said charter is hereby
22 amended by striking out the word “He” and inserting in place thereof the following words:- The
23 moderator.

24 SECTION 8. Subsection 3-1-2 of section 1 of chapter 3 of said charter is hereby amended
25 by striking out the word “his”, the first time it appears, and inserting in place thereof the
26 following word:- such.

27 SECTION 9. Said subsection 3-1-2 of said section 1 of said chapter 3 of said charter is
28 hereby further amended by striking out the words “his duties” and inserting in place thereof the
29 following words:- the duties of the office to which the person was elected.

30 SECTION 10. Said subsection 3-1-2 of said section 1 of said chapter 3 of said charter is
31 hereby further amended by striking out the word “he” and inserting in place thereof the
32 following words:- the person.

33 SECTION 11. Subsection 3-4-1 of section 4 of said chapter 3 of said charter is hereby
34 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
35 following words:- select board.

36 SECTION 12. Said subsection 3-4-1 of said section 4 of said chapter 3 of said charter is
37 hereby further amended by striking out the word “his”, each time it appears, and inserting in
38 place thereof, in each instance, the following words:- the officer’s.

39 SECTION 13. Said subsection 3-4-1 of said section 4 of said chapter 3 of said charter is
40 hereby further amended by striking out the word “he” and inserting in place thereof the
41 following words:- the officer.

42 SECTION 14. Subsection 3-4-2 of said section 4 of said chapter 3 of said charter is
43 hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof
44 the following words:- select board.

45 SECTION 15. Subsection 3-4-4 of said section 4 of said chapter 3 of said charter is
46 hereby amended by striking out the word “him” and inserting in place thereof the following
47 words:- the person.

48 SECTION 16. Chapter 4 of said charter is hereby amended by striking out the title and
49 inserting in place thereof the following title:- SELECT BOARD.

50 SECTION 17. Section 1 of said chapter 4 of said charter is hereby amended by striking
51 out the title and inserting in place thereof the following title:- The select board.

52 SECTION 18. Subsection 4-1-1 of said section 1 of said chapter 4 of said charter is
53 hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof
54 the following words:- select board.

55 SECTION 19. Said subsection 4-1-1 of said section 1 of said chapter 4 of said charter is
56 hereby further amended by striking out the word “Selectman” and inserting in place thereof the
57 following words:- a select board member.

58 SECTION 20. Subsection 4-1-2 of said section 1 of said chapter 4 of said charter is
59 hereby amended by striking out the word “Selectman” and inserting in place thereof the
60 following words:- a select board member.

61 SECTION 21. Subsection 4-2-1 of section 2 of said chapter 4 of said charter is hereby
62 amended by striking out the words “Board of Selectmen”, each time they appear, and inserting in
63 place thereof, in each instance, the following words:- select board.

64 SECTION 22. Subsection 4-4-1 of section 4 of said chapter 4 of said charter is hereby
65 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
66 following words:- select board.

67 SECTION 23. Chapter 5 of said charter is hereby amended by striking out subsection 5-
68 1-3 of section 1 and inserting in place thereof the following subsection:-

69 5-1-3 No member of any board or commission established under this Charter shall be
70 eligible to accept any appointed paid full-time Town position during the term for which the
71 member is elected, and for one year following expiration of the member’s term.

72 SECTION 24. Subsection 5-2-1 of section 2 of said chapter 5 of said charter is hereby
73 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
74 following words:- select board.

75 SECTION 25. Subsection 5-4-2 of section 4 of said chapter 5 of said charter is hereby
76 amended by striking out the words “board of selectmen” and inserting in place thereof the
77 following words:- select board.

78 SECTION 26. Chapter 6 of said charter is hereby amended by striking out the title and
79 inserting in place thereof the following title:- APPOINTMENTS BY THE SELECT BOARD.

80 SECTION 27. Subsection 6-1-1 of section 1 of said chapter 6 of said charter is hereby
81 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
82 following words:- select board.

83 SECTION 28. Subsection 6-3-1 of section 3 of said chapter 6 of said charter is hereby
84 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
85 following words:- select board.

86 SECTION 29. Paragraph b of subsection 6-5-3 of section 5 of said chapter 6 of said
87 charter is hereby amended by striking out the word “he” and inserting in place thereof the
88 following words:- the officer or employee.

89 SECTION 30. Paragraph c of said subsection 6-5-3 of said section 5 of said chapter 6 of
90 said charter is hereby amended by striking out the word “him” and inserting in place thereof the
91 following words:- the officer or employee.

92 SECTION 31. Subsection 6-5-4 of said section 5 of said chapter 6 of said charter is
93 hereby amended by striking out the word “his” and inserting in place thereof the following
94 words:- the person’s.

95 SECTION 32. Said section 5 of said chapter 6 of said charter is hereby further amended
96 by striking out subsection 6-5-5.

97 SECTION 33. Subsection 6-7-1 of section 7 of said chapter 6 of said charter is hereby
98 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
99 following words:- select board.

100 SECTION 34. Said subsection 6-7-1 of said section 7 of said chapter 6 of said charter is
101 hereby further amended by striking out the word “his” and inserting in place thereof the
102 following words:- the town administrator’s.

103 SECTION 35. Subsection 6-7-2 of said section 7 of said chapter 6 of said charter is
104 hereby amended by striking out the word “He” and inserting in place thereof the following
105 words:- The town administrator.

106 SECTION 36. Said subsection 6-7-2 of said section 7 of said chapter 6 of said charter is
107 hereby further amended by striking out the word “Selectmen” and inserting in place thereof the
108 following words:- select board members.

109 SECTION 37. Subsection 6-7-3 of said section 7 of said chapter 6 of said charter is
110 hereby amended by striking out the word “He” and inserting in place thereof the following
111 words:- The town administrator.

112 SECTION 38. Said subsection 6-7-3 of said section 7 of said chapter 6 of said charter is
113 hereby further amended by striking out the words “Board of Selectmen” and inserting in place
114 thereof the following words:- select board.

115 SECTION 39. Subsection 6-7-4 of said section 7 of said chapter 6 of said charter is
116 hereby amended by striking out the word “He” and inserting in place thereof the following
117 words:- The town administrator.

118 SECTION 40. Said subsection 6-7-4 of said section 7 of said chapter 6 of said charter is
119 hereby further amended by striking out the words “Board of Selectmen” and inserting in place
120 thereof the following words:- select board.

121 SECTION 41. Subsection 6-7-5 of said section 7 of said chapter 6 of said charter is
122 hereby amended by striking out the word “He” and inserting in place thereof the following
123 words:- The town administrator.

124 SECTION 42. Said subsection 6-7-5 of said section 7 of said chapter 6 of said charter is
125 hereby further amended by striking out the words “Board of Selectmen”, each time they appear,
126 and inserting in place thereof, in each instance, the following words:- select board.

127 SECTION 43. Subsection 6-7-6 of said section 7 of said chapter 6 of said charter is
128 hereby amended by striking out the word “He” and inserting in place thereof the following
129 words:- The town administrator.

130 SECTION 44. Said subsection 6-7-6 of said section 7 of said chapter 6 of said charter is
131 hereby further amended by striking out the words “Board of Selectmen” and inserting in place
132 thereof the following words:- select board.

133 SECTION 45. Subsection 6-7-7 of said section 7 of said chapter 6 of said charter is
134 hereby amended by striking out the word “He”, each time it appears, and inserting in place
135 thereof, in each instance, the following words:- The town administrator.

136 SECTION 46. Said subsection 6-7-7 of said section 7 of said chapter 6 of said charter is
137 hereby further amended by striking out the words “Board of Selectmen” and inserting in place
138 thereof the following words:- select board.

139 SECTION 47. Subsection 6-7-9 of said section 7 of said chapter 6 of said charter is
140 hereby amended by striking out the word “He” and inserting in place thereof the following
141 words:- The town administrator.

142 SECTION 48. Subsection 6-7-10 of said section 7 of said chapter 6 of said charter is
143 hereby amended by striking out the word “He” and inserting in place thereof the following
144 words:- The town administrator.

145 SECTION 49. Said subsection 6-7-10 of said section 7 of said chapter 6 of said charter is
146 hereby further amended by striking out the words “Board of Selectmen” and inserting in place
147 thereof the following words:- select board.

148 SECTION 50. Subsection 6-8-1 of section 8 of said chapter 6 of said charter is hereby
149 amended by striking out the word “his” and inserting in place thereof the following words:- the
150 town administrator’s.

151 SECTION 51. Subsection 6-8-2 of said section 8 of said chapter 6 of said charter is
152 hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof
153 the following words:- select board.

154 SECTION 52. Subsection 6-8-3 of said section 8 of said chapter 6 of said charter is
155 hereby amended by striking out the word “his” and inserting in place thereof the following
156 words:- the town administrator’s.

157 SECTION 53. Said section 8 of said chapter 6 of said charter is hereby further amended
158 by striking out subsections 6-8-4 to 6-8-6, inclusive, and inserting in place thereof the following
159 2 subsections:-

160 6-8-4 At any such hearing, the reasons for the removal shall first be read aloud. The
161 town administrator shall then be allowed to respond, either personally or through counsel. The
162 select board and the town administrator shall be allowed to call witnesses, and to subpoena any
163 and all town records.

164 6-8-5 Final removal of the town administrator shall be effected by the affirmative vote
165 of the select board , at a public meeting of the board held within 7 days of such public hearing, if
166 the town administrator shall have requested one. Or, if the town administrator shall not have
167 requested one, final removal may be effected by the affirmative vote of three members of the
168 board held not sooner than 14 days after the vote initiating the removal. The salary of the town
169 administrator shall continue to be paid for a period of 30 days after the vote effecting the town
170 administrator's removal from office.

171 SECTION 54. Subsection 6-9-1 of section 9 of said chapter 6 of said charter is hereby
172 amended by striking out the words "Board of Selectmen", each time they appear, and inserting in
173 place thereof, in each instance, the following words:- select board.

174 SECTION 55. Said subsection 6-9-1 of said section 9 of said chapter 6 of said charter is
175 hereby further amended by striking out the word "selectmen" and inserting in place thereof the
176 following words:- select board members.

177 SECTION 56. Subsection 7-2-1 of section 2 of chapter 7 of said charter is hereby
178 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
179 following words:- select board.

180 SECTION 57. Subsection 7-3-3 of section 3 of said chapter 7 of said charter is hereby
181 amended by striking out the word “him” and inserting in place thereof the following words:- the
182 moderator.

183 SECTION 58. Said subsection 7-3-3 of said section 3 of said chapter 7 of said charter is
184 hereby further amended by striking out the word “his”, each time it appears, and inserting in
185 place thereof, in each instance, the following words:- the moderator’s.

186 SECTION 59. Subsection 7-4-3 of section 4 of said chapter 7 of said charter is hereby
187 amended by striking out the words “Board of Selectmen”, each time they appear, and inserting in
188 place thereof, in each instance, the following words:- select board.

189 SECTION 60 Subsection 7-4-4 of said section 4 of said chapter 7 of said charter is
190 hereby amended by striking out the word “Selectmen” and inserting in place thereof the
191 following words:- select board members.

192 SECTION 61. Subsection 7-5-1 of section 5 of said chapter 7 of said charter is hereby
193 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
194 following words:- select board.

195 SECTION 62. Said section 5 of said chapter 7 of said charter is hereby further amended
196 by striking out subsection 7-5-2.

197 SECTION 63. Subsection 7-6-1 of section 6 of said chapter 7 of said charter is hereby
198 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
199 following words:- select board.

200 SECTION 64. Subsection 7-8-2 of section 8 of said chapter 7 of said charter is hereby
201 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
202 following words:- select board.

203 SECTION 65. Subsection 7-9-1 of section 9 of said chapter 7 of said charter is hereby
204 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
205 following words:- select board.

206 SECTION 66. Subsection 7-11-1 of section 11 of said chapter 7 of said charter is hereby
207 amended by striking out the word “his” and inserting in place thereof the following word:- the
208 officer’s or employee’s.

209 SECTION 67. Subsection 8-1-1 of section 1 of chapter 8 of said charter is hereby
210 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
211 following words:- select board.

212 SECTION 68. Subsection 8-2-1 of section 2 of said chapter 8 of said charter is hereby
213 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
214 following words:- select board.

215 SECTION 69. Subsection 9-1-1 of section 1 of chapter 9 of said charter is hereby
216 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
217 following words:- select board.

218 SECTION 70. Subsection 9-1-2 of said section 1 of said chapter 9 of said charter is
219 hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof
220 the following words:- select board.

221 SECTION 71. Subsection 10-4-1 of section 4 of chapter 10 of said charter is hereby
222 amended by striking out the words “Board of Selectmen” and inserting in place thereof the
223 following words:- select board.

224 SECTION 72. Subsection 10-5-1 of section 5 of said chapter 10 of said charter is hereby
225 amended by striking out the word “chairman” and inserting in place thereof the following word:-
226 chair.

227 SECTION 73. Section 6 of said chapter 10 of said charter is hereby amended by striking
228 out subsection 10-6-2.

229 SECTION 74. Section 2 of chapter 11 of said charter is hereby repealed.

230 SECTION 75. This act shall take effect upon its passage.