

# SENATE . . . . . No. 2752

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Senate, May 2, 2024 -- Text of the Senate amendment (Senator Cronin) to the House Bill approving the Townsend special act charter (House, No. 3728)

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court  
(2023-2024)  
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1           SECTION 1. The charter of the town of Townsend, which is on file in the office of the  
2   archivist of the commonwealth pursuant to section 12 of chapter 43B of the General Laws, is  
3   hereby repealed.

4           SECTION 2. The following shall be the charter of the town of Townsend:

5           Article 1

6           Incorporation; Short Title; Powers

7           Section 1-1 Incorporation

8           The inhabitants of the town of Townsend within the corporate limits as established by  
9   law shall continue to be a body corporate and politic with perpetual succession under the name  
10 "Town of Townsend".

11          Section 1-2 Short Title

12          This instrument shall be known and may be cited as the "Townsend Charter".

13          Section 1-3 Powers of the town

14           Subject only to express limitations on the exercise of any power or function by a  
15   municipality in the constitution or laws of the commonwealth, the voters of town shall secure  
16   through the adoption of this charter all of the powers and authority generally conferred on a  
17   municipal government under the constitution and laws of the commonwealth.

18           Section 1-4 Division of Powers

19           The administration of all the fiscal, prudential and municipal affairs of the town shall be  
20   vested in an executive branch headed by a select board. The legislative powers of the town shall  
21   be vested in a town meeting which shall be open to all registered voters.

22           Section 1-5 Construction

23           The powers of the town of Townsend under this charter shall be liberally construed in  
24   favor of the town and the specific mention of any particular power shall not limit the general  
25   powers of the town of Townsend as stated in section 1-3.

26           Section 1-6 Intergovernmental Relations

27           Subject to the applicable requirements of the constitution or laws of the commonwealth,  
28   the town of Townsend may exercise any of its powers or perform any of its functions and may  
29   participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any  
30   other states or civil divisions or agencies thereof or the United States government or any  
31   agencies thereof.

32           Article 2

33           Legislative Branch

34 Section 2-1 Open Town Meeting

35 The legislative powers of the town shall be vested in a town meeting which shall be open  
36 to all registered voters of the town.

37 Section 2-2 Presiding Officer

38 All sessions of the town meeting shall be presided over by a moderator elected as  
39 provided in article 3. At the annual town meeting, the moderator shall appoint a deputy  
40 moderator, subject to ratification by the town meeting. The deputy moderator shall serve as  
41 acting moderator in the temporary absence or disability of the moderator. While presiding at  
42 town meeting sessions, the deputy moderator shall have all of the powers and duties of the  
43 moderator but shall have no other powers or duties of the moderator. In the absence of the  
44 moderator and the deputy moderator, the town clerk shall act as moderator until the town  
45 meeting elects a temporary moderator pursuant to section 3-4.

46 Section 2-3 Committees

47 (a) There shall be a finance committee which shall be appointed by the moderator in  
48 accordance with the town by-laws and the laws of the commonwealth.

49 (b) There shall be a capital planning committee which shall be appointed in accordance  
50 with the town by-laws and the laws of the commonwealth.

51 Section 2-4 Annual Town Meeting

52 The annual town meeting shall be held on such dates as may from time to time be fixed  
53 by the town by-laws.

54           Section 2-5 Special Town Meetings

55           Special town meetings shall be held at the call of the select board at such times as the  
56 select board deems reasonable or necessary to transact the legislative business of the town in an  
57 orderly manner. Special town meetings shall also be held on the petition of not less than 200  
58 registered voters, in accordance with the procedures prescribed by the laws of the  
59 commonwealth.

60           Section 2-6 Warrants

61           Each town meeting shall be called by a warrant issued by the select board. A warrant  
62 shall state the time and place at which the meeting is to convene and, by separate articles, shall  
63 state the subject matters to be acted upon. The publication and posting of the warrant for each  
64 town meeting shall be in accordance with the General Laws and the town by-laws.

65           Section 2-7 Initiation and Inclusion of Warrant Articles

66           (a) The select board shall receive all petitions which request submission of a matter to the  
67 town meeting, which may be filed by an elected town official, a multiple member body acting by  
68 a majority of its members, any 10 registered voters for the annual town meeting or any 100  
69 voters for a special town meeting.

70           At a regular meeting of the select board, a registered voter may request that a matter be  
71 placed on the town meeting warrant in lieu of a written petition. The select board may, at its  
72 discretion, accept the request and place the matter on the warrant under its sponsorship or it may  
73 request that the matter be submitted by a petition bearing the signatures of the required number  
74 of registered voters.

75 (b) The select board shall include on the annual town meeting warrant all matters which  
76 were submitted in accordance with the town by-laws for the submission of articles. When a  
77 special town meeting is to be called, the select board shall give public notice thereof at a posted  
78 select board meeting. The select board may cause additional public notice to be given pursuant  
79 to the laws of the commonwealth or the town's by-laws in any form it deems necessary. All  
80 public notices shall include the date of the close of the warrant. The select board shall include on  
81 a special town meeting warrant the subject matter of all petitions which are received in its office  
82 in accordance with the date and time set by the select board for the close of the warrant.

83 Section 2-8 Availability of Town Officials

84 Each town agency shall designate at least 1 representative to attend all sessions of town  
85 meeting in which warrant articles pertinent to that town agency are or may be taken up. Each  
86 representative shall attend relevant town meetings to provide information relative to the articles.  
87 If a person designated as a representative is not a town resident, such person may,  
88 notwithstanding lack of residency, be authorized to speak to provide the town meeting with  
89 pertinent information.

90 Section 2-9 Clerk of the Meeting

91 The town clerk shall serve as clerk of the town meeting, shall record all votes and  
92 preserve as public records all proceedings of the town meeting sessions. The town clerk shall  
93 give notice of all adjourned town meeting sessions and perform such duties in connection  
94 therewith, as may be provided by the town by-laws, this charter and the laws of the  
95 commonwealth.

96 If, at a town meeting, the office of town clerk is vacant, the moderator shall appoint a  
97 clerk pro tempore. If there is an unavoidable absence of the town clerk, the town clerk shall  
98 designate a substitute; provided, however, that if the town clerk fails to designate a substitute,  
99 then the moderator may appoint a clerk pro tempore.

100 Section 2-10 Rules of Procedure

101 The town meeting shall be run in accordance with the accepted edition of the book  
102 “Town Meeting Time”. The town meeting may, by town by-law, establish and from time to time  
103 amend, revise or repeal rules governing town meetings. A procedural change shall become  
104 effective for all annual and special town meetings conducted after the procedural change.

105 Article 3

106 Elected Officials

107 Section 3-1 In General

108 (a) The offices to be filled by the ballot vote shall be the select board, town moderator,  
109 town clerk, board of assessors, board of health, planning board, board of water commissioners,  
110 board of library trustees, North Middlesex Regional School District school committee  
111 representatives, cemetery and parks commissioners, recreation commissioners, Trustees of  
112 Soldiers’ Memorials, the Amanda Dwight Entertainment Fund, Townsend housing authority, the  
113 James H. Tucker Fund members who are elected at town meeting and such other regional  
114 authorities, districts and committees as may be required by law or by local, interlocal or regional  
115 agreements.

116 (b) Any registered voter shall be eligible to hold elective town office.

117 (c) The annual town election shall be held according to the by-laws.

118 (d) Elected town officials shall receive such compensation as may be appropriated  
119 annually for their service.

120 (e) Coordination

121 Notwithstanding their election by the registered voters, town officers named in this  
122 section shall be subject to the call of the select board at reasonable times for consultation,  
123 conference and discussion on any matter relating to their respective offices.

124 (f) Filling of Vacancies

125 (1) If there is a vacancy in a multiple member body, other than the select board, the  
126 remaining members shall give written notice of the vacancy to the select board within 30 days  
127 and post notice of the vacancy and a description of the position on the town bulletin board  
128 utilizing the official notice posting method under the open meeting law and such notice shall be  
129 posted for not less than 10 days. A vacancy on a multiple member body shall be filled at a joint  
130 meeting of the select board and of the remaining members of the multiple member body on  
131 which the vacancy exists and shall require a simple majority. Notice of the joint meeting shall be  
132 posted for not less than 5 days. A person appointed to fill a vacancy under this section shall hold  
133 office until the next town election. If notice of a vacancy is not given within 30 days following  
134 the date of the vacancy then, after a 5-day notice, the select board shall fill the vacancy without  
135 participation of the remaining members of the multiple member body. This paragraph shall not  
136 apply to vacancies where the terms of a will or trust instrument provide for the filling of  
137 vacancies.

138           (2) If there is a failure to elect or if a vacancy otherwise occurs on the select board and  
139 the next annual town election is not to be held for not less than 6 months following the date of  
140 the vacancy, the remaining members of the select board shall forthwith call a special election to  
141 fill the vacancy. If a vacancy occurs and more than three 3 months but less than six 6 months  
142 would elapse before the next annual town election, the select board may call a special election;  
143 provided, however, that upon receipt of a petition signed by not less than 200 registered voters of  
144 the town, the remaining members of the select board will forthwith call a special election.

145           (g) Recall Election Procedures

146                       Notwithstanding any general or special law to the contrary, recall elections shall  
147 be conducted pursuant to chapter 27 of the acts of 1995 and the laws of the commonwealth .

148           Section 3-2 Select Board

149           (a) Composition and Term of Office

150           There shall be a select board consisting of 3 members, each elected for a 3-year term, so  
151 arranged that the term of 1 member shall expire each year.

152           The composition of the select board may change from 3 to 5 members as determined by a  
153 2/3 vote of an annual town meeting; provided, however, that any such vote shall be ratified by  
154 the voters of the town at the next annual town election. Members of a 5-member select board  
155 shall be each elected for 3-year overlapping terms, so arranged that the terms of as nearly an  
156 equal number of members as possible shall expire each year.

157           (b) Power and Duties



158           The executive powers of the town shall be vested in a select board, which shall be the  
159 chief executive officer of the town. The select board shall have all of the executive power  
160 generally conferred on select boards under the constitution, the laws of the commonwealth, this  
161 charter and the town by-laws. These powers shall be extended to any trusts granted to the select  
162 board. The select board shall formulate and promulgate policy directives and guidelines to be  
163 followed by town agencies serving within its jurisdiction and, in conjunction with other elected  
164 multiple member bodies, develop and promulgate policy guidelines designed to bring the  
165 operation of all town agencies into harmony. Nothing in this section shall authorize the select  
166 board or any individual member thereof, to become involved in the day-to-day administration of  
167 any town agency, including direction or supervision of department heads and staff. The select  
168 board shall act through the adoption of policy guidelines that shall be implemented by officers  
169 and employees appointed by or under its authority. The select board shall assign a liaison to each  
170 multiple member body.

171           (c) Licensing Authority

172           The select board shall be the licensing authority of the town and may issue licenses as  
173 otherwise provided by law. The select board shall make all necessary rules and regulations  
174 regarding the issuance of such licenses and may attach conditions and impose restrictions on any  
175 such license as it deems to be in the public interest. The select board shall enforce all laws, rules  
176 and regulations relating to all businesses to which it issues a license.

177           (d) Appointment Authority

178           (1) Town Employees

179           Except as otherwise provided in this charter, the select board shall appoint town  
180 employees.

181           (2) Multiple Member Bodies

182           Except as otherwise hereinafter provided, the select board shall appoint members of  
183 multiple member bodies consistent with the laws of the commonwealth and this charter.

184           (3) Other Appointments

185           The select board shall appoint the members of other multiple member bodies the  
186 functions of which shall not involve direct operating responsibilities but which are primarily  
187 policymaking or advisory in nature. Unless otherwise provided by law, the select board shall also  
188 appoint other individuals to the governing or advisory bodies of local, regional and district  
189 authorities who shall serve as representatives of the town. Personal contracts hereunder shall be  
190 limited to 3 years; provided, however, that all such contracts shall be subject to the applicable  
191 provisions of the General Laws, which shall control.

192           (e) Investigations

193           The select board may make investigations and may authorize the town administrator to  
194 investigate the affairs of the town and the conduct of any town agency, including any doubtful  
195 claims against the town. A report of the results of any such investigation shall be placed on file  
196 in the office of the select board and a report summarizing the results of such investigation shall  
197 be printed in the next annual town report.

198           (f) Screening Committee

199 Unless otherwise specified by by-law, there shall be a screening committee to support the  
200 transparent selection of candidates for the following positions:

201 (i) town administrator

202 (ii) police chief

203 (iii) fire chief

204 The screening committee shall be appointed by the select board and shall include any  
205 number and combination of qualified professionals, town residents and town employees as the  
206 select board deems appropriate.

207 Section 3-3 Moderator

208 (a) Composition and Term of Office

209 A moderator elected for a 3-year term.

210 (b) Power and Duties

211 The town moderator shall have all of the powers and duties of a town moderator as  
212 provided by the laws of the commonwealth, this charter, town by-laws, regional agreements or  
213 town meeting vote.

214 Section 3-4 Town Clerk

215 (a) Composition and Term of Office

216 A town clerk shall be elected for a 3-year term.

217 (b) Powers and Duties

218           The town clerk shall be the keeper of vital statistics for the town. The town clerk shall be  
219 the custodian of the town seal, shall administer the oath of office to all persons elected or  
220 appointed to any town office and shall issue such licenses and permits as are required by law to  
221 be issued by the town clerk. The town clerk shall supervise and manage the conduct of all  
222 elections and all other matters relating to elections. The town clerk shall be the clerk of the town  
223 meeting and shall keep its records and, in the absence of the moderator, the deputy moderator  
224 shall preside pending the election of a temporary moderator by a town meeting vote. The town  
225 clerk shall have such other powers and duties as provided by the laws of the commonwealth, the  
226 charter, town by-laws and any other town meeting vote.

227           Section 3-5 Assessors

228           (a) Composition and Term of Office

229           There shall be a board of assessors which shall consist of 3 members, each elected for a  
230 3-year term, so arranged that the term of 1 member shall expire each year.

231           (b) Powers and Duties

232           The board of assessors shall have all of the powers and duties of boards of assessors as  
233 provided by the laws of the commonwealth, this charter, town by-laws or a town meeting vote.

234           Section 3-6 Board of Health

235           (a) Composition and Term of Office

236           There shall be a board of health which shall consist of 3 members, each elected for a 3-  
237 year term, so arranged that the term of 1 member shall expire each year.

238 (b) Powers and Duties

239 The board of health shall be responsible for the formulation and enforcement of all rules  
240 and regulations concerning public health. The board shall have all powers and duties given to  
241 boards of health under the laws of commonwealth, this charter, town by-laws of or by town  
242 meeting vote.

243 Section 3-7 Planning Board

244 (a) Composition and Term of Office

245 There shall be a planning board which shall consist of 5 members, each elected for a 5-  
246 year term, so arranged that the term of 1 member shall expire each year.

247 (b) Powers and Duties

248 The planning board shall have all powers and duties given to planning boards by the laws  
249 of the commonwealth, this charter, town by-laws or by town meeting.

250 Section 3-8 Water Commissioners

251 (a) Composition and Term of Office

252 There shall be a board of water commissioners which shall consist of 3 members, each  
253 elected for a 3-year term, so arranged that the term of 1 member shall expire each year.

254 (b) Powers and Duties

255 Notwithstanding any general or special law to the contrary, the board of water  
256 commissioners shall have all powers and duties as provided in a special agreement voted on

257 September 16, 1933, pursuant to chapter 391 of the acts of 1920 and the laws of the  
258 commonwealth, including section 69B of chapter 41 of the General Laws which was accepted by  
259 a vote of the town meeting on May 9, 2017, that are not in conflict with the special agreement.

260 Section 3-9 Library Trustees

261 a. Composition and Term of Office

262 There shall be a board of library trustees which shall consist of 5 members, each elected  
263 for 3-year overlapping terms, so arranged that the terms of as nearly an equal number of  
264 members as possible shall expire each year.

265 (b) Powers and Duties

266 The board of library trustees shall be responsible for the governance of the free public  
267 library. The board of library trustees shall administer all money and property that the town  
268 receives, by gift or bequest, for library purposes in a manner consistent with the terms of the gift  
269 or bequest. The board of library trustees shall have all powers and duties given to library trustees  
270 under the laws of the commonwealth, this charter, any trust agreements, town by-laws or by  
271 town meeting.

272 Section 3-10 North Middlesex Regional School District School Committee

273 (a) Composition and Term of Office

274 The composition and terms of office of the members of the North Middlesex Regional  
275 School District school committee shall be defined in accordance with the North Middlesex  
276 Regional School District agreement.

277 (b) Powers and Duties

278 The North Middlesex Regional School District school committee members shall have all  
279 the powers and duties provided by the North Middlesex Regional School District agreement.

280 Section 3-11 Cemetery and Parks Commission

281 (a) Composition and Term of Office

282 There shall be a cemetery and parks commission which shall consist of 3 members, each  
283 elected for a 3-year term, so arranged that the term of 1 member shall expire each year.

284 (b) Powers and Duties

285 (1) Cemetery commissioners shall have general charge and superintendence of all public  
286 burial grounds in the town and of any lands set aside by the town for cemetery purposes. The  
287 cemetery commissioners shall have all the powers and duties given to cemetery commissioners  
288 by the laws of the commonwealth, this charter, any trust agreements, town by-laws or by town  
289 meeting.

290 (2) Park commissioners shall have general charge and superintendence of all public  
291 parks. They may improve and make rules and regulations for public parks. The parks  
292 commissioners shall have all of the powers and duties given to parks commissioners by the laws  
293 of the commonwealth, this charter, any trust agreements, town by-laws or by town meeting.

294 Section 3-12 Recreation Commission

295 (a) Composition and Term of Office

296           There shall be a recreation commission which shall consist of 5 members, each elected  
297 for 3-year overlapping terms, so arranged that the terms of as nearly an equal number of  
298 members as possible shall expire each year.

299           (b) Powers and Duties

300           The recreation commission shall be develop, operate, schedule and coordinate all  
301 recreation programs for the town. The commission shall have all the powers and duties as may  
302 be provided by the laws of the commonwealth, this charter, town by-laws or by town meeting.

303           Section 3-13 Trustees of Soldiers' Memorials

304           (a) Composition and Term of Office

305           There shall be a committee which shall consist of 5 members, 3 of whom shall be  
306 veterans and 2 of whom shall be nonveterans, elected for 3-year overlapping terms, so arranged  
307 that the terms of as nearly an equal number of members as possible shall expire each year.

308           (b) Powers and Duties

309           The Trustees of Soldiers' Memorials shall have all the powers and duties as may be  
310 provided by the laws of the commonwealth.

311           Section 3-14 Amanda E. Dwight Entertainment Fund

312           (a) Composition and Term of Office

313           There shall be 3 trustees of the Amanda E. Dwight Entertainment Fund who shall be  
314 elected for 3-year terms, so arranged that the term of 1 member shall expire each year.



315 (b) Powers and Duties

316 The trustees of the Amanda E. Dwight Trust shall have all the powers and duties as  
317 defined in the Amanda E. Dwight Trust agreement established by the town on September 28,  
318 1928.

319 Section 3-15 Townsend Housing Authority

320 (a) Composition and Term of Office

321 There shall be a housing authority, the composition of which shall be in accordance with  
322 the General Laws.

323 (b) Powers and Duties

324 The housing authority shall study the housing needs of the town and shall provide  
325 programs to make low-income housing available for qualified families and the elderly. The  
326 housing authority shall have all the powers and duties given to housing authorities by the laws of  
327 the commonwealth.

328 Section 3-16 James H. Tucker Trust Fund committee

329 (a) Composition and Term of Office

330 There shall be a James H. Tucker Trust Fund committee which shall consist of 3 West  
331 Townsend Village residents who shall be elected at the annual town meeting.

332 (b) Powers and Duties

333           The James H. Tucker Trust Fund committee shall act in accordance with the bequest for  
334 the sole purpose of keeping the curbing, gravestones and monuments in good order, including the  
335 installation and maintenance of fencing, as necessary.

336           Article 4

337           Town Administrator

338           Section 4-1 Appointment; Qualification; Terms

339           The select board shall appoint a town administrator for a term of not more than 3 years,  
340 which term or portion thereof may be renewed. With the exception of the limit on the  
341 aforementioned term or any other requirements of local, state or federal law to the contrary, the  
342 terms affecting the appointment, termination of appointment, renewal or nonrenewal of such  
343 appointment shall be set forth and subject to a mutually-agreed upon contract. Nothing in this  
344 section shall grant tenure to the town administrator. Annually, the select board shall fix the  
345 compensation of the town administrator within the amount appropriated therefor by the town.  
346 The town administrator shall be appointed based solely on demonstrated executive and  
347 administrative qualifications. The town administrator shall be a person especially fitted by  
348 education, training and experience in public administration to perform the duties of the office as  
349 outlined in the job description. Education requirements shall include, at a minimum, a Bachelor's  
350 degree but there shall be a preference for a candidate holding a Master's degree with sufficient  
351 experience administering similarly sized communities, preferably within the commonwealth.

352           The town administrator shall not be required to be a resident of the town at the time of  
353 appointment or at any other time during the period of such service. The town administrator shall  
354 not have served in an elective position in town government for at least 12 months prior to

355 appointment. The town may from time to time establish, by by-laws, such additional  
356 qualifications as it deems necessary and appropriate. The town administrator shall not hold any  
357 other public office in the town, except as authorized by the General Laws.

358         The select board shall provide for an annual review of the job performance of the town  
359 administrator which shall, at least in summary form, be a public record. The review shall reflect  
360 the town administrator's performance of the duties of the office as listed in the job description  
361 and any goals and objectives developed by the select board.

362         Section 4-2 Powers and Duties

363         The town administrator shall be the chief administrative officer of the town and shall be  
364 directly responsible to the select board for the administration of all town affairs for which the  
365 office of town administrator has responsibility under this charter. For the purposes of this  
366 section, "chief administrative officer" shall mean the person responsible for administrative  
367 management of governmental operations. The town administrator shall have the following  
368 powers and responsibilities:

369         (i) to supervise, direct and provide for the efficient administration of all functions and  
370 activities for which the office of town administrator is responsible by this charter, the laws of the  
371 commonwealth, town by-laws, by town meeting or by a vote of the select board as may be  
372 consistent with the General Laws;

373         (ii) to enforce all personnel policies, practices and rules and regulations so that they are  
374 equally administered for all town employees; provided, however, that if a collective bargaining  
375 agreement or other employment contract is inconsistent with the town's general policies, the  
376 town administrator shall assure that they are administered according to the collective bargaining

377 agreement or contract, as the case may be; and provided further that the town administrator's  
378 contract shall be overseen and administered by the select board;

379 (iii) to attend all regular and special meetings of the select board unless unavailable for  
380 reasonable cause; provided, however, that the town administrator shall have a voice, but no vote,  
381 in the proceedings;

382 (iv) to keep the select board fully advised at a public meeting or in writing as to the needs  
383 of the town and all applicable local, state and federal agencies and to make recommendations as  
384 may be appropriate to the select board of any action required to address matters of concern;

385 (v) to prepare budgets that fall directly under the select board and to oversee the budgets  
386 for any town agencies that fall directly under the select board; provided, however, that the town  
387 administrator shall present to the select board the budgets of elected town agencies and the  
388 capital plan in such a manner that the select board shall have an understanding of the total  
389 budget; and provided further, that the town administrator shall work with other town agencies  
390 including, but not limited to the finance committee, the accountant, the assessor and the  
391 treasurer, to develop a plan for the funding of appropriations;

392 (vi) to serve as the chief procurement officer for the town in accordance with the General  
393 Laws and to appoint such assistant procurement officers as provided in the General Laws;

394 (vii) to see that all laws of the commonwealth, this charter, the by-laws and any votes of  
395 the town meeting and the select board which require enforcement by the town administrator or  
396 other officers subject to the direction and supervision of the town administrator, are faithfully  
397 executed, performed or otherwise carried out;

398 (viii) to inquire at any time into the conduct and operations of any office or the  
399 performance of any officers and employees of town agencies under the jurisdiction of the select  
400 board;

401 (ix) to attend all sessions of the town meeting and to answer all questions raised by voters  
402 which relate to the warrant articles and to matters over which the town administrator exercises  
403 any supervision;

404 (x) to coordinate the activities of all town departments serving under the town  
405 administrator and the select board with all town departments under the control of other officers  
406 and multiple member bodies elected by the voters; provided, however, that the town  
407 administrator may require the person so elected, or that person's representative, to meet with the  
408 town administrator at reasonable times to effect the coordination and cooperation among all town  
409 agencies;

410 (xi) to perform any other duties that are required to be performed by the town  
411 administrator under the laws of the commonwealth, this charter, the by-laws, the administrative  
412 code or by a vote of the town meeting or select board; and

413 (xii) to consult with the select board in developing long-range goals and objectives for the  
414 town, including keeping the board informed on the long-range needs of the town and proactively  
415 suggesting best practices for the town; provided, however, that for the purposes of this clause,  
416 "best practices" shall mean procedures that have been shown by research or experience to  
417 produce optimal results and that are generally established as standards suitable for widespread  
418 adoption.

419 Section 4-3: Delegation of Authority

420           The town administrator may authorize any subordinate officer or employee to exercise  
421 any power or perform any function or duty which is assigned to the office of town administrator;  
422 provided, however, that all acts performed under any such delegation shall be deemed to be the  
423 acts of the town administrator.

424           Section 4-4: Interim town Administrator

425           A vacancy in the office of town administrator shall be filled as soon as possible by the  
426 select board pending a permanent appointment to that office by the select board. Upon any such  
427 vacancy, the select board shall appoint a qualified person to perform the duties of the town  
428 administrator on a temporary basis. The interim town administrator shall have all duties and  
429 responsibilities of the town administrator; provided, however, that in selecting an interim town  
430 administrator, the qualifications and educational requirements under section 4-1 shall be  
431 maintained unless waived by the select board; and provided further, that compensation for the  
432 interim town administrator shall be set by the select board.

433           Article 5

434           Administrative Organization

435           Section 5-1 Administration of Government

436           (b)(1) Unless specifically prohibited by the General Laws or this charter, the town  
437 meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any town  
438 agency, in whole or in part, and establish any new town agency as it deems necessary or  
439 advisable. In furtherance thereof, the town meeting may determine the manner of selection and  
440 the terms of office and prescribe the functions of any such agency; provided, however, that no

441 function assigned by this charter to a particular town agency shall be discontinued or assigned to  
442 any other agency unless the charter authorizes such discontinuation or assignment.

443 (2) The town administrator, after consultation with the select board, may from time to  
444 time prepare and submit to the town meeting its plans for organization or reorganization which  
445 shall establish operating divisions for the orderly, efficient or convenient conduct of the business  
446 of the town. If the town administrator prepares such a plan, the select board shall hold at least 1  
447 public hearing on the proposal giving notice thereof by publication in a local newspaper, which  
448 notice shall describe the scope of the proposal and the time and place at which the hearing shall  
449 be held which shall be not less than 7 or more than 14 days after publication. Following the  
450 public hearing, the proposal, which may have been amended subsequent to the public hearing,  
451 shall be submitted to the town meeting by an appropriate warrant article.

452 (3) An organization or reorganization plan shall become effective at the expiration of 60  
453 days following the date of adjournment of the town meeting at which the proposal was approved.  
454 The town meeting shall vote only to approve or disapprove the plan and shall not vote to amend  
455 or to alter the plan.

456 (c) Unless specifically prohibited by the General Laws or this charter, the select board  
457 may, through the administrative code, reorganize, consolidate or abolish any town agency, in  
458 whole or in part, and establish any new town agency it deems necessary to the same extent as  
459 provided in subsection (b) for by-laws. For such purpose, the select board may transfer the  
460 powers and duties and, so far as is consistent with the use for which the funds were made  
461 available, transfer the appropriation of 1 town agency to another; provided, however that no

462 function assigned by this charter to a particular town agency shall be discontinued or assigned to  
463 any other agency unless the charter authorizes such transfer or assignment.

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

465 For public convenience, the administrative code and any amendments thereto shall be  
466 printed as an appendix to, and not as an integral part of, the by-laws. The personnel and staffing  
467 plan prepared by the select board shall be published annually in the town report.

468 Section 5-3 Removals and Suspensions

469 (a) Any appointed officer, member of a multiple member body or employee of the town  
470 who is not subject to civil service law or covered by the terms of a collective bargaining  
471 agreement or employment contract which provides a different method for removal or suspension,  
472 whether appointed for a fixed or an indefinite term, may be suspended or removed from office,  
473 without compensation, by the appointing authority for cause. For the purposes of this section,  
474 “cause” shall include, but not be limited to: (i) incapacity or inability to complete assignments in  
475 a timely manner on a routine basis in accordance with principles of reasonable care; (ii) neglect,  
476 which shall include failure to perform the duties of the position in a reasonably competent  
477 manner or failure to satisfy performance standards; (iii) chronic absenteeism; and (iv)  
478 insubordination, conduct unbecoming the office, gross negligence, willful misconduct, willful  
479 dereliction of duty, embezzlement, fraud against the town or conviction of a felonious act in  
480 office. An appointed officer, member of a multiple member body or employee of the town may  
481 be suspended from office by the appointing authority if the appointing authority deems the  
482 suspension is necessary to protect the interests of the town; provided, however, that no  
483 suspension shall be for more than 15 days. A suspension may occur concurrently with a removal



484 process and shall not interfere with the rights of the individual under the removal procedure as  
485 provided in subsection (b).

486 (b) When removal under this section is deemed necessary, the appointing authority shall  
487 act in accordance with the following procedure:

488 (i) written notice of the intent to remove and a statement of any cause therefor shall be  
489 delivered in hand or by registered or certified mail, return receipt requested, to the last known  
490 address of the person sought to be removed;

491 (ii) within 5 days following the delivery of notice to the person sought to be removed,  
492 such person may request a public hearing to be convened within 30 days after making the request  
493 unless such time is extended by agreement; provided, however, that any such person may be  
494 represented by counsel, shall be entitled to present evidence, to call witnesses and to question  
495 any witnesses appearing at the hearing; and

496 (iii) between 1 and 10 days after the public hearing has adjourned or, if no public hearing  
497 has been requested, between 6 and 15 days after delivery of the notice of intent to remove, the  
498 appointing authority shall take final action by either removing the officer, member of a multiple  
499 member body or employee or by notifying such person that the notice has been rescinded;  
500 provided, however, that a failure of the appointing authority to take any action within the time  
501 required by this clause shall be deemed a rescission of the original notice and the officer,  
502 member of a multiple member body or employee shall forthwith be reinstated.

503 (c) Notwithstanding any general or special law or provision of this charter to the contrary,  
504 a decision not to renew an employment contract of appointment for a fixed term shall not

505 constitute a dismissal and shall not require a hearing or trigger the removal procedures required  
506 by this section.

507 (d) This section shall not apply to any appointed officer, member of a multiple member  
508 body or employee of the town subject to civil service law, a collective bargaining agreement or  
509 employment contract and, as to such persons, the provisions of the civil service law, collective  
510 bargaining agreement or employment contract shall control and apply to the process and to the  
511 suspension, removal or nonrenewal.

## 512 Section 5-4 Procedures Governing Multiple Member Bodies

### 513 (a) Meetings

514 All multiple member bodies shall meet regularly at such times and places within the town  
515 as they may by their own rules prescribe. Except in cases of emergency, special meetings of any  
516 multiple member body shall be held at the call of the respective chair or by 1/3 of the members  
517 thereof by written notice delivered to the residence or place of business of each member not less  
518 than 48 hours in advance of the time set to convene. A copy of the notice shall be posted on the  
519 town bulletin board. A special meeting of a multiple member body shall be called within 1 week  
520 after the date of the filing of a petition with the town clerk, signed by not less than 50 voters and  
521 stating the purpose for which the meeting is being called.

### 522 (b) Agendas

523 Before any meeting of a multiple member body is to be held, an agenda containing all  
524 items which are scheduled to come before the multiple member body shall be posted as required  
525 by law.

526 (c) Rules and Minutes

527 Each multiple member body shall determine its own rules and order of business unless  
528 otherwise provided by this charter or the by-laws and shall provide for the keeping of the  
529 minutes of its proceedings. The rules and minutes shall be public records and copies thereof shall  
530 be placed on file in the office of the town clerk and shall be available for public inspection.

531 (d) Voting

532 Except on procedural matters, all votes of a multiple member body shall be taken by a  
533 call of the roll and the vote of each member shall be recorded in the minutes; provided, however,  
534 that if the vote is unanimous, only that fact shall be required to be recorded.

535 (e) Quorum

536 Unless otherwise required by law, a majority of the members of a multiple member body  
537 then in office shall constitute a quorum but a smaller number may adjourn from time to time and  
538 compel the attendance of absent members in the manner and subject to the penalties prescribed  
539 by the rules of the multiple member body.

540 (f) Filling of Vacancies

541 Whenever a vacancy shall occur in the membership of an appointed multiple member  
542 body, the remaining members shall forthwith give written notice of such vacancy to the select  
543 board or other appointing authority. If, at the expiration of 45 days following the delivery of such  
544 notice, the select board or other appointing authority has not appointed a person to fill the  
545 vacancy, the remaining members, by a majority vote of the multiple member body, shall fill the

546 vacancy for the remainder of the unexpired term. The town clerk and the select board or other  
547 appointing authority shall be notified in writing once the vacancy is filled.

548 (g) Composition of Multiple Member Bodies

549 When established, all multiple member bodies shall consist of an odd number of  
550 members. If the terms of office of the members of a multiple member body are for more than 1  
551 year, such terms of office shall be so arranged so that the terms of as nearly an equal number of  
552 members as possible shall expire each year.

553 Section 5-5 Notice of Vacancies

554 Whenever a vacancy occurs in any town office, position or employment and whenever,  
555 by reason of a pending retirement or expiration of a fixed term, a vacancy is anticipated, the  
556 appointing authority shall forthwith cause public notice of the vacancy to be posted on the town  
557 bulletin board for not less than 10 days. Such notice shall contain a description of the duties of  
558 the office, position or employment and a listing of the necessary or preferred qualifications to fill  
559 the office, position or employment. No permanent appointment to fill any such vacancy in any  
560 office, position or employment shall be effective until 14 days following the date the notice of  
561 the vacancy was posted to permit reasonable consideration of all applicants. This section shall  
562 not apply to positions subject to civil service law or a collective bargaining agreement.

563 Section 5-6 Loss of Office, Excessive Absence

564 If a person appointed to serve as a member of a multiple member body shall fail to attend  
565 4 consecutive meetings or 1/2 of all meetings of the body held in 1 calendar year, the remaining  
566 members of the multiple member body may, by majority vote, declare the office vacant. Not less

567 than 10 days prior to the date on which the vote is scheduled to be taken, the body shall deliver  
568 notice of the proposed vote in hand, or by registered or certified mail, return receipt requested, to  
569 the last known address of the person sought to be removed.

570 Section 5-7 Terms of Office

571 Notwithstanding any provision of this charter to the contrary, if a person has served for  
572 an initial term of years in a full-time appointed town office and is reappointed to the same office  
573 to succeed themselves, such reappointment shall be for an indefinite term and shall not be subject  
574 to further periodic reappointment; provided, however, that such person shall be subject to  
575 removal and suspension in accordance with the procedures in section 5-3. This section shall not  
576 apply to a person subject to a collective bargaining agreement or a personal services contract.

577 Article 6

578 Finance and Fiscal Procedures

579 Section 6-1 Fiscal Year

580 The fiscal year of the town shall begin on July 1 and end on June 30 in the following year  
581 unless otherwise provided by the General Laws.

582 Section 6-2 Submission of Budget and Budget Message

583 Within the time fixed by by-law and before the annual town meeting is to convene, the  
584 town administrator, with the approval of the select board, shall submit to the finance committee a  
585 proposed operating budget for the ensuing fiscal year for the town agencies under the  
586 responsibility of the select board. The proposed operating budget submission shall be  
587 accompanied by a budget message and supporting documents. Elected officials shall submit to

588 the town administrator, the select board and the finance committee a proposed operating budget  
589 for the ensuing fiscal year which shall be accompanied by a budget message and supporting  
590 documents.

591 Section 6-3 Budget Message

592 The budget message of the select board shall explain the budget for all town agencies.

593 Section 6-4 Town Budget

594 The proposed operating budget shall provide a complete financial plan for all town funds  
595 and activities for the ensuing fiscal year. The presentation of the budget shall utilize modern  
596 concepts of fiscal presentations required by the General Laws and any regulations promulgated  
597 by the department of revenue to furnish maximum information and the best financial control.

598 Section 6-5 Approval of warrants

599 The select board shall be the chief fiscal officer of the town. Warrants for the payment of  
600 town funds prepared by the town accountant in accordance with the General Laws shall be  
601 submitted to the town administrator for review.

602 Article 7

603 General Provisions; Definitions; Periodic Review

604 Section 7-1 Charter Changes

605 This charter may be replaced, revised or amended in accordance with any procedures  
606 made available under the Constitution of the Commonwealth and the General Laws.

607 Section 7-2 Severability

608 The provisions of this charter shall be severable. If any provision is held to be invalid, the  
609 other provisions shall not be affected by such invalidity. If the application of this charter to any  
610 person or circumstance is held to be invalid, such application of this charter to any other person  
611 or circumstance shall not be affected such invalidity.

612 Section 7-3 Specific Provisions to Prevail

613 To the extent that any specific provisions of this charter shall conflict with any provision  
614 expressed in general terms, the specific provisions of this charter shall prevail.

615 Section 7-4 Number and Gender

616 Words importing the singular number may extend and be applied to several persons or  
617 things. Words importing the plural number may include the singular. Words importing 1 gender  
618 shall apply to the other gender unless the context clearly requires otherwise.

619 Section 7-5 Rules and Regulations

620 A copy of all rules and regulations adopted by a town agency shall be filed in the office  
621 of the town clerk at least 10 days before any such rules and regulations shall take effect. Copies  
622 of such rules and regulations shall be made available in the clerk's office for public inspection  
623 upon request.

624 Section 7-6 Periodic Review, Charter and town by-laws

625 (a) Not less than once every 10 years, the select board shall establish a special committee  
626 to review this charter and to file a report, including its recommendations, to the town meeting

627 concerning any proposed amendments which the committee deems necessary or advisable. The  
628 committee shall consist of 9 members who shall be appointed as follows: (i) the select board, the  
629 planning board, the council on aging and the board of library trustees shall each appoint 1  
630 person; (ii) the finance committee shall appoint 2 persons; and (iii) the town moderator shall  
631 appoint 3 persons. A person appointed pursuant to clause (i) shall not be required to be a  
632 member of the agency from which they were appointed. The committee shall meet to organize  
633 forthwith following the final adjournment of the annual town meeting.

634 (b) In each year ending in 3 and in each year ending in 8, the select board shall cause to  
635 be prepared by a special committee appointed for that purpose, a proposed revision or  
636 recodification of all town by-laws. The proposed revision or recodification shall be presented to  
637 the town meeting for subsequent enactment at the annual town meeting in the year following the  
638 year in which the committee was appointed. The committee, in its final report and any interim  
639 reports, shall include recommendations for any substantive changes in the by-laws as it deems  
640 necessary or advisable. The review of the by-laws shall be conducted in cooperation with town  
641 counsel or by a special counsel retained for that purpose. Subsequent to enactment by the town  
642 meeting, copies of the revised town by-laws shall be forwarded to the attorney general of the  
643 commonwealth for approval pursuant to the General Laws and shall be otherwise published and  
644 made available for public distribution notwithstanding the pendency of the attorney general's  
645 approval.

646 Section 7-7 Continuation of Government



647 All town officials shall continue to perform the duties of their office until they are  
648 reappointed or reelected, until their successors are duly appointed or elected or until their duties  
649 have been transferred and assumed by another town agency in accordance with this charter.

650 Section 7-8 Definitions

651 For the purposes of this charter, the following words shall have the following meanings  
652 unless the context clearly requires otherwise:

653 (a) "Charter", this charter and any amendments to it that may hereinafter be adopted.

654 (b) "Days", business days, which shall not include Saturdays, Sundays and legal holidays  
655 if the time set is for less than 7 days; provided, however, that if the time set is for 7 days or more,  
656 each day shall be counted.

657 (c) "Emergency", a sudden, unexcepted, unforeseen happening, occurrence, event or  
658 condition which necessitates immediate action.

659 (d) "General laws", the laws of the commonwealth which apply alike to all cities and  
660 towns, to all towns or to a class of municipalities of which the town is a member.

661 (e) "Laws of the commonwealth", the General Laws of Massachusetts, a codification and  
662 revision of statutes enacted on December 22, 1920, including all amendments thereto  
663 subsequently adopted.

664 (f) "Local newspaper", a newspaper of general circulation in the town regardless of  
665 media.

666 (g) "Majority vote", a majority of those present and voting; provided, however, that a  
667 quorum of the body shall be present when the vote is taken unless a higher number is required by  
668 law.

669 (h) "Multiple member body", a town body consisting of not less than 2 persons including,  
670 but not limited to, a board, commission, committee or subcommittee, however constituted.

671 (i) "Registered voter", a person registered to vote in the town.

672 (j) "Town", the town of Townsend

673 (k) "Town agency", a board, commission, committee, department, division or office of  
674 town government.

675 (l) "Town bulletin board", the official town webpage posting and the bulletin board at the  
676 town hall on which official town notices are posted and any other location which may from time  
677 to time be designated as a town bulletin board by by-law or by vote of the select board or as  
678 required by the General Laws.

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