

**HOUSE . . . . . No. 4399**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bradley H. Jones, Jr.***

*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 further amending the charter of the town of Middleton.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>8/6/2025</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>8/12/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>8/6/2025</i>

**HOUSE . . . . . No. 4399**

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 4399) of Bradley H. Jones, Jr., and Bruce E. Tarr (by vote of the town) relative to amending the charter of the town of Middleton. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act further amending the charter of the town of Middleton.

*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. Section 2 of chapter 2 of the charter of the town of Middleton, which is on  
2 file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B  
3 of the General Laws, is hereby amended by striking out subsection 2-2-3 and inserting in place  
4 thereof the following subsection:-

5 2-2-3 When the number of voters in attendance at Town Meeting is determined to be less  
6 than the established quorum, the meeting shall be adjourned forthwith to a stated date, time and  
7 place or, at the option of Town Meeting, dissolved.

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

10 2-3-2 Where required by applicable law, the Town Meeting shall consider and act upon,  
11 with or without amendments, all proposed operating and capital budgets, bond issues and other  
12 financial proposals of the Town.

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

15 2-4-2 In all procedural matters, the Town Meeting shall follow the latest edition of Town  
16 Meeting Time, except as provided by the General Laws, this Charter or by the By-law.

17 SECTION 4. Said section 4 of said chapter 2 of said charter is hereby further amended by  
18 striking out subsections 2-4-5 and 2-4-6 and inserting in place thereof the following 2  
19 subsections:-

20 2-4-5 A copy of the Warrant for any Town Meeting shall be mailed to each residence in  
21 the Town at least 7 days prior to the commencement of said meeting.

22 2-4-6 The order of consideration of the Articles on the Warrant may be changed at the  
23 discretion of the Town Moderator.

24 SECTION 5. Said section 4 of said chapter 2 of said charter is hereby further amended by  
25 striking out subsections 2-4-8 to 2-4-11, inclusive, and inserting in place thereof the following  
26 4 subsections:-

27 2-4-8 The Town Meeting shall receive Finance Committee recommendations on all Town  
28 Meeting Articles concerning financial matters; provided, that failure to submit a recommendation  
29 may not preclude Town Meeting action.

30 2-4-9 The Town Meeting shall receive a Planning Board recommendation on all Articles  
31 involving planning, zoning, subdivision control, land acquisition, conservation, extension of  
32 sewer lines and all other matters relating to land and the environment; provided, that a failure to  
33 submit a recommendation may not preclude Town Meeting action.

34           2-4-10 The substance of any Article defeated at Town Meeting shall not again be placed  
35 on the Warrant for the period of 1 year.

36           2-4-11 The substance of any Article entailing zoning, which has been defeated at any  
37 Town Meeting shall not again be voted on by the Town Meeting for a period of 2 years  
38 thereafter, unless the Planning Board shall have recommended resubmission of the Article.

39           SECTION 6. Section 1 of chapter 3 of said charter is hereby amended by striking out  
40 subsections 3-1-1 and 3-1-2 and inserting in place thereof the following 2 subsections:-

41           3-1-1 The regular election for all Town offices shall be by official ballot held on the third  
42 Tuesday in May of each year. The Select Board may change the date of the Town elections due  
43 to reasons relating to public health, safety and welfare; provided, that the new date is in  
44 conformance with state law.

45           3-1-2 Any person duly elected to any office or board shall take up the duties of their  
46 office immediately; provided, that they first shall have been sworn to the faithful performances  
47 of their duties.

48           SECTION 7. Section 4 of said chapter 3 of said charter is hereby amended by striking out  
49 subsections 3-4-1 to 3-4-3, inclusive, and inserting in place thereof the following 3  
50 subsections:-

51           3-4-1 An elected officer of the Town may be recalled and removed from public office by  
52 the voters of the Town as herein provided. Any voter of the Town may file with the Select Board  
53 a petition containing the name and title of the elective officer whose removal is sought together  
54 with a statement of the grounds for their removal. Said petition shall be filed with said Select

55 Board and shall be signed in ink or indelible pencil by qualified voters of the Town equal in  
56 number to at least 12 per cent of the voters registered at the last regular municipal election;  
57 provided, that no recall petition may be filed against any officer until the officer shall have held  
58 the officer's office before the taking of such vote. Said recall vote shall be called and conducted  
59 in the same manner as is provided by the General Laws for the call and conduct of a special  
60 election.

61 3-4-2 If, within 5 business days after receipt of the petition the Select Board shall  
62 determine the petition and affidavits to be sufficient, a recall vote shall be taken within 110 days  
63 but not sooner than 90 days after such final determination; provided, that no such vote shall be  
64 taken if the term of office of such elective official shall expire within 150 days after such  
65 determination, or if such elective officer shall resign from such office before the taking of such  
66 vote. Said recall vote shall be called and conducted in the same manner as is provided by the  
67 General Laws for the call and conduct of a special election.

68 3-4-3 The form of the question to be voted upon shall be substantially as follows: "Shall  
69 (here insert the name and title of the elective officer whose recall is sought) be recalled?" A  
70 majority vote of the voters to recall such elective officer shall not be effective unless a total of a  
71 majority of 12 per cent of the electorate entitled to vote on the question shall be voted. Recall of  
72 such elective officer shall become effective upon certification of the results of the voting thereon,  
73 regardless of any technical deficiency in the recall petition. If any elective officer shall be  
74 recalled, the vacancy created thereby shall be filled in accordance with the provisions of this  
75 Charter and the General Laws.

76 SECTION 8. Section 1 of chapter 4 of said charter is hereby amended by striking out  
77 subsections 4-1-1 and 4-1-2 and inserting in place thereof the following 2 subsections:-

78 4-1-1 A Select Board of 5 members shall be elected for 3-year overlapping terms. The  
79 regular election for the office of the Select Board shall be held in accordance with Chapter 3 of  
80 this Charter.

81 4-1-2 Vacancies in the office of the Select Board may be filled by special election in  
82 accordance with the provisions of the General Laws.

83 SECTION 9. Section 4 of said chapter 4 of said charter is hereby amended by striking out  
84 subsection 4-4-1 and inserting in place thereof the following subsection:-

85 4-4-1 The Select Board may make investigations and may authorize the Town  
86 Administrator or other agent to investigate the affairs of the Town and conduct of any town  
87 board, department or office including any claims against the Town. For this purpose the Select  
88 Board may subpoena witnesses, administer oaths, take testimony, and require the production of  
89 evidence. The report of such investigation shall be placed on file in the office of the Town Clerk  
90 and a report of such investigation shall be printed in the next Annual Town Report.

91 SECTION 10. Chapter 5 of said charter is hereby amended by striking out the title and  
92 inserting in place thereof the following title:- OTHER ELECTED BOARDS AND OFFICIALS.

93 SECTION 11. Section 1 of said chapter 5 of said charter is hereby amended by striking  
94 out subsection 5-1-1 and inserting in place thereof the following subsection:-

95 5-1-1 Other Town boards and officials to be elected by vote of the Town shall be an  
96 Elementary School Committee, a Regional School Committee, a Planning Board, a Board of

97 Assessors, a Board of Library Trustees, a Town Clerk, a Housing Authority, Electric Light  
98 Commissioners, a Constable and a Town Moderator.

99 SECTION 12. Said section 1 of said chapter 5 of said charter is hereby further amended  
100 by striking out subsection 5-1-4 and inserting in place thereof the following subsection:-

101 5-1-4 Members of boards and commissions established under this Charter who serve  
102 without compensation may receive actual and necessary expenses incurred in the rightful  
103 performance of their duties, within limits of both their authority and an appropriation made for  
104 that purpose.

105 SECTION 13. Section 2 of said chapter 5 of said charter is hereby amended by striking  
106 out subsection 5-2-1 and inserting in place thereof the following subsection:-

107 5-2-1 Vacancies in the Town boards established under this Chapter shall be filled by the  
108 Select Board together with the remaining members of the respective board, in accordance with  
109 the General Laws. Vacancies in other elected offices shall be filled in accordance with state law.

110 SECTION 14. Section 3 of said chapter 5 of said charter is hereby amended by striking  
111 out subsection 5-3-3 and inserting in place thereof the following subsection:-

112 5-3-3 At least 2 weeks prior to submitting a budget to the Town Accountant, the  
113 Elementary School Committee shall conduct a public hearing on the school budget. Said  
114 Committee shall have preliminary summaries of its recommendations available at said hearing,  
115 which shall be distributed to those who request them.

116 SECTION 15. Section 4 of said chapter 5 of said charter is hereby amended by striking  
117 out subsection 5-4-2 and inserting in place thereof the following subsection:-

118           5-4-2. Two alternate members shall be appointed jointly by the Select Board and the  
119 Planning Board for 1-year terms. The chairperson of the Planning Board may designate an  
120 alternate member to sit on the Planning Board to vote and act on all zoning and subdivision  
121 matters in the event of a board member's absence, inability to act, conflict of interest or a  
122 vacancy on the Planning Board. [Added by Ch.375 of the Acts of 2014]

123           SECTION 16. Subsection 6–1–1 of section 1 of chapter 6 of said charter is hereby  
124 amended by striking out the paragraph (a) and inserting in place thereof the following  
125 paragraph:-

126           (a) The following officers each for a term of 3 years: a Town Counsel and a Town  
127 Accountant.

128           SECTION 17. Said subsection 6–1–1 of said section 1 of said chapter 6 of said charter is  
129 hereby further amended by striking out the paragraph (c) and inserting in place thereof the  
130 following paragraph:-

131           (c) The following officers for an indefinite term: a Police Chief and a Fire Chief.

132           SECTION 18. Subsection 6–3–1 of section 3 of said chapter 6 of said charter is hereby  
133 amended by striking out the paragraph (d) and inserting in place thereof the following  
134 paragraph:-

135           (d) A Conservation Commission, a Recreation Commission and a Historical Commission,  
136 such boards to be composed of 5 members each, who shall be appointed for 3-year overlapping  
137 terms.

138 SECTION 19. Section 5 of said chapter 6 of said charter is hereby amended by striking  
139 out subsections 6-5-1 and 6-5-2 and inserting in place thereof the following 2 subsections:-

140 6-5-1 Any appointed officer or salaried employee of the Town, not subject to the  
141 provisions of Chapter 31 of the General Laws, whether appointed for a fixed or an indefinite  
142 term, may be suspended or removed from office by the appointing authority for good cause. The  
143 term good cause shall include, but not be limited to, the following: incapacity other than  
144 temporary illness, inefficiency, insubordination and conduct unbecoming of office.

145 6-5-2 Any appointed officer or salaried employee of the Town may be placed on paid  
146 administrative leave from office by the appointing authority if such action is deemed to them to  
147 be necessary to protect the interests of the Town. Administrative leave may be conterminous  
148 with the removal and shall not interfere with the rights of the officer or employee under the  
149 removal procedure given below.

150 SECTION 20. Subsection 6-5-3 of said section 5 of said chapter 6 of said charter is  
151 hereby amended by striking out the paragraphs b and c and inserting in place thereof the  
152 following 2 paragraphs:-

153 b. Within 5 days of delivery of such notice the officer or employee may request a public  
154 hearing at which they may be represented by counsel, shall be entitled to present evidence, call  
155 witnesses and to question any witness appearing at the hearing.

156 c. Between 1 and 10 days after a public hearing is adjourned, or if the officer or employee  
157 fails to request a public hearing between 6 and 15 days after delivery of the notice of the intent to  
158 remove, the appointing authority shall take final action either removing the officer or employee  
159 or notifying them that the notice is rescinded.

160 SECTION 21. Section 7 of said chapter 6 of said charter is hereby amended by striking  
161 out subsection 6-7-1 and inserting in place thereof the following subsection:-

162 6-7-1 The Town Administrator shall be directly responsible to the Select Board for the  
163 performance of their duties and shall be principal full-time administrative officer of the Town.

164 SECTION 22. Said section 7 of said chapter 6 of said charter is hereby further amended  
165 by striking out subsection 6-7-4 and inserting in place thereof the following subsection:-

166 6-7-4 The Town Administrator shall assemble and present to the Select Board, in-  
167 coordination with the Town Accountant, the annual budget of the Town and shall also be  
168 responsible for the development and annual revision of the capital improvements program, in  
169 accordance with Chapter 7 of this Charter.

170 SECTION 23. Said section 7 of said chapter 6 of said charter is hereby further amended  
171 by striking out subsection 6-7-7 and inserting in place thereof the following subsection:-

172 6-7-7 The Town Administrator shall serve as the Town's Chief Procurement Officer and  
173 shall be responsible for purchasing all material, equipment, supplies and services for the Town  
174 except those which Town By-law requires competitive bids. A vote of the Select Board is  
175 required to award a contract other than to the lowest bidder. [Amended 5-8-1984 ATM by Art.  
176 52, approved 5-10-1985]

177 SECTION 24. Said section 7 of said chapter 6 of said charter is hereby further amended  
178 by striking out subsection 6-7-10 and inserting in place thereof the following 2 subsections:-

179 6-7-10 The Town Administrator shall supervise all appointed Department Heads. The  
180 Town Administrator shall be the Select Board's agent for collective bargaining and may request

181 the Town Counsel to assist in the performance of these duties. The Town Administrator shall  
182 administer the Town's personnel by laws, including, but not limited to, personnel policies and  
183 practices, rules and regulations, including provisions for recruitment, an annual employee  
184 performance review, employee grievance procedures and discipline, workplace safety and  
185 collective bargaining agreements entered into by the Town. The Town Administrator shall  
186 inquire, at any time, into the conduct of an office or the performance of the duties of any officer  
187 or employee, department board, commission or other Town agency.

188           6-7-11 The Town Administrator shall perform any other duties as required to be  
189 performed by the Town Administrator By-laws, administrative codes, binding votes of Town  
190 Meeting, votes of the Select Board or otherwise.

191           SECTION 25. Section 8 of said chapter 6 of said charter is hereby amended by striking  
192 out subsection 6-8-3 and inserting in place thereof the following subsection:-

193           6-8-3 The adoption of said resolution shall serve to place the Town Administrator on  
194 administrative leave for a period of not more than 45 days, unless extended by the vote of the  
195 Select Board, during which the Town Administrator's salary shall continue to be paid. A copy of  
196 such resolution shall be delivered to the Town Administrator who shall have 5 business days in  
197 which to request a hearing, in accordance with Open Meeting Law. If a hearing shall be  
198 requested, the Select Board shall schedule it within 2 weeks.

199           SECTION 26. Said section 8 of said chapter 6 of said charter is hereby further amended  
200 by striking out subsection 6-8-4.

201           SECTION 27. Section 9 of said chapter 6 of said charter is hereby amended by striking  
202 out subsection 6-9-1 and inserting in place thereof the following subsection:-

203           6-9-1 In the event of temporary absence, disability, suspension or vacancy in the office of  
204 the Town Administrator, the Select Board by an affirmative vote of at least 3 members may  
205 appoint an acting Town Administrator. The term of the acting Town Administrator shall not  
206 exceed 90 days, except as may be extended by the Select Board, and they shall perform all duties  
207 required of the Office of the Town Administrator. An acting Town Administrator appointed  
208 under this section shall receive compensation as set by the affirmative.

209           SECTION 28. Section 2 of chapter 7 of said charter is hereby amended by striking out  
210 subsection 7-2-1 and inserting in place thereof the following subsection:-

211           7-2-1 An annual audit of all accounts, books, records and financial transactions of every  
212 department, board and commission of the Town government, including the elementary school  
213 department, shall be conducted as required by the General Laws.

214           SECTION 29. Section 4 of said chapter 7 of said charter is hereby amended by striking  
215 out subsections 7-4-2 to 7-4-6, inclusive, and inserting in place thereof the following 3  
216 subsections:-

217           7-4-2 No later than 90 days prior to the Annual Town Meeting, the Town Administrator  
218 shall submit to the Select Board and Finance Committee a proposed operating budget of the  
219 ensuing fiscal year. No later than 60 days prior to the Annual Town Meeting, the Town  
220 Administrator shall submit to the Select Board and Finance Committee a proposed capital budget  
221 of the ensuing fiscal year.

222           7-4-3 The Finance Committee shall prepare and present a budget message concerning its  
223 recommendations to the Annual Town Meeting. The budget message shall also be included in  
224 the annual Town Report.

225           7-4-4 The budget message shall explain the budget both in fiscal terms and in terms of  
226 work programs. It shall: (1) outline the proposed financial policies of the Town for the ensuing  
227 fiscal year; (2) describe the features of the budget; (3) indicate any major changes from the  
228 current year in financial policies, expenditures and revenues together with the reasons for such  
229 changes; (4) summarize the Town's debt positions; (5) estimate the impact of the total budget  
230 upon the ensuing tax rate; and (6) include such other material as the Finance Committee shall  
231 deem desirable. The Select Board may also submit a budgetary message to the Town Meeting.

232           SECTION 30. Section 5 of said chapter 7 of said charter is hereby amended by striking  
233 out subsection 7-5-1 and inserting in place thereof the following subsection:-

234           7-5-1 The Town Administrator shall submit a capital improvement program to the Select  
235 Board and the Finance Committee at least 150 days before the start of each fiscal year. It may be  
236 based on material prepared by Department Heads, including: (1) a clear, concise general  
237 summary of its contents; (2) a list of all capital improvements proposed to be undertaken during  
238 the next ensuing 5 years, with supporting information as to the need for each such capital  
239 improvements; (3) cost estimates, methods of financing and recommended time schedules for  
240 each improvement; and (4) the estimated annual cost of operating and maintaining each facility  
241 and piece of major equipment involved. This information is to be annually revised by the Town  
242 Administrator with regard to the capital improvements still pending or in the process of being  
243 acquired, improved or constructed.

244           SECTION 31. Section 6 of said chapter 7 of said charter is hereby amended by striking  
245 out subsection 7-6-1 and inserting in place thereof the following subsection:-

246           7-6-1 The Finance Committee shall make available to the residents of the Town, a notice  
247 stating: (1) the time and places where copies of the operating budget and capital improvements  
248 program are available for inspection; and (2) the date, time and place, not less than 7 days after  
249 such publication, when the Finance Committee and the Select Board jointly conduct 1 or more  
250 public hearings on the proposed operating budget and capital improvements program.

251           SECTION 32. Section 10 of said chapter 7 of said charter is hereby amended by striking  
252 out subsection 7-10-1 and inserting in place thereof the following subsection:-

253           7-10-1 An appropriation made by a separate Warrant Article shall continue in force until  
254 the purpose for which it was made shall have been accomplished or abandoned. The purpose of  
255 any such appropriation shall be deemed abandoned if 3 years shall pass without any  
256 disbursement from or encumbrance by contract of the appropriation.

257           SECTION 33. Section 11 of said chapter 7 of said charter is hereby amended by striking  
258 out subsection 7-11-1 and inserting in place thereof the following subsection:-

259           7-11-1 In addition to the prohibitions prescribed by law, the submission of a bid by any  
260 compensated town officer or employee on any contract to be awarded by the Town shall serve as  
261 notice to resign their office, unless otherwise authorized by the General Laws.

262           SECTION 34. Section 1 of chapter 8 of said charter is hereby amended by striking out  
263 subsection 8-1-1 and inserting in place thereof the following subsection:-

264           8-1-1 The Planning Board established under Section 4 of Chapter 5 of this Charter may  
265 make recommendations to the Select Board on all matters concerning the physical, economic and  
266 environmental development of the Town, as prescribed by the General Laws and this Charter.

267 SECTION 35. Said chapter 8 of said charter is hereby further amended by striking out  
268 section 2.

269 SECTION 36. Section 5 of chapter 9 of said charter is hereby amended by striking out  
270 subsection 9-5-2 and inserting in place thereof the following subsection:-

271 9-5-2 The Town Administrator shall propose and the Select Board may adopt personnel  
272 rules relating to all Town positions, except as otherwise provided by law or as may be  
273 superseded by collective bargaining agreements. Such rules shall provide for: (1) the  
274 classification of all positions based on the duties, responsibility and authority of each position,  
275 with adequate provision for reclassification of any position whenever warranted by changed  
276 circumstances; (2) a salary and pay plan for all positions; (3) methods of determining the merit  
277 and fitness of candidates for appointment and promotion; (4) policies and procedures regulating  
278 the removal of employees, consistent with this Charter; (5) hours of work, attendance regulations  
279 and provisions for sick, vacation, military and other leave of absence; (6) policies and procedures  
280 governing persons holding provisional appointments; (7) policies and procedures governing  
281 relationships with employee organizations; (8) policies regarding service training programs; (9)  
282 grievance procedures; and (10) such other practices and procedures as may be necessary for the  
283 administration of the personnel system.

284 SECTION 37. Section 1 of chapter 10 of said charter is hereby amended by striking out  
285 subsection 10-1-1 and inserting in place thereof the following subsection:-

286 10-1-1 The Town Moderator shall appoint a new Charter Review Committee every 10  
287 years. The Charter Review Committee shall review the Town Charter and make  
288 recommendations for appropriate revisions to Town Meeting.

289 SECTION 38. Section 4 of said chapter 10 of said charter is hereby amended by striking  
290 out subsection 10-4-1 and inserting in place thereof the following subsection:-

291 10-4-1 It shall be the responsibility of the Select Board to insure, through an appointed  
292 By-law Committee, that the General By-laws of the Town shall be reviewed at least every 5  
293 years and copies shall be made available to all registered voters requesting them.

294 SECTION 39. Section 5 of said chapter 10 of said charter is hereby amended by striking  
295 out subsection 10-5-1 and inserting in place thereof the following subsection:-

296 10-5-1 All boards, commissions and committees of the Town shall: (1) organize annually  
297 and elect a Chair and other necessary officers; (2) adopt rules of procedure and voting; and (3)  
298 maintain meeting minutes, copies of which shall be a public record.

299 SECTION 40. Section 6 of said chapter 10 of said charter is hereby amended by striking  
300 out subsection 10-6-1 and inserting in place thereof the following subsection:-

301 10-6-1 No meeting of any Town board, commission, committee or subcommittee shall be  
302 held in executive session except as allowed by the General Laws.

303 SECTION 41. This act shall take effect upon its passage.