

HOUSE No. 4501

The Commonwealth of Massachusetts

PRESENTED BY:

Kathleen R. LaNatra and Michelle L. Badger

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 amending the town charter of the town of Plymouth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>9/5/2025</i>
<i>Michelle L. Badger</i>	<i>1st Plymouth</i>	<i>9/5/2025</i>

HOUSE No. 4501

By Representatives LaNatra of Kingston and Badger of Plymouth, a petition (accompanied by bill, House, No. 4501) of Kathleen R. LaNatra and Michelle L. Badger (by vote of the town) relative to the charter of the town of Plymouth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act amending the town charter of the town of Plymouth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The charter of the town of Plymouth, as on file with the state archivist, is
2 hereby amended by striking out chapter 1 and inserting in place thereof the following chapter:-

3 CHAPTER 1

4 POWERS OF THE TOWN

5 Section 1 Incorporation

6 1-1-1 The present Town of Plymouth, Massachusetts, within its territorial limits as now
7 or may hereafter be established by law, is hereby continued as a body politic and corporate under
8 the name Town of Plymouth.

9 Section 2 Scope of Town Powers

10 1-2-1 The Town shall possess, exercise and enjoy all powers possible, and be subject to
11 all restrictions under the constitution and laws of the Commonwealth of Massachusetts as fully
12 and completely as though they were expressly enumerated in this Charter.

13 Section 3 Form of Government

14 1-3-1 This Charter provides for the Representative Town Meeting-Select Board-Town
15 Manager form of government.

16 Section 4 Construction of Charter

17 1-4-1 The powers of the Town under this Charter shall be construed liberally in favor of
18 the town and the specific mention of particular powers in this Charter shall not be construed as
19 limiting in any measure the general powers of the Town as stated in this chapter.

20 Section 5 Intergovernmental Relations

21 1-5-1 Consistent with any constitutional or statutory provision, the Town may exercise
22 any of its powers or perform any of its functions, and may participate in the financing thereof,
23 jointly or in cooperation, by contract or otherwise, with any one or more municipalities, civil
24 divisions, subdivisions or agencies of the Commonwealth, other states or the United States
25 government.

26 Section 6 Definitions

27 1-6-1 Unless another meaning is clearly apparent from the manner in which the word is
28 used, the following words as used in this Charter shall have the following meanings:

29 a. By-law – The word “by-law” shall mean any by-law of the Town duly adopted by the
30 Town Meeting or continued in effect as provided hereby.

31 b. Charter - The word “Charter” shall mean this Charter and any amendments to it made
32 through any of the methods provided under article LXXXIX of the amendments to the State
33 Constitution.

34 c. Commonwealth – The word “Commonwealth” means the Commonwealth of
35 Massachusetts.

36 d. Days – The word “days”, unless otherwise provided by law, shall refer to business
37 days, not including Saturdays, Sundays and legal holidays when the time set is less than seven
38 days; when the time set is seven days or more, every day shall be counted. When the last day
39 falls on a Saturday, Sunday or legal holiday the period shall be extended to the end of the next
40 day which is not a Saturday, Sunday or legal holiday.

41 e. Emergency – The word “emergency” shall mean a sudden, unexpected, unforeseen
42 happening, occurrence, event or condition which necessitates immediate action.

43 f. Financial Interest – The words "financial interest" shall be determined pursuant to the
44 interpretation of the term "financial interest" by the State Ethics Commission and applicable
45 reported appellate court decisions. The "financial interest" of a Town Agency shall be defined as
46 any particular warrant article and related motions or votes, which specifically refer to said Town
47 Agency.

48 g. Majority Vote - The words “majority vote” shall mean a majority of those present and
49 voting in any body, provided that a quorum of the body is present.

50 h. Multiple - Member Body - The words “multiple-member body” shall mean any board,
51 commission or committee or subcommittee thereof consisting of two or more persons authorized
52 to act collectively, whether elected or appointed but shall not include town meeting.

53 i. Precinct - The word “precinct” shall mean the areas into which the Town is divided for
54 the purpose of voting.

55 j. Quorum – The word “Quorum”, unless otherwise required by law or this Charter, shall
56 mean a majority of the members of a multiple member body notwithstanding any vacancies,
57 which might then exist.

58 k. Select Board – The words “Select Board” shall mean the Board of Selectmen as used
59 for all purposes in the State Constitution, and general and special laws and in the Town by-laws
60 and rules and regulations.

61 l. Select Person – the words “Select Person” shall mean a person elected to the Select
62 Board.

63 m. Town - The word "Town" shall mean the Town of Plymouth.

64 n. Town Agency - The words “Town agency” shall mean any board, commission,
65 committee, department or office of the Town government, whether elected, appointed or
66 otherwise constituted.

67 o. Town Meeting – Any meeting of the full body of Representative Town Meeting
68 Members called for under the Charter.

69 p. Town Officer - The words “Town officer” shall mean an elected or appointed official
70 of the Town who in the performance of his or her duties of office exercises some portion of the

71 sovereign power of the Town, whether great or small. A person may be a Town officer whether
72 or not the Town compensates that person.

73 q. Voters - The word "Voters" shall mean registered voters of the Town.

74 r. Website – The word “Website” shall mean the electronic site officially owned and
75 maintained by the Town and containing information concerning Town business.

76 SECTION 2. Said charter is hereby further amended by striking out chapter 2 and
77 inserting in place thereof the following chapter:-

78 CHAPTER 2

79 THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING

80 Section 1 Composition, Membership, and Eligibility

81 2-1-1 The Town shall have a Representative Town Meeting which shall consist of
82 Representative Town Meeting Members who are elected for three-year (3) overlapping terms.
83 The number of Representative Town Meeting Members shall be determined as follows: Each
84 precinct shall elect nine (9) members; this provision shall be implemented by each precinct
85 electing three (3) members in each annual town election occurring after the effective date of this
86 Charter. Should the number of precincts in the town change, the total number of regular town
87 meeting members shall increase or decrease accordingly.

88 2-1-2 Any registered voter of the town shall be eligible for election to Town Meeting
89 Membership.

90 2-1-3 The Town Clerk shall serve as clerk of the town meeting. The Town Clerk shall
91 cause notice of all Town Meetings to be posted in the Town Hall, in the Town's libraries and
92 posted on the town's website and take reasonable efforts to post to the Town's social media. The
93 Town Clerk shall send copies of the notice to the place of residence of all Representative Town
94 Meeting Members, citing the place, date and time of the meeting.

95 2-1-4 The Town Clerk shall keep a detailed journal of all Town Meeting proceedings.

96 2-1-5 Representative Town Meeting Members shall serve without compensation or
97 monetary allowance for any expenses incurred in the performance of their duties.

98 2-1-6 A Representative Town Meeting Member shall not simultaneously hold another
99 elected Town office other than member of a Charter Commission. A person who holds multiple
100 offices in violation of this section shall promptly inform the Town Clerk of which office that
101 person will vacate. Election to a county, state or federal office other than a county charter
102 commission shall be an event disqualifying a Representative Town Meeting Member from
103 continuing in an elected Town office beginning the day the individual is sworn in to the county,
104 state or federal office.

105 2-1-7 Any Representative Town Meeting member who is unable to attend a
106 Representative Town Meeting session shall provide written or electronic notice of his or her
107 anticipated absence, and the expected duration of the absence, to the Town Clerk prior to such
108 session.

109 2-1-8 After the final adjournment of every Town Meeting, the Town Clerk shall publish a
110 complete attendance and voting record

111 2-1-8 The Town Clerk shall publish the contact information provided by all Town
112 Meeting Members, including: address, phone number, and email address provided by statutory
113 authority for withholding any of the information shall not be affected by this section.

114 Section 2 Powers

115 2-2-1 The Representative Town Meeting shall have the power to consider and act upon,
116 pursuant to its legislative authority, with or without amendments, all matters that appear on the
117 town warrant.

118 2-2-2 The Committee of Precinct Chairs described in Section 2-11-4 may from time to
119 time appoint subcommittees of itself or committees of Town Meeting members to review town
120 by-laws, town meeting rules, the status of past Town Meeting actions, and for such other
121 purposes as they shall deem appropriate and shall make recommendations to the Representative
122 Town Meeting and/or the moderator at least annually. The committee also may perform other
123 duties designated to facilitate the business of Town meeting. In addition to any other powers
124 conferred upon it by the representative town meeting, the Committee of Precinct Chairs shall
125 periodically review the rules of procedure that govern the conduct of the representative town
126 meeting and report its findings to the representative town meeting at least annually.

127 2-2-3 The precinct chairpersons shall meet together within thirty (30) days following
128 each Town election, and shall organize as a Committee of Precinct Chairs, electing a
129 Chairperson, Vice Chairperson and a Clerk.

130 Section 3 Town Meeting Procedures

131 2-3-1 The Representative Town Meeting shall be held at least twice (2) in each calendar
132 year. The first such meeting, the spring annual representative town meeting, shall be convened
133 during the period of March through April, at a time fixed by by-law. The spring 5 annual
134 representative town meeting shall be concerned primarily with the determination of all matters
135 that concern raising, appropriating, or transferring funds, including, but not limited to the
136 adoption of an annual operating budget covering all town agencies. The second such meeting
137 shall be held during the last four calendar months, at a time fixed by by-law.

138 The budget, as adopted at the spring annual town meeting, may be reopened by a citizen
139 petitioned article pursuant to G.L. c.39, § 10, or any other applicable law. As provided by G.L.
140 c.39, §10, (i) the Select Board may, at any time upon at least fourteen (14) days prior notice, call
141 a special town meeting, and (ii) the Select Board shall call a Special Town Meeting upon the
142 request in writing of two hundred registered (200) voters, such meeting to be held not later than
143 forty-five (45) days after receipt of such request, and the Select Board shall insert in the warrant
144 therefor all subjects the insertion of which shall be requested by said petition.

145 2-3-2 The quorum necessary for the conduct of the Town Meeting business shall be two-
146 thirds (2/3) of the total number of elected Representative Town Meeting members. A majority of
147 those present may adjourn any meeting forthwith to a stated date, time, and place, but no Town
148 Meeting shall adjourn over the date of an election of Representative Town Meeting Members.

149 2-3-3 The Town Meeting shall always operate in open session and secret ballots shall not
150 be allowed.

151 2-3-4 The order of consideration of the articles on the warrant may be changed only by a
152 two-thirds (2/3) vote of those present and voting.

153 2-3-5 The Representative Town Meeting shall adopt rules and regulations relating to
154 Town Meeting procedures and methods of operation at each Town Meeting.

155 2-3-6 A roll call vote, electronic or otherwise shall be required for all motions.

156 Section 4 Compulsory Attendance of Representative Town Meeting Members at Town
157 Meeting

158 2-4-1 Representative Town Meeting Members shall attend all Town Meeting sessions.
159 Each calendar day during which any portion or portions of a Town Meeting or meetings is/are
160 conducted shall be deemed to be a single Town Meeting session.

161 2-4-2 During each town meeting session, the Town Clerk shall cause the attendance to be
162 taken prior to the commencement of the session. A record of those in attendance shall be kept
163 open until the end of each town meeting session to enable latecomers to be recorded as present.
164 The attendance record shall be public and be made part of the representative town meeting
165 proceedings.

166 2-4-3 A Representative Town Meeting Member who changes his voter registration from
167 the address from which the member was elected and moves from that precinct but remains within
168 Plymouth, the member's term shall end following the next Annual Town Meeting. A
169 Representative Town Meeting Member deemed by the Board of Registrars to be ineligible to
170 vote in Plymouth shall cease to be a Town Meeting Member.

171 Section 5 Moderator

172 2-5-1 A Moderator shall be elected at the regular town elections for a term of three (3)
173 years.

174 2-5-2 The Moderator shall have no vote unless the Representative Town Meeting
175 Members present and voting are equally divided.

176 2-5-3 The Moderator shall preside at all Representative Town Meeting sessions and shall
177 perform such other duties as may from time to time be assigned to the office through bylaw or
178 vote of the representative town meeting.

179 2-5-4 Following the raising of a point of order at any Town Meeting, a motion to appeal
180 the ruling on such point of order shall be allowed by the Moderator and shall be decided by a
181 two-thirds (2/3) vote of the Representative Town Meeting.

182 2-5-5 Promptly following the annual Town election, the Moderator shall appoint an
183 Assistant Moderator for a term commencing at the first Town Meeting following such Annual
184 Town Election, or at such time as a vacancy occurs, and ending on the date of the annual Town
185 election in the following year. Such an appointment shall be subject to the approval of such
186 Town Meeting. The Assistant Moderator shall substitute for the Moderator in the event that the
187 Moderator is absent from a Town Meeting session or at the discretion and request of the
188 Moderator and shall carry out the duties of the Moderator excluding any exercise of appointing
189 authority. In the event that the Moderator cannot carry out the duties of his office by reason of
190 death or disability, then the Assistant Moderator shall carry out all of the duties of the office of
191 Moderator. The Assistant Moderator position shall be uncompensated except in the event of the
192 death or disability of the Moderator.

193 2-5-6 The Town Manager shall provide support personnel to assist the Moderator in
194 carrying out the Moderator's assigned duties.

195 Section 6 Rights of Non-Members

196 2-6-1 Residents and taxpayers of the town may speak on any article in a warrant subject
197 to the procedural
198 rules of the Town Meeting.

199 2-6-2 All Town officials, elected or appointed, shall have all the privileges of
200 Representative Town Meeting Members, except the power to vote, unless they have also been
201 elected to the office of Representative Town Meeting Member.

202 Section 7 Compulsory Attendance

203 2-7-1 The Town Manager, all department heads, and any other staff designated by the
204 Town Manager shall attend all Town Meeting sessions. The chairpersons and/or their designated
205 representatives of the Select Board, the Planning Board, the School Committee, and the Advisory
206 and Finance Committee shall attend all Town Meetings. The absence of any such person shall
207 not invalidate the actions of the Town Meeting.

208 Section 8 Filling Vacancies

209 2-8-1 The Town Clerk shall notify forthwith the precinct of any vacancy which occurs in
210 a precinct delegation.

211 2-8-2 The person who received the highest number of votes among the unsuccessful
212 Representative Town Meeting Member candidates at the most recent election in the precinct
213 shall fill the vacancy until the next regular election. If such person declines, or is unable to fill
214 the vacancy, or 14 days pass without response the person who received the next highest number
215 of votes among the unsuccessful Representative Town Meeting Member candidates at the most
216 recent election shall fill the vacancy until the next regular election. If the vacancy cannot be

217 filled in this manner, the precinct caucus delegation shall vote to fill the vacancy until the next
218 regular election. If necessary, the Town Clerk shall call members of the precinct caucus
219 delegation together by written notice and shall conduct the election.

220 Section 9 Conflict of Interest

221 2-9-1 Notwithstanding any general or special law to the contrary, any Representative
222 Town Meeting Member who also holds a position of employment by the Town shall be
223 prohibited from voting on any town meeting article in which such employee, or such employee's
224 department, has a financial interest. Such representative Town Meeting Member shall notify the
225 Town Clerk, in writing, prior to the Representative Town Meeting session or during such session
226 at such time as such Town Meeting Member becomes so aware, as to any articles giving rise to
227 such financial interest. This section shall apply to the annual budget article, or any later
228 amendment thereto, as follows: The Representative Town Meeting Member is prohibited from
229 voting on the budget line item for his or her department or agency but shall not be prohibited
230 from voting on any other line item, or from voting on the overall budget appropriation.

231 2-9-2 Notwithstanding any general or special law to the contrary, no Representative
232 Town Meeting Member shall vote on any town meeting article in which the Representative
233 Town Meeting Member, an immediate family member, or any business or organization in which
234 the Representative Town Meeting Member serves as an officer, director, partner, or employee, or
235 has a financial interest. For purposes of this section, "immediate family member" shall be
236 defined as the Representative Town Meeting Member's, spouse and each of their parents,
237 children, brothers, and sisters. Any such Representative Town Meeting Member shall notify the

238 Town Clerk, in writing prior to the Representative Town Meeting session, as to any articles
239 giving rise to such financial interest.

240 2-9-3 For the purposes of Section 9 of Chapter 2 of this Charter, the "financial interest"
241 of a Representative Town Meeting Member shall be determined pursuant to the interpretation of
242 the term "financial interest" by the State Ethics Commission and applicable reported appellate
243 court decisions, which are hereby incorporated by reference. The "financial interest" of a
244 department shall be defined as any particular warrant article and related motions or votes which
245 specifically refer to said department.

246 Section 10 Caucuses

247 2-10-1 The Representative Town Meeting Member from each precinct shall, within
248 twenty (20) days following each town election, meet and elect from among their own precinct's
249 Representative Town Meeting Members, a chairperson, vice-chairperson, and clerk, to serve for
250 a term of one (1) year, and shall file a notice of such organization with the Town Clerk. If the
251 Town Clerk fails to receive a notice of organization within twenty-one (21) days following a
252 town election, the Town Clerk shall immediately call a meeting of the Representative Town
253 Meeting Members from such precincts that have failed to organize, for the purposes of
254 organizing.

255 2-10-2 Each precinct delegation shall hold a caucus meeting for the purpose of reviewing
256 the subject matter of the upcoming Town Meeting. Caucus meetings may be held in conjunction
257 with other precinct delegations.

258 2-10-3 Each precinct chairperson shall arrange for the posting of notices of caucus
259 meetings in Town Hall and on the Town's website. Each such caucus meeting shall be conducted
260 under the open meeting law established by section 20 of chapter 30A of the General Laws.

261 2-10-4 In addition to the meetings described in 2-10-1 and 2-10-2, each precinct shall
262 hold additional meetings as determined by the Precinct Chair.

263 Section 11 Advisory and Finance Committee

264 2-11-1 Appointment and Organization

265 a) An Advisory and Finance Committee of 15 members shall be appointed for 3-year
266 overlapping terms. Persons not registered to vote in the Town, Town employees, and elected
267 Town, County, or State officials, shall not be eligible for appointments to, or service on, the
268 Advisory and Finance Committee.

269 b) Members of the Advisory and Finance Committee shall be appointed by the Moderator
270 at a public meeting complying with the Open Meeting Laws in which the applicants shall have
271 the opportunity to be heard and questioned by the Moderator. Consistent with the requirements
272 of this section, the Moderator may fill any vacancy by appointment and the term of that
273 appointment shall be for the remainder of the unexpired term of the person causing the vacancy.

274 c) The Advisory and Finance Committee shall choose from its members a chairperson
275 and fill the other offices as it may create.

276 2-11-2 Hearings and Reports

277 a) The Advisory and Finance Committee shall conduct one (1) or more public hearings
278 on the proposed operating and capital budget and shall issue its recommendations in a detailed

279 written report that shall be electronically posted to the Town's website, and mailed by US mail to
280 Town Meeting Members, in both cases no later than fourteen (14) days prior to the scheduled
281 date of the Town Meeting. In preparing its report, the Committee may require any Town
282 department, board or office to furnish it with appropriate financial reports and budgetary
283 information. In the event that the Advisory and Finance Committee fails to timely issue its
284 recommendations as required by this Section, the scheduled Town Meeting shall convene and
285 then adjourn to a date that would allow the Advisory and Finance Committee to electronically
286 post copies of its detailed written report no later than 14 days prior thereto; provided, however,
287 that two-thirds (2/3) of the Representative Town Meeting Members in attendance may instead
288 vote to waive the fourteen (14) day posting requirement and proceed with the scheduled Town
289 meeting.

290 b) If the Advisory and Finance Committee has failed to consider a warrant article not due
291 to the fault of the proponent, the Town Meeting shall consider that article unless two-thirds (2/3)
292 of the Town Meeting Members in attendance vote against doing so. If the Advisory and Finance
293 Committee has failed to consider a warrant article because the article proponent has not appeared
294 at a meeting of the Advisory and Finance Committee to explain their article and answer
295 reasonable questions with respect thereto, or with the permission of the Chair of the Committee,
296 instead submitted a written explanation, the Town Meeting may act on that article, provided that
297 two-thirds (2/3) of the Town Meeting Members in attendance vote to do so.

298 2-11-3 The Advisory and Finance Committee shall present the proposed budget at Town
299 Meetings.

300 2-11-4 In the final month of the fiscal year, no department, commission, office or agency
301 may expend, except for amounts previously encumbered, more than one-twelfth (1/12) of its
302 annual appropriation, unless expenditures have been approved by the Advisory and Finance
303 Committee.

304 2-11-5 The Advisory and Finance Committee may appoint such subcommittees as it may
305 deem advisable.

306 2-11-6 The Advisory and Finance Committee shall have authority at any time to
307 investigate the Town's accounts and management, and the books, records and accounts of all
308 departments of the Town shall be open to the inspection of the Advisory and Finance Committee
309 or any of its authorized subcommittees and any person employed by it.

310 SECTION 3. Chapter 3 of said charter is hereby amended by striking out section 3-13-9
311 and inserting in place thereof the following section:-

312 3-13-9 A Land Use and Acquisition Committee comprised of seven (7) members to act in
313 an advisory capacity to the Select Board with respect to the acquisition, conveyance, and
314 disposition of real property by the Town, or its subdivisions, either pursuant to Chapter 61, 61A,
315 or 61B of the General Laws or in any instances as requested by the Town Manager on behalf of
316 the Select Board. The members of the Land Use and Acquisition Committee shall be appointed
317 for three (3) year overlapping terms as follows: Two (2) members shall be appointed by the
318 Select Board, two (2) by the Planning Board, one (1) by the Conservation Commission, one (1)
319 by the Agricultural Commission, and one (1) by the Open Space Committee.

320 SECTION 4. Said charter is hereby further amended by striking out chapter 5 and
321 inserting in place thereof the following chapter:-

322 CHAPTER 5

323 ELECTIONS

324 Section 1 Town Elections

325 5-1-1 The regular election for all town offices shall be by official ballot held on the third
326 Saturday of May of each year.

327 5-1-2 The order in which names of candidates appear on the local election ballots shall be
328 determined by a lottery which shall be open to the public, conducted by the Town Clerk.
329 Notification of the date, time, and place of the lottery shall be made public at least forty-eight
330 (48) hours before the lottery. The ballot shall identify candidates seeking reelection with the
331 phrase "Candidate for Re-election" placed next to the candidate's name.

332 5-1-3 Information for Voters

333 Notwithstanding section 22A of chapter 55 of the General Laws, section 21C of chapter
334 59 of the General Laws or any other general or special law to the contrary, the official election
335 ballot in the Town shall include a fair and concise summary of any binding or non-binding
336 question to be submitted solely to the voters of the Town, along with a 1- sentence statement
337 describing the effect of a yes or no vote, both prepared by Town Counsel and approved by the
338 Select Board. Submission to the Town Clerk of the summary and 1-sentence statement shall be
339 governed by section 42C of chapter 54 of the General Laws. The Select Board shall, not less than
340 7 nor more than 14 days before an election at which a question is to be voted upon, publish the
341 following in a newspaper of general circulation in the Town: (1) the full text of the question; (2)
342 a fair and concise summary of the question; and (3) the 1-sentence statement describing the

343 effect of a yes or no vote on the question; provided, however, that failure to timely publish such
344 information shall not affect the validity of the election. The Select Board shall also post the full
345 text of each ballot question, the summary and the 1-sentence statement in at least 1 location in
346 the Town or on the Town's official website and shall make the same available at each polling
347 place on the day of the election. The Town may, by bylaw, require additional posting or
348 publishing of such information, subject to available funds and any other conditions that may be
349 imposed by bylaw.

350 Section 2 Elections to be Nonpartisan

351 5-2-1 All Town elections shall be nonpartisan, and election ballots for town offices shall
352 be printed without any party mark, emblem, vignette, or designation whatsoever.

353 Section 3 Time of Taking Office

354 5-3-1 Any person duly elected to any office or board shall take up the duties of the office
355 immediately upon certification, provided that such person shall first have been sworn to the
356 faithful performance of the duties of that office. 5-3-2 Elected Representative Town Meeting
357 Members shall present themselves within twenty (20) days of election, to the office of the Town
358 Clerk for the administering of the Oath of Office or make alternate arrangements with the Town
359 Clerk. Failure to comply with the previous sentence shall result in a vacancy.

360 Section 4 Initiative

361 5-4-1 Any ten (10) registered voters of the town may secure the inclusion of an article in
362 the warrant for either of the annual representative town meetings by written petition to the Select

363 Board. At least one hundred (100) registered voters may secure the same for any special town
364 meeting.

365 Section 5 Referendum

366 5-5-1 A vote of the Town Meeting Members under any article in the warrant shall not be
367 operative until ten (10) days after its final passage other than the following: (a) to adjourn; (b) to
368 appropriate money for the payment of principal and interest of bonds and notes of the town; (c)
369 to authorize the temporary borrowing of money in anticipation of revenues and (d) to amend
370 zoning bylaws or as otherwise provided by statute.

371 5-5-2 If within ten (10) days of an affirmative vote of final passage by the Town Meeting
372 Members , a referendum petition is filed with the Town Clerk signed by not less than three (3)
373 percent of the registered voters in the Town as of the date of the most recent annual Town
374 election asking that any question involved in such a vote be submitted to the voters of the Town
375 at an election, then the Town shall hold a referendum election for such purposes. Within 5 days
376 after receipt of the petition the Town Clerk shall determine whether the petition contains a
377 sufficient number of signatures and provide notice to the Select Board. of such determination. If
378 there are sufficient number of signatures, the Select Board shall provide for a referendum
379 election to be held no less than 35 days from its vote and provision of written notice to the Town
380 Clerk and no more than 90 days after the Town Clerk’s determination, provided, however, that if
381 there is another election already scheduled within 100 days of the Clerk’s determination, the
382 referendum question may appear on the ballot at such election. The referendum question shall
383 take the following form: “Shall the Town vote to approve the action of the [date] Town Meeting

384 under Article [#] whereby it was voted that (here insert a brief summary of the substance of the
385 vote)?

386 5-5-3 A non-binding public opinion advisory question may be placed on the ballot at an
387 annual or special Town election by vote of the Select Board with no less than thirty-five (35)
388 days written notice to the Town Clerk of the form of the question. A non-binding question may
389 also appear on the ballot at a regular town election by vote of the annual Town Meeting under a
390 warrant article for such purpose, or in conformity with the following procedure: A proposal to
391 place a nonbinding public opinion advisory question on the ballot for a regular Town election
392 may be presented to the Select Board no less than 100 days prior to the date of the next regular
393 election on a petition signed by at least ten registered voters of the Town. If such Select Board
394 shall not approve said petition at least ninety days before said election, then the question may be
395 so placed on said ballot when a petition signed by at least three (3) per cent of the registered
396 voters in the Town requesting such action is filed with the Board of Registrars no less than 42
397 days prior to the date of the next annual election. Upon certification of the required number of
398 signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular
399 Town election held more than thirty-five days after such certification.

400 Section 6 Recall of Town Wide Elected Officeholders

401 5-6-1 Voters may recall any elected townwide officeholder as herein provided.

402 5-6-2 An initial petition signed by no fewer than Town Hundred Fifty (250) registered
403 voters of the Town may be filed with the Town Clerk containing the name of the officeholder
404 sought to be recalled and a statement of the grounds for recall. No more than twenty-five (25)

405 names shall be counted from any one (1) precinct of the Town. One (1) voter shall be identified
406 as the “lead petitioner”.

407 5-6-3 The Town Clerk shall thereupon prepare recall petition blanks and notify the lead
408 petitioner that a sufficient number of such blanks may be picked up at the Town Clerk’s office
409 containing the number of signature lines required, plus at least two-fifths (2/5ths) more. The
410 Town Clerk shall sign and affix the official seal to the recall petition blanks that are issued. The
411 recall petition blanks shall be dated and addressed to the Select Board, demanding the election of
412 a successor to such office. The recall petition blanks shall contain the name and office of the
413 officeholder whose recall is sought, and the grounds for recall as stated in the initial petition.

414 5-6-4 The Town Clerk shall enter a copy of the recall petition in the Town records. The
415 recall petition shall bear the signatures and residential addresses of at least fifteen (15%) percent
416 of the registered voters as of the date of the most recent annual town election and shall be
417 returned to the Town Clerk within thirty (30) calendar days after the notification to the lead
418 petitioner of the availability of the recall petitions. All completed recall petitions containing the
419 signatures requesting a recall election need not be submitted simultaneously.

420 5-6-5 The Town Clerk shall submit the recall petition to the board of registrars of voters
421 within one (1) business day of receipt. The registrars of voters shall certify thereon the number of
422 signatures which represent registered voters within seven (7) business days.

423 5-6-6 If the recall petition is certified as sufficient by the Board of Registrars of Voters,
424 the Town Clerk shall, within five (5) business days, submit the certificate so stating to the Select
425 Board. and shall serve written notice, of the receipt of the certificate to the officeholder sought to
426 be recalled.

427 5-6-7 If the officeholder does not resign within five (5) business days after being served
428 with the notice, the Select Board shall order a special election to be held on a date fixed by them,
429 which shall be not less than sixty-four (64) days nor more than eighty (80) days from the date of
430 the Select Board's vote to call for the election provided, however, that if any other Town election
431 is to occur within one hundred (100) days after the Select Board's vote to call for the election,
432 the Select Board shall postpone the holding of the special election to the date of such other
433 election and the question of recall shall appear on the ballot at such other election. If a vacancy
434 occurs in said office after a recall election has been ordered, the election shall nevertheless
435 proceed.

436 5-6-8 An officeholder sought to be removed may be a candidate at the recall election and,
437 unless such officeholder requests otherwise in writing, the Town Clerk shall place the
438 officeholder's name on the ballot without nomination. The nomination of candidates, the
439 publication of the warrant for the recall election, and the conduct of the same, shall all be in
440 accordance with the provisions of general law relating to elections unless otherwise provided
441 herein.

442 5-6-9 The incumbent shall continue to perform the duties of office until the recall
443 election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired
444 term or sooner vacating of office. An incumbent having successfully survived a recall election
445 shall not again be subject to recall during the same term of office. If recalled, the incumbent shall
446 be deemed removed upon the qualification of the successor who shall hold office for the
447 remainder of the unexpired term. If the successor fails to qualify within ten (10) business days
448 after receiving notification of election, the incumbent shall thereupon be deemed removed and
449 the office vacant.

450 5-6-10 The form of the question to be voted upon shall be substantially as follows: "Shall
451 (here insert the name and title of the elective officeholder whose recall is sought) be recalled?"
452 The action of the voters to recall shall require a majority vote. If the question of recall is not
453 approved as provided in this section, the votes for candidates shall not be counted.

454 5-6-11 No person, having been removed from office by recall or having resigned from
455 office following certification of names on an initial petition filed under Section 5-7-2, shall be
456 appointed to any town office within two (2) years following said removal or resignation.

457 Section 7 Recall of Representative Town Meeting Members

458 5-7-1 Representative Town Meeting Members shall be subject to recall as generally
459 provided in Section 6 of Chapter 5 of this Charter, provided that the words "Representative
460 Town Meeting Member" shall be substituted for the word "officeholder" throughout Section 6 of
461 Chapter 5 of this Charter;

462 that in Section 5-6-2 the number "one hundred (100)" shall be substituted for the number
463 " town hundred fifty (250)," and that names submitted shall be those of registered voters residing
464 in the precinct of the intended recall election;

465 that in Section 5-6-4, the recall petition shall include the signatures and residential
466 addresses of at least fifteen (15) percent of the registered voters residing in the precinct, and the
467 words "ten (10) business days" shall be substituted for the words "twenty (20) business days";

468 that in Section 5-6-7 the words "special precinct election" shall be substituted for the
469 words "special election";

470 that in Section 5-6-10 the words "of the precinct" shall be substituted for the words "of
471 the Town"; and

472 that any vacancy created by a recall election shall be filled in accordance with the
473 provisions of Section 9 of

474 Chapter 2 of this Charter.

475 SECTION 5. Said charter is hereby further amended by striking out chapter 6 and
476 inserting in place thereof the following chapter:-

477 CHAPTER 6

478 TOWN BOARDS, COMMISSIONS, COMMITTEES, AND DEPARTMENT AND
479 DIVISION HEADS

480 Section 1 General Provisions

481 6-1-1 All boards, commissions, and committees of the Town shall organize annually
482 within thirty (30 days of the annual election, to elect necessary officers, establish quorum
483 requirements, adopt rules of procedure, and maintain minutes. All boards, commissions, and
484 committees of the Town regularly file approved meeting minutes with the Town Clerk. Such
485 minutes shall be made available for inspection to all persons requesting them. Section 2
486 Delegation of Appointment, Discipline, and Removal Power 6-2-1 The powers conferred upon
487 the Town Manager in Section 3-5-1(a) of this Charter, for all employees subject to the provisions
488 of G.L. c.31, the Civil Service Law, (except Department and Division Heads, or their equivalents
489 regardless of title, and school employees), may be delegated to the appropriate Department
490 Heads. To the extent permitted by law, such powers, which shall include the ability to appoint,

491 discipline, or discharge an employee, shall be subject to final approval by the Town Manager,
492 without appeal or recourse to the Select Board.

493 6-2-2 All multiple member body appointments made under this Charter shall be for a
494 specific term. Upon majority vote of the full membership of a multiple member body, a member
495 whose attendance within a twelve (12)-month period falls below thirty (30%) percent shall be
496 deemed to have resigned from the appointed position. Thereafter, the position shall be
497 considered vacant for all purposes.

498 6-2-3 All appointing authorities may remove an appointee for cause by a majority vote of
499 the appointing authority.

500 SECTION 6. Said charter is hereby further amended by striking out chapter 7 and
501 inserting in place thereof the following chapter:-

502 CHAPTER 7

503 GENERAL PROVISIONS

504 Section 1 Specific Provisions to Prevail

505 7-1-1 To the extent that any specific provision of this Charter conflicts with any general
506 provision, the specific provision shall prevail.

507 Section 2 Severability of Charter

508 7-2-1 If any provision of this Charter is held invalid, the other provisions of this Charter
509 shall not be affected thereby. If the application of this Charter or any of its provisions to any

510 person or circumstances is held invalid, the application of this Charter and its provisions to other
511 persons and circumstances shall not be affected thereby.

512 Section 3 Continuation, Revision, and Republication of By-Laws

513 7-3-1 All special acts, by-laws, resolutions, rules, regulations, and votes of the town
514 meeting in force on the effective date of this Charter, not inconsistent with its provisions, shall
515 continue in force until amended or repealed.

516 Section 4 Enforceability of this Charter

517 7-4-1 The provisions of this Charter may be enforced by any applicable general or special
518 law, including, but not limited to G.L. c.43B, § 14 and G.L. C. 231A.

519 Section 5 Periodic Charter Review

520 7-5-1 At least once every 5 years, a Charter Review Committee shall review this Charter
521 and make a report, with recommendations, to the Town Meeting concerning any proposed
522 amendments which the Committee may determine to be necessary or desirable. The members of
523 the Charter Review Committee shall be appointed by a special committee consisting of the
524 Moderator, who will serve as Chairman, one member of the Select Board and one (1) member of
525 the Committee of Precinct Chairs.