

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

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 relative to the charter and the town clerk in the town of Falmouth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>2/11/2026</i>
<i>Dylan A. Fernandes</i>	<i>Plymouth and Barnstable</i>	<i>2/12/2026</i>

HOUSE **No. 5107**

By Representative Vieira of Falmouth, a petition (accompanied by bill, House, No. 5107) of David T. Vieira (by vote of the town) relative to the charter and the town clerk in the town of Falmouth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to the charter and the town clerk in the town of Falmouth.

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. Notwithstanding any general or special law to the contrary, the office of
2 Town Clerk in the Town of Falmouth shall be appointed by the Town Manager subject to the
3 approval of the Select Board, in accordance with other appointments made by the Town Manager
4 under the Charter of the Town of Falmouth. The Town Clerk shall have all the powers, perform
5 all the duties and be subject to the liability and penalties conferred and imposed by law on town
6 clerks. The Town Clerk shall enjoy and be subject to all benefits, including salary, fringe benefits
7 and other conditions of employment, as the existing Town Clerk and the position of Town Clerk
8 shall be placed on the Town of Falmouth Technical Administrative and Management (TAM)
9 Full Time Non-Union Salary Table accordingly.

10 SECTION 2. Notwithstanding Section 1, the position of elected Town Clerk shall be
11 abolished upon the effective date of this act and the term of the elected incumbent terminated
12 provided, however, that the elected incumbent shall then become the first appointed town clerk

13 and shall serve in that capacity for a period of time equivalent to the remainder of the elected
14 term or sooner in the case of resignation, retirement or removal. Thereafter, appointments to the
15 position of Town Clerk shall be made by the Town Manager, subject to the approval of the
16 Select Board under Section 1.

17 SECTION 3. The Charter of the Town of Falmouth, which is on file in the office of the
18 archivist of the Commonwealth as provided in section 12 of chapter 43B of the General Laws, is
19 hereby amended as follows:

20 Striking out the words “and a Town Clerk” from section C4-1(A) so that said section
21 states as follows: Following adoption of this Charter, the only officer to be elected shall be a
22 Moderator.

23 Striking out sections C4-3(A) and C4-3(C) in their entireties and renumbering section
24 C4-3 accordingly.

25 Adding the words “a Town Clerk” to section C5-4(A) so that said section states as
26 follows: Subject to the approval of the Select Board granted within ten (10) working days, the
27 Town Manager shall appoint on the basis of fitness and merit alone, an Assistant Town Manager,
28 a Town Planner, a Town Counsel, a Finance Director, a Director of Personnel, a Town Clerk and
29 other department and division heads. The failure of the Select Board to act within ten (10)
30 working days shall constitute approval of the Town Manager’s action. The Town Manager may
31 suspend or remove any person so appointed consistent with the General Laws, this Charter or the
32 bylaws of the Town.

33 SECTION 4. This act shall take effect upon its passage.