

HOUSE No. 5412

Substituted by the House, on motion of Mr. Walsh of Peabody, for a bill with the same title (House, No. 5107) [Local Approval Received]. May 4, 2026.

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. Section C4-1 of article IV of the charter of the town of Falmouth, which is
2 on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter
3 43B of the General Laws, is hereby amended by striking out paragraph A and inserting in place
4 thereof the following paragraph:-

5 A. Following the adoption of this Charter the only officer to be elected shall be a
6 Moderator.

7 SECTION 2. Said article IV of said charter is hereby further amended by striking out
8 section C4-3 and inserting in place thereof the following section:-

9 § C4-3. Town Clerk.

10 The Town Clerk shall keep the official records of the Town, record vital statistics, issue
11 licenses and shall be the Clerk of the Board of Registrars. The Clerk shall have the powers and

12 duties of Town Clerks, as provided by General Laws, this Charter, bylaw and vote of the Town
13 Meeting.

14 SECTION 3. The first sentence of paragraph A of section C5-4 of article V of said
15 charter is hereby amended by inserting after the word “Personnel” the following words:- , a
16 Town Clerk.

17 SECTION 4. Notwithstanding any general or special law to the contrary, the office of
18 town clerk in the town of Falmouth shall be appointed by the town manager subject to the
19 approval of the town select board, in accordance with other appointments made by the town
20 manager under the charter of the town of Falmouth. The town clerk shall have all the powers,
21 perform all the duties and be subject to the liability and penalties conferred and imposed by law
22 on town clerks. The town clerk shall enjoy and be subject to all benefits, including salary, fringe
23 benefits and other conditions of employment, as the existing town clerk and the position of town
24 clerk shall be placed on the town of Falmouth technical administrative and management full time
25 non-union salary table accordingly.

26 SECTION 5. Notwithstanding section 4, the position of elected town clerk in the town of
27 Falmouth shall be abolished upon the effective date of this act and the term of the elected
28 incumbent terminated; provided, however, that the elected incumbent shall then become the first
29 appointed town clerk and shall serve in that capacity for a period of time equivalent to the
30 remainder of the elected term or sooner in the case of resignation, retirement or removal.
31 Thereafter, appointments to the position of town clerk shall be made by the town manager,
32 subject to the approval of the town select board under section 4.

33 SECTION 6. This act shall take effect upon its passage.