HOUSE DOCKET, NO. 5013 FILED ON: 8/6/2025

HOUSE . . . . . No. 4399

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:
Bradley H. Jones, Jr.	*20th Middlesex*	*8/6/2025*
Sally P. Kerans	*13th Essex*	*8/12/2025*
Bruce E. Tarr	*First Essex and Middlesex*	*8/6/2025*

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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:

SECTION 1. Section 2 of chapter 2 of the charter of the town of Middleton, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out subsection 2-2-3 and inserting in place thereof the following subsection:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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