

HOUSE No. 4753

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry and Michael F. Rush

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 of the town of Westwood.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>11/5/2025</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>11/5/2025</i>

HOUSE No. 4753

By Representative McMurtry of Dedham and Senator Rush, a joint petition (accompanied by bill, House, No. 4753) of Paul McMurtry and Michael F. Rush (by vote of the town) relative to the charter of the town of Westwood. 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 of the town of Westwood.

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. Chapter 87 of the acts of 2020 is hereby repealed.

2 SECTION 2. The following shall be the charter of the town of Westwood:-

3 PREAMBLE: We, the people of the town of Westwood, Massachusetts, in order to
4 reaffirm the customary and traditional liberties of the people with respect to the conduct of our
5 local government and to take the fullest advantages inherent in the home rule amendment of the
6 constitution of the commonwealth, do hereby adopt the following home rule charter for this
7 town.

8 CHAPTER 1

9 POWERS OF THE TOWN

10 Section 1 Incorporation

11 1-1-1. The present town of Westwood, Massachusetts, within its corporate limits as now
12 established, shall continue to be a body politic and corporate under the name, town of Westwood.

13 Section 2 Scope of Town Powers

14 1-2-1. The town shall possess and exercise all powers possible under the constitution and
15 laws of the commonwealth as fully and completely as though those powers were expressly
16 enumerated in this chapter.

17 Section 3 Form of Government

18 1-3-1. This charter provides for a select board - open town meeting - town administrator
19 form of town government.

20 Section 4 Construction of Charter

21 1-4-1. The power of the town under this charter shall be construed liberally in favor of
22 the town, and the specific mention of particular powers in the charter shall not be construed as
23 limiting in any measure the general powers of the town as stated in section 1-2-1.

24 Section 5 Intergovernmental Relations

25 1-5-1. The town may exercise, consistent with the law, any of its powers or perform any
26 of its functions and may participate in the financing thereof, jointly or in cooperation, by contract
27 or otherwise, with any civil division, subdivision or agency of the commonwealth, another state
28 or of the United States government.

29 CHAPTER 2

30 ELECTIONS AND TOWN MEETING

Section 1 Legislative Power

2-1-1. The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

Section 2 Town Elections

2-2-1. The annual town election shall be held on the last Tuesday in April of each year to elect town officers and vote on all matters to be determined by official ballot. To the extent that a state or federal election falls on the date of the annual town election, or a declaration of a state or federal emergency is made due to threats to the public health or safety, the select board, in consultation with the town clerk, shall delay said election and any relevant filing deadlines as may be necessary and appropriate under the circumstances.

2-2-2. All General Laws regarding town elections shall apply, except as provided by this charter or by special act of the legislature.

Section 3 Elections to be Nonpartisan

2-3-1. All elections of town officers shall be nonpartisan and election ballots for town officers shall be printed without any party mark, emblem, vignette or designation whatsoever.

Section 4 Eligibility of Town Voters

2-4-1. Any registered voter of the town shall be eligible for election to any elective office or board of the town. Any person duly elected at the annual town election and sworn to the faithful duties of the office shall take up their duties the day after the final dissolution of the annual town meeting or at such later time as they are sworn.

Section 5 Initiative

2-5-1. Petition. Any 10 voters of the town may secure, by written petition to the select board, the inclusion of an article for the warrant of any duly scheduled annual town meeting, and not less than 100 registered voters may secure the same for any duly scheduled special town meeting.

2-5-2. Pre-Petition.

(a) Any 5 voters of the town may submit to the select board or the finance and warrant commission no later than December 1 in the year prior to the annual town meeting a pre-petition and shall designate a lead petitioner.

(b) The select board or the finance and warrant commission shall include the pre-petition on an agenda at a regular or special meeting for discussion and provide the lead petitioner with nonbinding guidance, if any, no later than 7 days prior to the close of the warrant.

(c) Failure to submit an article under this section shall not prevent the filing of a petition under section 2-5-1 and any guidance to the petitioners under this section shall not be binding on the finance and warrant commission or select board if the same is submitted as a petitioned warrant article under said section 2-5-1.

Section 6 Town Meetings

2-6-1.

(a) Spring Annual Town Meetings. The spring annual town meeting shall be held on the first Monday in May and may be continued on such additional days as may be decided by the town meeting.

(b) Fall Annual Town Meetings. There shall also be a second annual town meeting, to be known as the fall annual town meeting, held in the last 3 months of the calendar year on a date to be determined by the select board, which meeting shall be an "annual town meeting" for purposes of the General Laws; provided, however, that the select board may, at its discretion, cancel said fall annual town meeting not later than September 15 in any year, so long as not more than 10 petitioned articles have been submitted by August 1 for inclusion on the warrant at said fall annual town meeting and notice of the board's action with regard to such meeting shall be posted on the town's website and principal bulletin board

(c) Special Town Meetings. The select board may call a special town meeting from time to time at its discretion.

2-6-2. Rules of procedure of the town meeting shall be determined through town by-law.

2-6-3. Minutes of the town meeting shall be kept by the town clerk and shall be a public record.

Section 7 Finance and Warrant Commission Recommendation

2-7-1. The finance and warrant commission shall consider all articles in warrants for all town meetings and shall report in writing before each town meeting in the manner provided by town by-law its advice, estimates and recommendations for consideration by the town meeting. The commission shall hold a public hearing with respect to the warrant articles not less than 14 days prior to any annual town meeting and not less than 7 days prior to the date of a special town meeting. Failure to timely post, publish or mail such advice, estimates and recommendations in the manner provided by town by-law shall not affect the validity of the town meeting.

93 Section 8 Quorum

94 2-8-1. The town meeting shall establish by town by-law a quorum requirement for the
95 conduct of its business, but a smaller number than the established quorum may adjourn
96 immediately any meeting to a stated date, time and place.

97 Section 9 Presiding Officer

98 2-9-1. A moderator, who shall be a registered voter of the town, shall be elected for a 1-
99 year term. The moderator shall preside at all sessions of town meeting(s).

100 2-9-2. If the office of moderator becomes vacant, or if the moderator is absent, the select
101 board shall appoint an acting moderator for a particular meeting or to serve until the next regular
102 election of town officers.

103 2-9-3. No elected town officer shall be eligible to be appointed acting moderator.

104 CHAPTER 3

105 THE SELECT BOARD

106 Section 1 Composition and Terms

107 3-1-1. A select board of 3 members shall be elected for 3-year overlapping terms. At
108 each annual town election, 1 select board member shall be elected to fill the office the term of
109 which is expiring. Members may receive such compensation as may be appropriated by the town
110 meeting.

111 Section 2 Powers and Duties

3-2-1. The board shall exercise those powers and duties prescribed by the General Laws, this charter and town by-laws.

3-2-2. The board shall have the power to establish, in the performance of its duties, rules and regulations not otherwise governed by the General Laws, this charter and town by-laws.

3-2-3. Except as expressly provided in this charter, the select board shall have all the powers and duties of a board of selectmen under the General Laws and any special laws applicable to the town of Westwood.

Section 3 Power of Investigation

3-3-1. The board may conduct investigations into the conduct and operation of any town department as authorized by the General Laws.

Section 4 Power to Appoint Town Officers

3-4-1. The board shall have the power to appointment the offices of: (i) police chief; (ii) fire chief; and (iii) town and special counsel(s).

Section 5 Power to Appoint Town Boards and Commissions

3-5-1. The board shall have the power to appoint: (i) a board of health; (ii) a council on aging; (iii) a conservation commission; (iv) a recreation commission; (v) election officers; (vi) registrars of voters; and (vii) such other boards, commissions and committees as are authorized by the General Laws, this charter, town by-laws or the town meeting, for whom appointment is not otherwise provided.

Section 6 Power to Rescind Appointments

3-6-1. The board shall have the power to rescind any appointment to any board, commission, committee or individual office made under this chapter; provided, however, that the appointee shall first have been served with written notice of the board's intention and reasons for rescinding said appointment.

CHAPTER 4

ELECTED TOWN BOARDS AND OFFICERS

Section 1 General

4-1-1. Members. Members of multiple-member bodies elected hereunder shall serve for 3-year overlapping terms, unless otherwise specified.

4-1-2. The multiple-member bodies and officers listed in this chapter shall have all the powers and duties as may be prescribed by the General Laws, this charter and town by-laws.

Section 2 Elected Officers

4-2-1. The following town officers shall be elected by ballot of the whole town: (i) a moderator for a term of 1-year; and (ii) a town clerk for a term of 3-years. Each officer may receive such compensation as may be appropriated by the town meeting.

Section 3 School Committee

4-3-1. The school committee shall have 5 members. Members shall serve without compensation.

Section 4 Board of Assessors

151 4-4-1. The board of assessors shall have 3 members. Members may receive such
152 compensation as may be appropriated by the town meeting.

153 Section 5 Sewer Commission

154 4-5-1. The board of sewer commissioners shall have 3 members. Members may receive
155 such compensation as may be appropriated by the town meeting.

156 Section 6 Planning Board

157 4-6-1. Composition.

158 (a) Members. The planning board shall have 5 members. Members shall serve
159 without compensation.

160 (b) Associate Members. There shall be not more than 2 associate members of the
161 planning board who may participate in all board matters. The chair of the planning board shall
162 designate an associate member to sit on the board and vote in the case of absence, inability to act
163 or conflict of interest, on the part of any member of the board or in the event of a vacancy on the
164 board. The associate members shall be appointed for 3-year overlapping terms by majority vote
165 at a joint meeting of the select board and the planning board. Any vacancies arising in the office
166 of associate member shall be filled in the same manner as the original appointment for the
167 remainder of the unexpired term.

168 Section 7 Library Trustees

169 4-7-1. The board of library trustees shall have 6 members. Members shall serve without
170 compensation.

Section 8 Housing Authority

4.8.1. The housing authority shall have 5 members elected and appointed as provided by law.

Section 9 Recall

4-9-1. A holder of an elected office in the town of Westwood may be recalled from that office by the registered voters of the town under this section, except that the maximum number of members of a board that may be recalled shall be a majority or as otherwise limited by section 4-9-7.

4-9-2.

(a) Any 200 registered voters of the town of Westwood may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Not more than 33 1/3 per cent of the signatures appearing on the affidavit may be from any 1 precinct of the town. The town clerk shall thereupon prepare a sufficient number of copies of petition blanks demanding such recall, a supply of which shall be kept on hand. Such blanks shall be issued by the town clerk, with the clerk's signature and official seal attached. Further, such blanks shall be dated, addressed to the select board of the town and contain the names of the first 10 signers to the affidavit, as designated by the person identified as the lead petitioner at the time of filing of the affidavit, the name and office of the person whose recall is sought and the grounds of recall as stated in the affidavit, and shall demand the election of a successor to said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 20 days after the recall petition blanks are made

available to the lead petitioner and shall be signed by not less than 15 per cent of the registered voters of the town as of the date of the most recent regular town election, who shall add to their signatures their place of residence, including their street, number and precinct; provided, however, that not more than 33 1/3 per cent of the total number shall be from any 1 precinct.

(b) The town clerk shall, within 24 hours of receipt of the petition, submit the signed petition to the registrars of voters in the town and said registrars shall, within 5 working days, certify on the petition the number of signatures that are names of registered voters of the town.

4-9-3. If the petition shall be found and certified to be sufficient, the town clerk shall submit the petition with a certificate to the select board within 5 working days and the select board shall, within 5 working days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, immediately order an election to be held on a date fixed by them not less than 65 days nor more than 90 days after the date the select board calls for said election; provided, however, that if any other town election is to occur within 100 days thereafter, the select board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall proceed as provided in this section.

4-9-4. An officer sought to be removed may be a candidate at such election and, unless such officer requests otherwise in writing, the town clerk shall place the officer's name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for and the conduct of the removal election shall be under the laws relative to elections unless otherwise provided in this chapter.

214 4-9-5. An incumbent shall continue to perform the duties of the office until a recall
215 election is held. If not recalled, such officer shall continue in office for the remainder of the
216 unexpired term subject to recall as before, except as provided in section 4-9-7. If such officer is
217 recalled in the recall election, the officer shall be removed upon certification of the election
218 results. If a successor fails to qualify within 15 days after receiving notification of election, the
219 office shall be vacant.

220 4-9-6. Ballots used in a recall election shall submit the following propositions in the
221 order indicated:

222 For the recall of (name and title of officer).

223 Against the recall of (name and title of officer).

224 Immediate at the right of each proposition there shall be a location in which a voter may
225 vote for either of said propositions. Under the propositions shall appear the word "Candidates",
226 the directions to the voters required by section 42 of chapter 54 of the General Laws and, beneath
227 this, the names of candidates nominated under the laws relating to elections. If two-thirds of the
228 votes cast upon the question of recall are in the affirmative, the candidate receiving the highest
229 number of votes shall be declared elected. If more than one-third of the votes on the question are
230 in the negative, the ballots for candidates need not be counted.

231 4-9-7. No recall petition shall be filed against an officer within 90 days after the officer
232 takes office, nor shall any officer be subject to recall if the officer's term of office expires within
233 90 days of the town clerk's certificate issued under section 4-9-3. In the case of an officer
234 subjected to a recall election and not recalled, no recall petition shall be filed against such officer
235 until at least 90 days after the election at which the officer's recall was submitted to the voters.

236 4-9-8. No person who has been recalled from an office or who has resigned from office
237 after the filing of a recall petition shall be appointed to town office within 1 year after such recall
238 or such resignation.

239 CHAPTER 5

240 APPOINTED TOWN BOARDS

241 Section 1 General

242 5-1-1. Members. Members of multiple-member bodies listed in chapter 5 shall be
243 appointed by the select board for 3-year overlapping terms and shall serve without compensation.

244 5-1-2. Associate Members. There shall be not more than 2 associate members of each
245 multiple-member body listed in chapter 5, excluding the zoning board of appeals, to be appointed
246 by the select board for 3-year overlapping terms, who shall be eligible to participate in all board
247 matters. The chair of the appointed board may designate an associate member to sit on the board
248 and vote in the case of absence, inability to act or conflict of interest, on the part of any member
249 of the appointed board or in the event of a vacancy on the appointed board. Any vacancies
250 arising in said position shall be filled in the same manner as the original appointment for the
251 remainder of the unexpired term.

252 5-1-3. The multiple-member bodies listed in this chapter shall have all the powers and
253 duties as may be prescribed by the General Laws, this charter and town by-laws.

254 Section 2 Board of Health

5-2-1. The board of health shall have 3 members. One member of the board, who shall not necessarily be the chair, shall be a doctor of medicine, certified to practice medicine in the commonwealth or a registered nurse with current and valid Massachusetts registration.

Section 3 Council on Aging

5-3-1. The council on aging shall have 9 members. No member will be eligible for reappointment to a third term until and unless 1 year has elapsed from and after the expiration of that member's second full term.

Section 4 Conservation Commission

5-4-1. The conservation commission shall have 7 members.

Section 5 Recreation Commission

5-5-1. The recreation commission shall have 7 members.

Section 6 Zoning Board of Appeals

5-6-1. The zoning board of appeals shall have 3 regular members and 6 associate members.

Section 7 Youth and Family Services

5-7-1. The youth and family services commission shall have not fewer than 3 nor more than 17 members. A quorum of the commission shall be a majority of those members then in office.

CHAPTER 6

274 TOWN ADMINISTRATOR

275 Section 1 Town Administrator

276 6-1-1. The select board shall appoint a town administrator for an indefinite term to serve
277 at its pleasure and shall fix the compensation for such person, annually, within the amount
278 appropriated by the town. The select board may establish an employment contract with the town
279 administrator for salary, fringe benefits and other conditions of employment, including, but not
280 limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the
281 performance of the duties or office, liability insurance, conditions of discipline, termination,
282 dismissal and reappointment, performance standards and leave.

283 6-1-2. The town administrator shall not have served in an elective office in the town
284 government for not less than 12 months prior to appointment.

285 6-1-3. The town administrator shall devote full time to the office and shall not hold any
286 other public office, elected or appointed, nor engage in any business or occupation during such
287 service, unless such action is approved in advance by the select board; provided, however, that
288 this section shall not prevent the town administrator from serving, at the direction of the select
289 board, on any committee as an ex officio member or as the select board's designee on other
290 committees and boards. The select board shall provide for an annual review of the job
291 performance of the town administrator.

292 Section 2 Duties

293 6-2-1. The town administrator shall be the chief administrative officer of the town and
294 shall be directly responsible to the select board. The town administrator shall supervise, direct

and be responsible for the efficient administration of all functions under the administrator's control as may be authorized by this charter, town by-law, town meeting vote or the vote of the select board, including all department heads and employees appointed by the town administrator or the select board, and their respective departments, and shall coordinate activities of all town departments. The powers and duties of the town administrator shall include, but not be limited to, the power or duty to:

(a) appoint, discipline, suspend or remove town officers, department heads or principal deputies or agents of elected and appointed boards or officers, and other employees, including employees in civil service positions, for whom no other method of selection is provided by this charter or general or special laws, consistent with the town's personnel policies and subject to the terms of any applicable collective bargaining agreements; provided, however, that the town administrator shall keep the chair of the select board, or the chair's designee, informed as to status of all personnel decisions made or to be made hereunder and shall consult with the appropriate department head or principal deputy or agent prior to hiring an employee for that department; provided further, that appointments or removals of appointed town officers, department heads or principal deputies or agents of elected and appointed boards or officers made by the town administrator under this clause shall become effective on the 15th day following the day notice of proposed appointment or removal is filed with the select board unless said board, within that period, rejects such appointment or removal, or has sooner voted to affirm it and copies of notices of proposed appointments, as filed with the select board, shall simultaneously be posted on the town bulletin board; provided further, that the town administrator shall: consult with the select board prior to appointing a finance director under section 8-1-2; and provided further, that such appointment shall be subject to this clause;

318 (b) supervise and direct all appointed department heads and principal deputies or
319 agents of part-time or volunteer elected and appointed boards or officers in a manner consistent
320 with the town's personnel policies;

321 (c) coordinate the activities of all town agencies serving under the office of the town
322 administrator and the office of the select board with those under the control of other officers and
323 multiple member bodies elected directly by the voters; provided, however, that for this purpose,
324 the town administrator shall have authority to require the persons so elected, or their
325 representatives, to meet with the town administrator, at reasonable times, for the purpose of
326 effecting coordination and cooperation among all agencies of the town; provided further, that the
327 town administrator shall have the right to attend and speak at any public meeting of any multiple
328 member body;

329 (d) administer and enforce, to the extent required, the General Laws, special acts of
330 the commonwealth applicable to the town or town by-laws and all regulations established by the
331 select board;

332 (e) attend all regular and special meetings of the select board, unless excused;
333 provided, however, that the town administrator shall have a voice but not a vote in all
334 discussions;

335 (f) attend all sessions of the town meeting and answer all questions addressed to the
336 town administrator that are related to the warrant articles and to matters under the general
337 supervision of the town administrator;

338 (g) keep the select board fully informed as to the needs of the town and recommend
339 to the select board for adoption such measures requiring action by the select board or by the town
340 as the town administrator considers necessary or expedient;

341 (h) ensure that the complete and full records of the financial and administrative
342 activity of the town are maintained and render reports to the select board as may be required;

343 (i) serve as the chief procurement officer under chapter 30B of the General Laws,
344 and be responsible for the procurement and award of all contracts for supplies, services materials
345 and equipment other than those for the school department and the library; provided, however,
346 that any contract over an amount established by the select board prior to the start of the fiscal
347 year shall require approval by the select board;

348 (j) develop and maintain a formal and complete inventory of all town-owned real and
349 personal property and equipment;

350 (k) administer personnel policies, practices, rules and regulations, compensation and
351 classification plan and related matters, in consultation with the personnel board, for all municipal
352 employees and administer all collective bargaining agreements entered into by the town;

353 (l) subject to the approval of the select board, fix the compensation of all officers,
354 department heads, officers and employees appointed by the town administrator or the select
355 board within the limits established by appropriation and any applicable compensation plan and
356 collective bargaining agreement;

357 (m) be responsible for the negotiation of all contracts with town employees, except
358 employees of the school department, regarding wages and other terms and conditions of

359 employment; provided, however, that collective bargaining agreements negotiated under the
360 authority of this section shall be subject to the approval of the select board and to chapter 150E
361 of the General Laws;

362 (n) prepare, in consultation with the director of municipal finance, and submit an
363 annual operating budget and capital improvement plan as provided in section 9-3-1 and be
364 responsible for its administration after its adoption and transfer funds between individual line-
365 items within a department account at any time during the fiscal year, with the approval of the
366 select board; provided, however, that notice of such proposed transfer shall be provided to the
367 select board and the finance and warrant commission and shall be posted on the town bulletin
368 board, not less than 14 days prior to said transfer;

369 (o) keep the select board and the finance and warrant commission regularly informed
370 as to the financial condition of the town and make recommendations to the select board;

371 (p) prepare and submit to the select board at the end of the fiscal year a
372 comprehensive report on the finances and the activities and operations of all departments, boards
373 and committees of the town;

374 (q) investigate or inquire into the affairs of any town department or office;

375 (r) delegate, authorize or direct any subordinate or employee in the town to exercise
376 any power, duty or responsibility that the office of town administrator may exercise; provided,
377 however, that all acts performed under such delegation shall be the acts of the town
378 administrator;

379 (s) seek out and work to obtain resources from federal, state and other governmental
380 jurisdictions that further town purposes;

381 (t) approve all payroll and expense warrants for payment of town funds; provided,
382 however, that in the event of a vacancy in the office of the town administrator, the temporary
383 town administrator so designated by this charter shall approve such warrants;

384 (u) represent the select board, at its direction, at any county, regional, state and
385 federal meetings;

386 (v) supervise the issuance by the select board of licenses and permits and schedule all
387 related hearings;

388 (w) serve as emergency management director, convening meetings and monitoring the
389 centralized management issues during emergencies;

390 (x) coordinate litigation and authorize and monitor use of town and special
391 counsel(s); and

392 (y) perform such other duties as necessary or as may be assigned by this charter, town
393 by-law, town meeting vote or vote of the select board.

394 Section 3 Qualifications

395 6-3-1. The town administrator shall be appointed solely on the basis of educational,
396 executive and administrative qualifications and experience. The educational qualifications shall
397 consist of a master's degree granted by an accredited degree granting college or university, in
398 public or business administration or related field and professional experience shall include not
399 less than 5 years of full-time, compensated service in finance, government law, personnel

administration, collective bargaining or organization development or extensive experience in working with the public and responding to customer service requests. The select board may waive the education or experience requirements listed herein if the board determines that an applicant's qualifications provide an equivalent combination of education and experience and that such waiver is in the best interest of the town.

Section 4 Acting and Temporary Town Administrator

6-4-1. Acting Town Administrator. The select board may designate a qualified person to exercise the rights and perform the duties of the town administrator during a vacancy caused by the suspension, removal or resignation of the town administrator. Members of the select board shall be ineligible to serve in this capacity.

6-4-2. Temporary Town Administrator. In the event of an absence of less than 2 weeks, the town administrator may designate in a writing filed with the town clerk and select board a qualified town official or employee to temporarily exercise the powers and perform the duties of the town administrator. For an absence in excess of 2 weeks, the select board may designate a qualified town administrative officer or employee to temporarily exercise the powers and perform the duties of the town administrator.

6-4-3. Powers and Duties. The powers and duties of the acting or temporary town administrator under sections 6-4-1 and 6-4-2 shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations, unless otherwise authorized by the select board. Notwithstanding the preceding sentence, if the select board concludes that the best interests of the town require a permanent appointment or designation, the

422 board may, at its sole discretion, authorize the same to be made or itself make the appointment or
423 designation.

424 CHAPTER 7

425 BOARDS AND COMMISSIONS APPOINTED BY MODERATOR

426 Section 1 Moderator's Power to Appoint and Rescind Appointments

427 7-1-1.

428 (a) Appointments and Quorum. The moderator shall have the power to appoint members
429 of those boards and commissions as authorized under this chapter. Appointments made by the
430 moderator shall be for 3-year overlapping terms and shall not be subject to review or
431 confirmation by any other person or group. A quorum of each of those boards and committees
432 shall be a majority of those members then in office. All appointees shall serve without
433 compensation.

434

435 (b) Rescissions. The moderator may rescind any appointment to any board or commission
436 made under the authority of this chapter; provided, however, that the appointee shall first be
437 provided with a written notice of the moderator's intention and reasons for rescinding the
438 appointment.

439 Section 2 Finance and Warrant Commission

440 7-2-1. The finance and warrant commission shall have not more than 15 members;
441 provided, however, that while all efforts shall be made to provide for a full complement of 15

members, in the event that the moderator, at the moderator's sole discretion, finds that the timing of a vacancy and/or the unavailability of qualified candidates for appointment, prevents the same, a vacancy or vacancies may remain unfilled. Members shall not hold any other elected or appointed town position or employment during the member's term of office; provided, however, that the preceding clause of this sentence shall not prohibit a member of the finance and warrant commission from serving on other committees in a non-voting ex officio capacity only.

7-2-2. In making appointments to the commission, the moderator shall take into consideration the demographic composition of the town.

Section 3 Personnel Advisory Board

7-3-1. The personnel advisory board shall have 5 members.

7-3-2. It shall be the responsibility of the board to advise the town administrator from time to time concerning proposed revisions of the town classification and compensation plan.

Section 4 Permanent Building Commission

7-4-1. The permanent building commission shall have not more than 7 members. In making appointments to the permanent building commission, the moderator shall endeavor to include town residents with relevant experience including, but not limited to architecture, engineering or construction experience or knowledge of state public bidding laws.

7-4-2. Temporary members. For each municipal project in the commission's jurisdiction, a member or representative of the multiple member body who sponsors, or will benefit from, the project may be appointed by the moderator as a temporary member and may participate for the

duration of the project as a voting member of the commission; provided, however, that a member of the school committee or its designee shall be appointed for any school project.

7-4-3. Ex officio members. For each project, the moderator may appoint town employees or other town residents, with particular expertise or knowledge, to advise the commission related to the particular project. Any such request shall be made to the town moderator, who shall consult with the town administrator with regard to the appointment of town employees, other than school department employees, and to the superintendent of schools for school department employees. Ex officio members shall have a voice, but no vote, in the proceedings of the commission and shall not count towards the quorum needed to conduct business.

7-4-4. The commission shall have charge and direction of construction and reconstruction projects of all buildings owned, leased or occupied by the town with an estimated cost of more than \$1,000,000 and it shall have the power to make recommendations concerning the design, plans, specifications and location of other buildings financed, in whole or in part, by other public funds; provided, however, that said commission shall, at its discretion, refuse jurisdiction of projects when it determines the assistance of the commission is not needed due to the size, scope or cost of such project. From time to time the commission shall consult with the ultimate user of such buildings concerning said design, plans, specifications and locations of such buildings.

CHAPTER 8

DEPARTMENTS

Section 1 Finance Department

8-1-1. Department. There shall be a department of municipal finance that shall be responsible for the coordination of all financial services and activities of the town, the maintenance of all accounting records and other financial statements, payment of all obligations, receipt of all funds due, monitoring of and reporting on all fiscal and financial activities of the town, supervision of all purchases of goods, materials and supplies and maintenance of inventory controls. The department shall include the offices and functions of the town accountant, town treasurer, tax collector and board of assessors; provided, however, that although the office of elected board of assessors shall be part of the department of municipal finance, such officers shall continue to exercise their respective duties and responsibilities under the General Laws, except as otherwise provided in this charter. The department shall have such additional powers, duties and responsibilities with respect to municipal finance-related functions and activities as the town may provide by town by-law.

8-1-2. Finance Director. The department of municipal finance shall be under the direct control and supervision of a director of municipal finance who shall be appointed by the town administrator, after consultation with the select board, and whose salary shall be fixed annually within the amount appropriated by the town. The appointment, and any discipline, suspension or removal of said finance director shall be undertaken under clause (a) of section 6-2-1.

8-1-3. Finance Director, Qualifications.

(a) The director of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The educational qualifications shall consist of a master's degree in finance, accounting or public or business administration, granted by an accredited degree-granting college or university, and professional qualifications shall

506 include not less than 3 years of prior full-time compensated service in accounting or business
507 administration or 5 years or more of such professional experience and a bachelor's degree in an
508 appropriate discipline. At the request of the town administrator, the select board may waive the
509 education or experience requirements listed if the board determines that an applicant's
510 qualifications provide an equivalent combination of education and experience and that such
511 waiver is in the best interests of the town.

512 (b) The salary, fringe benefits and other conditions of employment of the director of
513 municipal finance, including but not limited to, severance pay, relocation expenses,
514 reimbursement for expenses incurred in the performance of the duties of office, liability
515 insurance, conditions of discipline, termination, dismissal and reappointment, performance
516 standards and leave may be established by contract.

517 8-1-4. Finance Director, Duties and Responsibilities. The director of municipal finance
518 shall be responsible for the supervision and coordination of all financial personnel, tasks and
519 activities of the department under this charter, General Laws, town by-laws and any applicable
520 rules and regulations. The director of municipal finance may serve as the town accountant and
521 shall be responsible for coordinating the fiscal management procedures of the offices of the town
522 treasurer, tax collector and board of assessors and shall be the administrator of budgeting,
523 including financial reporting, accountability and control, as well as an advisor to the select board,
524 town administrator, finance and warrant commission and all other town departments, concerning
525 financial and programmatic implications of current and future financial policies. The director of
526 municipal finance shall provide such assistance to the town administrator as the town
527 administrator shall request with regard to the preparation of the town budget and capital plan and

528 have such additional duties and responsibilities with regard thereto under clause (n) of section 6-
529 2-1 and chapter 9.

530 Section 2 Other Departments

531 8-2-1. Department of Public Works. There shall be a department of public works, as
532 established by chapter 140 of the acts of 1992, with the powers, duties and responsibilities under
533 said chapter 140, as amended from time to time.

534 8-2-2. Fire Department. There shall be a fire department in accordance with the terms in
535 this charter and the general bylaws and in accordance with chapter 149 of the acts of 2015.

536 8-2-3. Police Department. There shall be a police department, as established by vote of
537 the March 12, 1951 town meeting accepting chapter 595 of the acts of 1948, now codified as
538 section 97A of chapter 41 of the General Laws, with the powers, duties and responsibilities
539 under said section 97A of said chapter 41.

540 CHAPTER 9

541 FINANCIAL PROCEDURES

542 Section 1 Fiscal Year

543 9-1-1. The fiscal year of the town shall commence on July 1st and end on June 30th,
544 unless another uniform fiscal year for all towns shall be specified by state law.

545 Section 2 Audit Committee

546 9-2-1. There shall be an audit committee consisting of 3 members appointed by the
547 select board for overlapping 3-year terms. The audit committee shall review annual financial

statements of the town financial offices, review the independent auditor's management recommendations and provide advice and counsel to the select board, town administrator and other financial staff.

Section 3 Budget - Preparation and Schedule

9-3-1. The town administrator shall prepare an annual operating budget for the town as described in section 9-4-3. For such purposes, the town administrator shall establish a budget schedule for the development and submission of all departmental budgets to the town administrator and director of municipal finance, and for the compilation of a proposed consolidated operating budget for the town or such schedule may be established by town by-law. The town administrator shall also prepare, in consultation with the director of municipal finance, a 5-year capital plan.

Section 4 Budgetary Procedures

9-4-1. Not less than 3 months before the business session of the spring annual town meeting, the town administrator shall submit to the select board for its review and approval a proposed operating budget for the town with a summary budget message and supporting documents, and a 5-year capital plan. The select board may make such changes to the proposed operating budget and budget message as it considers appropriate. Following approval by the select board, the proposed annual operating budget, with summary budget message and supporting documents, and 5-year capital plan shall immediately be forwarded to the finance and warrant commission.

9-4-2. The summary budget message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the town for the

570 ensuing year and shall indicate any major changes from the current year in financial policies,
571 expenditures and revenues, together with the reasons for such changes.

572 9-4-3. The operating budget shall provide a complete financial plan for all town funds
573 and activities and shall be in such form as the finance and warrant commission may require;
574 provided, however, that it shall indicate proposed expenditures for both current operations and
575 capital projects during the ensuing year, detailed by purpose, offices, departments, commissions
576 and committees.

577 9-4-4. The 5-year capital plan shall be designed to address unmet long range needs and
578 to implement the capital goals and objectives of the town, and shall include all town activities
579 and departments. The capital improvements plan shall include a clear summary of its contents, a
580 list of all capital improvements proposed to be undertaken during the next 5 years, together with
581 supporting data, cost estimates, methods of financing and recommended time schedules and the
582 estimated annual cost of operating and maintaining the facilities or equipment to be constructed
583 or acquired. The information required by this section may be revised and extended each year by
584 the town administrator and shall apply each year to capital improvements pending or in the
585 process of construction or acquisition.

586 9-4-5. The finance and warrant commission shall conduct at least 1 public hearing on the
587 proposed operating budget not less than 14 days prior to its submission at the annual town
588 meeting.

589 9-4-6. The select board shall be responsible for presenting the proposed operating budget
590 to the town meeting.

591 9-4-7. Town meeting may, by town by-law, establish additional procedures applicable to
592 consideration and adoption of the budget that are not inconsistent with this charter.

593 CHAPTER 10

594 TOWN BY-LAWS

595 Section 1 How Proposed

596 10-1-1. Town general and zoning by-laws may be proposed in warrant article form
597 consistent with the General Laws and section 2-5-1.

598 Section 2 How Adopted and Revised

599 10-2-1. Adoption or amendment of general and zoning by-laws shall be approved by a
600 2/3 vote of those voting at an annual or special town meeting, except as otherwise provided by
601 section 5 of chapter 40A of the General Laws.

602 Section 3 Revision and Publication

603 10-3-1. The select board shall ensure that the town by-laws are reviewed, recodified and
604 republished, and made available to those who request the same, periodically, as necessary and
605 appropriate.

606 Section 4 Continuation of Town By-Laws

607 10-4-1. All special acts, town by-laws, town meeting resolutions, rules and regulations of
608 the town in force at the time this charter takes effect, not inconsistent with this charter, shall
609 continue in force.

610 CHAPTER 11

611 SEVERABILITY

612 Section 1

613 11-1-1. If any section or partial section of this charter shall be held invalid by a court of
614 competent jurisdiction, such holding shall not affect the validity of the remainder of this charter,
615 nor the context in which such section or partial section so held invalid may appear.

616 CHAPTER 12

617 CHARTER REVISION

618 Section 1 Process

619 12-1-1. This charter may be replaced, revised or amended in accordance with chapter
620 43B of the General Laws and Article LXXXIX of the Amendments to the Massachusetts
621 Constitution.

622 Section 2 Periodic Review

623 12-2-1. The select board shall appoint a committee of not fewer than 5 nor more than 9
624 members, who shall serve without compensation to review the charter and town by-laws not less
625 than once every 10 years from the date of the last review undertaken under this section. Said
626 committee may make recommendations to a subsequent town meeting to replace, revise or
627 amend said charter or town by-laws. A quorum shall be a majority of those members then in
628 office.

629 SECTION 3. This act shall take effect upon its passage.