

# SENATE . . . . . No. 3053

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Senate, April 13, 2026 -- Text of the Senate amendment (Senator Tarr) to the House Bill further amending the charter of the town of Middleton (House, No. 4399).

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
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1           SECTION 1. Section 2 of chapter 2 of the charter of the town of Middleton, which is on  
2 file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B  
3 of the General Laws, is hereby amended by striking out subsection 2-2-3 and inserting in place  
4 thereof the following subsection:-

5           2-2-3 When the number of voters in attendance at town meeting is determined to be less  
6 than the established quorum, the meeting shall be adjourned forthwith to a stated date, time and  
7 place or, at the option of town meeting, dissolved.

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

10           2-3-2 Where required by applicable law, the town meeting shall consider and act upon,  
11 with or without amendments, all proposed operating and capital budgets, bond issues and other  
12 financial proposals of the town.

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

15           2-4-2 In all procedural matters, the town meeting shall follow the latest edition of the  
16 handbook of parliamentary law published by Massachusetts Moderators Association, Inc., except  
17 as provided by the General Laws, this charter or by by-law.

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

21           2-4-5 A copy of the warrant for any town meeting shall be mailed to each residence in the  
22 town not less than 7 days prior to the commencement of said meeting.

23           2-4-6 The order of consideration of the articles on the warrant may be changed at the  
24 discretion of the town moderator.

25           SECTION 5. Said section 4 of said chapter 2 of said charter is hereby further amended by  
26 striking out subsections 2-4-8 to 2-4-11, inclusive, and inserting in place thereof the following  
27 4 subsections:-

28           2-4-8 The town meeting shall receive recommendations from the finance committee on  
29 all town meeting articles concerning financial matters; provided, however, that failure to submit  
30 a recommendation shall not preclude town meeting action.

31           2-4-9 The town meeting shall receive recommendations from the planning board on all  
32 articles involving planning, zoning, subdivision control, land acquisition, conservation, extension  
33 of sewer lines and all other matters relating to land and the environment; provided, however, that  
34 a failure to submit a recommendation shall not preclude town meeting action.

35           2-4-10 The substance of any article defeated at town meeting shall not be placed on the  
36 warrant for the period of 1 year immediately following such defeat.

37           2-4-11 The substance of any article entailing zoning which has been defeated at any town  
38 meeting shall not be voted on by the town meeting for a period of 2 years immediately following  
39 such defeat, unless the planning board recommends resubmission of the substance of such  
40 article.

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

43           3-1-1 The regular election for all town offices shall be by official ballot held on the third  
44 Tuesday in May of each year. The select board may change the date of the town elections due to  
45 reasons relating to public health, safety and welfare; provided, however, that the new date is in  
46 conformity with state law.

47           3-1-2 Any person duly elected to any office or board shall take up the duties of their  
48 office immediately; provided, however, that they first shall have been sworn to the faithful  
49 performances of their duties.

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

53           3-4-1 An elected officer of the town may be recalled and removed from public office by  
54 the voters of the town as herein provided. Any voter of the town may file with the select board a  
55 petition containing the name and title of the elective officer whose removal is sought together

56 with a statement of the grounds for their removal. Said petition shall be filed with said select  
57 board and shall be signed in ink or indelible pencil by qualified voters of the town equal in  
58 number to not less than 12 per cent of the voters registered at the last regular municipal election;  
59 provided, however, that no recall petition may be filed against any officer until the officer shall  
60 have held the officer's office before the taking of such vote. Said recall vote shall be called and  
61 conducted in the same manner as is provided by the General Laws for the call and conduct of a  
62 special election.

63           3-4-2 If, within 5 business days after receipt of the petition, the select board shall  
64 determine the petition and affidavits to be sufficient, a recall vote shall be taken within 110 days  
65 but not sooner than 90 days after such final determination; provided, however, that no such vote  
66 shall be taken if the term of office of such elective official is set to expire within 150 days after  
67 such determination or if such elective officer shall resign from such office before the taking of  
68 such vote. Said recall vote shall be called and conducted in the same manner as is provided by  
69 the General Laws for the call and conduct of a special election.

70           3-4-3 The form of the question to be voted upon shall be substantially as follows: "Shall  
71 (here insert the name and title of the elective officer whose recall is sought) be recalled?" A  
72 majority vote of the voters to recall such elective officer shall not be effective unless not less  
73 than 12 per cent of the electorate entitled to vote on the question shall have voted. Recall of such  
74 elective officer shall become effective upon certification of the results of the voting thereon,  
75 regardless of any technical deficiency in the recall petition. If any elective officer is recalled, the  
76 vacancy created thereby shall be filled in accordance with the provisions of this charter and the  
77 General Laws.

78 SECTION 8. Chapter 4 of said charter is hereby amended by striking out  
79 inserting in place thereof the following title:- CHAPTER 4 - SELECT BOARD.

80 SECTION 9. Section 1 of said chapter 4 of said charter is hereby amended by striking out  
81 subsections 4-1-1 and 4-1-2 and inserting in place thereof the following 2 subsections:-

82 4-1-1 A select board of 5 members shall be elected for 3-year overlapping terms. The  
83 regular election for the office of the select board shall be held in accordance with chapter 3 of  
84 this charter.

85 4-1-2 Vacancies in the office of the select board may be filled by special election in  
86 accordance with the provisions of the General Laws.

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

89 4-4-1 The select board may make investigations and may authorize the town  
90 administrator or other agent to investigate the affairs of the town and conduct of any town board,  
91 department or office including any claims against the town. For this purpose, the select board  
92 may subpoena witnesses, administer oaths, take testimony and require the production of  
93 evidence.

94 SECTION 11. Chapter 5 of said charter is hereby amended by striking out the title and  
95 inserting in place thereof the following title:- CHAPTER 5 - OTHER ELECTED BOARDS  
96 AND OFFICIALS.

97 SECTION 12. Section 1 of said chapter 5 of said charter is hereby amended by striking  
98 out subsection 5-1-1 and inserting in place thereof the following subsection:-

99           5-1-1 Other town boards and officials to be elected by vote of the town shall be an  
100 elementary school committee, a regional school committee, a planning board, a board of  
101 assessors, a board of library trustees, a town clerk, a housing authority, electric light  
102 commissioners, a constable and a town moderator.

103           SECTION 13. Said section 1 of said chapter 5 of said charter is hereby further amended  
104 by striking out subsection 5-1-4 and inserting in place thereof the following subsection:-

105           5-1-4 Members of boards and commissions established under this charter who serve  
106 without compensation may receive actual and necessary expenses incurred in the rightful  
107 performance of their duties, within limits of both their authority and an appropriation made for  
108 that purpose.

109           SECTION 14. Section 2 of said chapter 5 of said charter is hereby amended by striking  
110 out subsection 5-2-1 and inserting in place thereof the following subsection:-

111           5-2-1 Vacancies in the town boards established under this chapter shall be filled by the  
112 select board together with the remaining members of the respective board, in accordance with the  
113 General Laws. Vacancies in other elected offices shall be filled in accordance with state law.

114           SECTION 15. Section 3 of said chapter 5 of said charter is hereby amended by striking  
115 out subsection 5-3-3 and inserting in place thereof the following subsection:-

116           5-3-3 Not less than 2 weeks prior to submitting a budget to the town accountant, the  
117 elementary school committee shall conduct a public hearing on the school budget. Said  
118 committee shall have preliminary summaries of its recommendations available at said hearing,  
119 which shall be distributed to those who request them.

120 SECTION 16. Section 4 of said chapter 5 of said charter is hereby amended by striking  
121 out subsection 5-4-2 and inserting in place thereof the following subsection:-

122 5-4-2. Two alternate members shall be appointed jointly by the select board and the  
123 planning board for 1-year terms. The chairperson of the planning board may designate an  
124 alternate member to sit on the planning board to vote and act on all zoning and subdivision  
125 matters in the event of a board member's absence, inability to act, conflict of interest or a  
126 vacancy on the planning board.

127 SECTION 17. Subsection 6-1-1 of section 1 of chapter 6 of said charter is hereby  
128 amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

129 (a) The following officers each for a term of 3 years: a town counsel and a town  
130 accountant.

131 SECTION 18. Said subsection 6-1-1 of said section 1 of said chapter 6 of said charter is  
132 hereby further amended by striking out paragraph (c) and inserting in place thereof the following  
133 paragraph:-

134 (c) The following officers for an indefinite term: a police chief and a fire chief.

135 SECTION 19. Subsection 6-3-1 of section 3 of said chapter 6 of said charter is hereby  
136 amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

137 (d) A conservation commission, a recreation commission and a historical commission,  
138 such boards to be composed of 5 members each, who shall be appointed for 3-year overlapping  
139 terms.

140 SECTION 20. Section 5 of said chapter 6 of said charter is hereby amended by striking  
141 out subsections 6-5-1 and 6-5-2 and inserting in place thereof the following 2 subsections:-

142 6-5-1 Any appointed officer or salaried employee of the town, not subject to the  
143 provisions of chapter 31 of the General Laws, whether appointed for a fixed or an indefinite  
144 term, may be suspended or removed from office by the appointing authority for good cause. The  
145 term good cause shall include, but not be limited to: (i) incapacity other than temporary illness;  
146 (ii) inefficiency; (iii) insubordination; and (iv) conduct unbecoming of office.

147 6-5-2 Any appointed officer or salaried employee of the town may be placed on paid  
148 administrative leave from office by the appointing authority if such action is deemed to them to  
149 be necessary to protect the interests of the town. Administrative leave may be conterminous with  
150 the removal and shall not interfere with the rights of the officer or employee under the removal  
151 procedure given below.

152 SECTION 21. Subsection 6-5-3 of said section 5 of said chapter 6 of said charter is  
153 hereby amended by striking out paragraphs (b) and (c) and inserting in place thereof the  
154 following 2 paragraphs:-

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

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

162 SECTION 22. Section 7 of said chapter 6 of said charter is hereby amended by striking  
163 out subsection 6-7-1 and inserting in place thereof the following subsection:-

164 6-7-1 The town administrator shall be directly responsible to the select board for the  
165 performance of the town administrator's duties and shall be the principal full-time administrative  
166 officer of the town.

167 SECTION 23. Said section 7 of said chapter 6 of said charter is hereby further amended  
168 by striking out subsection 6-7-4 and inserting in place thereof the following subsection:-

169 6-7-4 The town administrator shall assemble and present to the select board, in  
170 coordination with the town accountant, the annual budget of the town and shall be responsible  
171 for the development and annual revision of the capital improvements program in accordance  
172 with chapter 7 of this charter.

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

175 6-7-7 The town administrator shall serve as the town's chief procurement officer and  
176 shall be responsible for purchasing all material, equipment, supplies and services for the town  
177 except those for which town by-law requires competitive bids. A vote of the select board shall be  
178 required to award a contract other than to the lowest bidder. SECTION 25. Said section 7 of said  
179 chapter 6 of said charter is hereby further amended by striking out subsection 6-7-10 and  
180 inserting in place thereof the following 2 subsections:-

181 6-7-10 The town administrator shall supervise all appointed department heads. The town  
182 administrator shall be the select board's agent for collective bargaining and may request the town

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

190           6-7-11 The town administrator shall perform any other duties as required to be performed  
191 by the town administrator by-laws, administrative codes, binding votes of town meeting, votes of  
192 the select board or otherwise.

193           SECTION 26. Section 8 of said chapter 6 of said charter is hereby amended by striking  
194 out subsection 6-8-3 and inserting in place thereof the following subsection:-

195           6-8-3 The adoption of said resolution shall serve to place the town administrator on  
196 administrative leave for a period of not more than 45 days, unless extended by the vote of the  
197 select board, during which the town administrator's salary shall continue to be paid. A copy of  
198 such resolution shall be delivered to the town administrator who shall have 5 business days in  
199 which to request a hearing, in accordance with open meeting law. If a hearing shall be requested,  
200 the select board shall schedule it within 2 weeks.

201           SECTION 27. Said section 8 of said chapter 6 of said charter is hereby further amended  
202 by striking out subsection 6-8-4.

203           SECTION 28. Section 9 of said chapter 6 of said charter is hereby amended by striking  
204 out subsection 6-9-1 and inserting in place thereof the following subsection:-

205           6-9-1 In the event of temporary absence, disability, suspension or vacancy in the office of  
206 the town administrator, the select board by an affirmative vote of not less than 3 members may  
207 appoint an acting town administrator. The term of the acting town administrator shall not exceed  
208 90 days, except as may be extended by the select board, and they shall perform all duties  
209 required of the office of the town administrator. An acting town administrator appointed under  
210 this section shall receive compensation as set by the affirmative vote of not less than 3 select  
211 board members, but it shall not exceed the rate of compensation, approved for the administrator  
212 by the town meeting.

213           SECTION 29. Section 2 of chapter 7 of said charter is hereby amended by striking out  
214 subsection 7-2-1 and inserting in place thereof the following subsection:-

215           7-2-1 An annual audit of all accounts, books, records and financial transactions of every  
216 department, board and commission of the town government, including the elementary school  
217 department, shall be conducted as required by the General Laws.

218           SECTION 30. Section 4 of said chapter 7 of said charter is hereby amended by striking  
219 out subsections 7-4-2 to 7-4-6, inclusive, and inserting in place thereof the following 3  
220 subsections:-

221           7-4-2 Not later than 90 days prior to the annual town meeting, the town administrator  
222 shall submit to the select board and finance committee a proposed operating budget of the  
223 ensuing fiscal year. Not later than 60 days prior to the annual town meeting, the town  
224 administrator shall submit to the select board and finance committee a proposed capital budget of  
225 the ensuing fiscal year.

226           7-4-3 The finance committee shall prepare and present a budget message concerning its  
227 recommendations to the annual town meeting. The budget message shall also be included in the  
228 annual town report.

229           7-4-4 The budget message shall explain the budget both in fiscal terms and in terms of  
230 work programs. It shall: (i) outline the proposed financial policies of the town for the ensuing  
231 fiscal year; (ii) describe the features of the budget; (iii) indicate any major changes from the  
232 current year in financial policies, expenditures and revenues together with the reasons for such  
233 changes; (iv) summarize the town's debt positions; (v) estimate the impact of the total budget  
234 upon the ensuing tax rate; and (vi) include such other material as the finance committee shall  
235 deem desirable. The select board may also submit a budgetary message to the town meeting.

236           SECTION 31. Section 5 of said chapter 7 of said charter is hereby amended by striking  
237 out subsection 7-5-1 and inserting in place thereof the following subsection:-

238           7-5-1 The town administrator shall submit a capital improvement program to the select  
239 board and the finance committee not less than 150 days before the start of each fiscal year. It  
240 may be based on material prepared by department heads, including: (i) a clear, concise general  
241 summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during  
242 the ensuing 5 years, with supporting information as to the need for each such capital  
243 improvements; (iii) cost estimates, methods of financing and recommended time schedules for  
244 each improvement; and (iv) the estimated annual cost of operating and maintaining each facility  
245 and piece of major equipment involved. This information is to be annually revised by the town  
246 administrator with regard to the capital improvements still pending or in the process of being  
247 acquired, improved or constructed.

248 SECTION 32. Section 6 of said chapter 7 of said charter is hereby amended by striking  
249 out subsection 7-6-1 and inserting in place thereof the following subsection:-

250 7-6-1 The finance committee shall make available to the residents of the town a notice  
251 stating: (i) the time and places where copies of the operating budget and capital improvements  
252 program are available for inspection; and (ii) the date, time and place, not less than 7 days after  
253 such publication, when the finance committee and the select board jointly will conduct a public  
254 hearings on the proposed operating budget and capital improvements program; provided,  
255 however, that the finance committee shall hold at least 1 such hearing.

256 SECTION 33. Section 10 of said chapter 7 of said charter is hereby amended by striking  
257 out subsection 7-10-1 and inserting in place thereof the following subsection:-

258 7-10-1 An appropriation made by a separate warrant article shall continue in force until  
259 the purpose for which it was made has been accomplished or abandoned. The purpose of any  
260 such appropriation shall be deemed abandoned if 3 years have passed without any disbursement  
261 from or encumbrance by contract of the appropriation.

262 SECTION 34. Section 11 of said chapter 7 of said charter is hereby amended by striking  
263 out subsection 7-11-1 and inserting in place thereof the following subsection:-

264 7-11-1 In addition to the prohibitions prescribed by law, the submission of a bid by any  
265 compensated town officer or employee on any contract to be awarded by the town shall serve as  
266 notice to resign such compensated town officers or employee's office, unless otherwise  
267 authorized by the General Laws.

268 SECTION 35. Section 1 of chapter 8 of said charter is hereby amended by striking out  
269 subsection 8-1-1 and inserting in place thereof the following subsection:-

270 8-1-1 The planning board established under section 4 of chapter 5 of this charter may  
271 make recommendations to the select board on all matters concerning the physical, economic and  
272 environmental development of the town, as prescribed by the General Laws and this charter.

273 SECTION 36. Said chapter 8 of said charter is hereby further amended by striking out  
274 subsection 8-2-1.

275 SECTION 37. Section 5 of chapter 9 of said charter is hereby amended by striking out  
276 subsection 9-5-2 and inserting in place thereof the following subsection:-

277 9-5-2 The town administrator shall propose and the select board may adopt personnel  
278 rules relating to all town positions, except as otherwise provided by law or as may be superseded  
279 by collective bargaining agreements. Such rules shall provide for: (i) the classification of all  
280 positions based on the duties, responsibility and authority of each position, with adequate  
281 provision for reclassification of any position whenever warranted by changed circumstances; (ii)  
282 a salary and pay plan for all positions; (iii) methods of determining the merit and fitness of  
283 candidates for appointment and promotion; (iv) policies and procedures regulating the removal  
284 of employees, consistent with this charter; (v) hours of work, attendance regulations and  
285 provisions for sick, vacation, military and other leave of absence; (vi) policies and procedures  
286 governing persons holding provisional appointments; (vii) policies and procedures governing  
287 relationships with employee organizations; (viii) policies regarding service training programs;  
288 (ix) grievance procedures; and (x) such other practices and procedures as may be necessary for  
289 the administration of the personnel system.

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

292 10-1-1 The town moderator shall appoint a new charter review committee every 10 years.  
293 The charter review committee shall review the town charter and make recommendations for  
294 appropriate revisions to town meeting.

295 SECTION 39. Section 4 of said chapter 10 of said charter is hereby amended by striking  
296 out subsection 10-4-1 and inserting in place thereof the following subsection:-

297 10-4-1 It shall be the responsibility of the select board to insure, through an appointed by-  
298 law committee, that the general by-laws of the town shall be reviewed not less than every 5 years  
299 and copies shall be made available to all registered voters requesting them.

300 SECTION 40. Section 5 of said chapter 10 of said charter is hereby amended by striking  
301 out subsection 10-5-1 and inserting in place thereof the following subsection:-

302 10-5-1 All boards, commissions and committees of the town shall: (i) organize annually  
303 and elect a chair and other necessary officers; (ii) adopt rules of procedure and voting; and (iii)  
304 maintain meeting minutes, copies of which shall be a public record.

305 SECTION 41. Section 6 of said chapter 10 of said charter is hereby amended by striking  
306 out subsection 10-6-1 and inserting in place thereof the following subsection:-

307 10-6-1 No meeting of any town board, commission, committee or subcommittee shall be  
308 held in executive session except as allowed by the General Laws or regulations promulgated  
309 thereunder.

310 SECTION 42. This act shall take effect upon its passage.