

**HOUSE . . . . . No. 4845**

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*The Commonwealth of Massachusetts*

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Substituted by the House, on motion of Mr. Pedone of Worcester, for a bill with the same title (House, No. 4652). July 1, 2010.

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# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act relative to the charter of the town of Franklin.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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2 SECTION 1. Paragraph 2-1-4 of section 1 of article two of the home rule charter of the town of  
3 Franklin, known as the “Franklin home rule charter”, which is on file in the office of the  
4 archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is  
5 hereby amended by striking out the word “first” and inserting in place thereof the following  
6 word:- second .

7 SECTION 2. Section 3 of said article two of said charter is hereby amended by striking out  
8 paragraphs 2-3-1 and 2-3-2 and inserting in place thereof the following paragraph:-

9 2-3-1 At the first council meeting following each regular town election, the council shall choose  
10 from its membership a chairman, vice-chairman, and clerk each to serve for a 1-year term of  
11 office. The council shall have the right to reorganize itself at any time during the year by a two-  
12 thirds vote of its membership to do so. The chairman shall preside at meetings of the council  
13 and perform such other duties as provided by this charter, by-law, or council vote. The vice-  
14 chairman shall act as chairman during the absence or disability of the chairman. The clerk shall  
15 see that proper notice of all council meetings is given to its members and to the public, that all  
16 votes of the council are recorded and that minutes of all council proceedings are kept and shall  
17 perform such other duties as may be assigned by this charter, by-law or other vote of the council.

18 SECTION 3. Paragraph 2-4-3 of section 4 of said article two of said charter is hereby further  
19 amended by striking out the words “for a journal” and inserting in place thereof the following  
20 word:- minutes .

21 SECTION 4. Section 5 of said article two of said charter is hereby amended by striking out  
22 paragraph 2-5-1 and inserting in place thereof the following paragraph:-

23 2-5-1 The town council shall meet regularly at least once each month. Special meetings may be  
24 held at any time if called by the chairman or by 4 members of the council, provided that for any  
25 special meeting at least 48 hours personal notice shall be given to each council member, except  
26 in case of an emergency. All council meetings shall be conducted in accordance with the open  
27 meeting provisions of the General Laws.

28 SECTION 5. Paragraph 2-6-4 of section 6 of said article two of said charter is hereby amended  
29 by inserting after the word “by-law” the following words:- ,resolution, or other action .

30 SECTION 6. Paragraph 2-6-5 of said section 6 is hereby amended by striking out the word  
31 “journal” and inserting in place thereof the following word:- minutes .

32 SECTION 7. Paragraph 3-1-1 of section 1 of article three of said charter is hereby amended in  
33 clause (a) by inserting after the word “for”, in line 3, the following word:- concurrent .

34 SECTION 8. Said article three of said charter is hereby further amended by striking out  
35 paragraph 3-1-2 and inserting in place thereof the following paragraph:-

36 3-1-2 Officers of the town to be elected at large for a 4-year term of office shall  
37 be: (a) town clerk and (b) 3 constables.

38 SECTION 9. Paragraph 3-3-2 of said article three is hereby amended by striking out the words  
39 “,Town treasurer-collector”.

40 SECTION 10. Paragraph 4-2-1 of section 2 of article four of said charter is hereby amended by  
41 inserting after the word “chief”, in line 1, the following words:- executive and .

42 SECTION 11. Said section 2 of said article four is hereby further amended by striking out  
43 paragraph 4-2-2 and inserting in place thereof the following paragraph:-

44 4-2-2 The administrator shall hold no elective or other appointive town office, but may be  
45 appointed by the council to serve on committees, both standing and ad hoc; the administrator  
46 shall devote full-time to the duties of the office and shall engage in no other business or  
47 occupation without the advance written authorization of the council.

48 SECTION 12. Paragraph 4-2-3 of said section 2 of said article four is hereby amended by  
49 striking out clauses (g) and (h) and inserting in place thereof the following clauses:-

50 (g) be responsible for all aspects of the personnel system, (h) serve as chief procurement officer;

51 SECTION 13. Said section 2 is hereby further amended by striking out paragraph 4-2-5 and  
52 inserting in place thereof the following paragraph:-

53 4-2-5 Subject to ratification by the town council, the administrator shall have the  
54 power to appoint, on the basis of merit and fitness alone: (a) a fire chief, a  
55 police chief, a director of public works, a town comptroller, a town attorney, a library director,  
56 and 3 registrars of voters; (b) 5 members of a board of library trustees, 9 members of a council  
57 on aging, 7 members of a conservation commission, 7 members of an historic commission and  
58 3 members of a zoning board of appeals, all for 3-year overlapping terms of office; (c) 4  
59 members of a housing authority, all for 5-year overlapping terms of office with the fifth  
60 member to be appointed under the authority of the commonwealth; and (d) members of such  
61 other boards, commissions and committees as are authorized by the General Laws, this charter or  
62 by-law and for whom appointment is not otherwise provided.

63 SECTION 14. Said section 2 is hereby further amended by adding the following paragraph:-

64 4-2-6 Subject to ratification by the town council, the town administrator shall also appoint, on  
65 the basis of merit and fitness alone, a treasurer-collector.

66 SECTION 15. Section 4 of said article four is hereby amended by striking out paragraph 4-4-1  
67 and inserting in place thereof the following 2 paragraphs:-

68 4-4-1 The town council may designate a qualified person to serve as acting town administrator  
69 and to perform the duties of the office for up to 21 days on account of the town administrator's  
70 temporary absence or unavailability.

71 4-4-2 The town council may designate a qualified person to serve as acting town administrator  
72 and to perform the duties of the office during the period of any vacancy caused by the  
73 administrator's absence, or unavailability for more than 21 days, or his illness, suspension,  
74 removal or resignation. The appointment shall be for a period not to exceed 180 days, but such  
75 appointment may be extended for 2 additional 90- day periods by vote of the council.

76 SECTION 16. Paragraph 6-2-1 of section 2 of article six of said charter is hereby amended by  
77 striking out the first sentence and inserting in place thereof the following sentence:- A finance  
78 committee of 9 members shall be appointed by the town council for staggered 3-year terms of  
79 office.

80 SECTION 17. Said paragraph 6-2-1 is hereby further amended by striking out the word  
81 "Accountant" and inserting in place thereof the following word:- comptroller .

82 SECTION 18. Said section 2 of said article six is hereby further amended by striking out  
83 paragraph 6-2-2 and inserting in place thereof the following paragraph:-

84 6-2-2 For its initial appointment of a finance committee, the town council shall appoint 3  
85 members for a 3-year term, 3 members for a 2-year term, and 3 members for a 1-year term;  
86 thereafter the town council shall annually appoint 3 members for a 3-year term. Vacancies on  
87 the finance committee shall be filled promptly by the council for the unexpired term.

88 SECTION 19. Section 5 of said article six is hereby amended by striking out paragraph 6-5-1  
89 and inserting in place thereof the following paragraph:-

90 6-5-1 The proposed budget shall provide a complete financial plan for all town funds and  
91 activities, including the proposed school department budget of the ensuing year.

92 Except for the school budget or as may be required by general law, it shall be in such form as the  
93 town administrator deems desirable.

94 SECTION 20. Section 6 of said article six is hereby amended by striking out paragraph 6-5-2  
95 and inserting in place thereof the following paragraph:-

96 6-5-2 In submitting the proposed budget, the town administrator shall utilize modern fiscal  
97 principals so as to afford maximum information and financial control. The budget shall detail all  
98 estimated revenue from the property tax levy and other sources and all proposed expenditures,  
99 including debt service to: the previous, current and ensuing years, and shall indicate separately:  
100 proposed expenditures for 50th current operations and capital projects during the ensuing year,  
101 detailed by department, purpose and position, together with proposed financing methods.

102 SECTION 21. Paragraph 6-6-1 of said section 6 of said article six is hereby amended by  
103 inserting after the word “the”, in line 2, the following words:- town administrator”s .

104 SECTION 22. Paragraph 6-7-1 of said section 6 of said article six is hereby amended by striking  
105 out, in line 3, the word “six” and by striking out, in lines 6 and 7, the word “six (6)” and inserting  
106 in place thereof, in each instance, the following figure:- 5 .

107 SECTION 23. Paragraph 7-4-1 of section 4 of article seven of said charter is hereby amended by  
108 striking out the words “a journal” and inserting in place thereof the following word:- minutes .

109 SECTION 24. Section 7 of said article seven is hereby amended by striking out paragraphs 7-7-1  
110 to 7-7-5, inclusive.

111 SECTION 25. Article eight of said charter is hereby amended by striking out section 1.

112 SECTION 26. The incumbent holding the office of treasurer-collector upon the effective date of  
113 this act shall retain his office and continue to serve until the expiration of his elected term of

114 office or his resignation, whichever occurs first, but this position shall thereafter be filled by  
115 appointment as provided in paragraph 4-2-6 of section 2 of article four.

116 SECTION 27. The state secretary shall cause the following two questions to be placed on the  
117 official ballot to be used in the Town of Franklin at the biennial state election to be held on  
118 November 2, 2010:

119 1. Shall an act passed by the General Court in the year 2010 entitled "An Act  
120 Relative to the Charter of the Town of Franklin" be accepted?

121 2. Shall the Town Treasurer-Collector be appointed, as provided in Sections 7,  
122 8, 13, and 24 of said act, rather than elected?

123 followed by the summaries required by section 58A of chapter 54 of the General Laws, which  
124 the town attorney shall ensure that the state secretary receives no later than September 3,  
125 2010.

126 SECTION 28. Sections 27 and 28 of this act shall take effect upon its passage.

127 SECTION 29. Sections 1 to 7, inclusive, sections 10 to 13, inclusive, and sections 15 to 25,  
128 inclusive, shall take effect upon acceptance by a majority of the voters of the town voting in the  
129 affirmative on the first ballot question specified in section 27, but not otherwise.

130 SECTION 30. Sections 8, 9, 14, and 26 shall take effect upon acceptance by a majority of the  
131 voters of the town voting in the affirmative on the second ballot question specified in section 27,  
132 but not otherwise..