SENATE DOCKET, NO. 2252 FILED ON: 6/6/2012

SENATE . . . . . No. 2295

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

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 amending the charter of the town of Plymouth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	
Viriato Manuel deMacedo	*1st Plymouth*
Thomas J. Calter	*12th Plymouth*

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By Ms. Murray, a petition (accompanied by bill, Senate, No. 2295) of Therese Murray, Viriato Manuel deMacedo and Thomas J. Calter (by vote of the town) for legislation to amend the charter of the town of Plymouth. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act amending the charter of the town of Plymouth.

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 1 of Chapter 358 of the acts of 2004 is hereby amended by inserting before section 1 of the charter of the town of Plymouth the following preamble:-

We, the people of the town of Plymouth, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment of the constitution of the commonwealth, do hereby adopt the following home rule charter for this town.

All elected and appointed town officials, town employees and volunteers agree when taking an oath of office to serve or accepting a job offer for the town of Plymouth to strictly adhere to this home rule charter in the course of conducting their duties.

SECTION 2. Said section 1 of said chapter 358 is hereby amended by striking out section 2-2-3 and inserting in place thereof the following section:-

12 2-2-3 The Town Clerk shall serve as clerk of the representative town meeting. The Town
13 Clerk shall cause notice of all meetings to be posted in the Town Hall, in the Town's libraries,
14 and posted on the Town's website. The Town Clerk shall mail copies of the notice to the place of
15 residence of all representative town meeting members, citing the place, date, and time of the
16 meeting.

17 SECTION 2. Said section 1 of said chapter 358 is hereby further amended by striking
18 out section 2-4-7 and inserting in place thereof the following section:-

19 2-4-7 In the event that the advisory and finance committee fails to comply with the
20 provisions of section 2-12-2 of this charter, the scheduled representative town meeting shall
21 convene and then adjourn to a date that would allow the advisory and finance committee to make
22 copies of its detailed written report available to representative town meeting members and voters
23 14 days prior to that date, except that two-thirds of the representative town meeting members in
24 attendance may vote to waive the 14 day requirement of Section 2-12-2.

25 SECTION 3. Said section 1 of said chapter 358 is hereby further amended by striking
26 out section 2-5-3 and inserting in place thereof the following section:-

27 2-5-3 A representative town meeting member who removes from the town shall cease to
28 be a town meeting member and a representative town meeting member who removes from the
29 precinct from which the representative was elected to another precinct may serve only until the
30 next annual town meeting. The town clerk may also declare the seat vacant if the registrars of
31 voters, pursuant to sections 47B, 48 and 49 of chapter 51 of the General Laws or any other
32 applicable law, determine that the representative town meeting member is illegally or incorrectly
33 registered to vote in that precinct.

34 SECTION 4. Said section 1 of said chapter 358 is hereby amended by striking out
35 section 2-11-3 and inserting in place thereof the following section:-

36 2-11-3 Each precinct chairperson shall arrange for the posting of notices of caucus
37 meetings in town hall and on the town's website. Each such caucus meeting shall be conducted
38 in accordance with section 20 of chapter 30A of the General Laws, the open meeting law.

39 SECTION 5. Section 2-12-1 of said section 1 of said chapter 358 is hereby amended by
40 striking out the first paragraph and inserting in place thereof the following paragraph:-

41 2-12-1 An advisory and finance committee of 15 members shall be appointed by the
42 moderator for 3-year overlapping terms. There shall be no more than 3 members from each
43 precinct of the town; provided, however, that in the event that the number of incumbent members
44 from a particular precinct increases due to redistricting or the change in residency of that
45 member or another, no incumbent member need be removed, and may serve out their respective
46 terms. The advisory and finance committee shall choose from its members a chairperson and fill
47 the other offices as it may create. The moderator may fill any vacancy by appointment and the
48 term of that appointment shall be for the remainder of the unexpired term of the person causing
49 the vacancy.

50 SECTION 6. Said section 1 of said chapter 358 is hereby further amended by striking out
51 section 2-12-2 and inserting in place thereof the following section:-

52 2-12-2 The advisory and finance committee shall conduct 1 or more public hearings on
53 the proposed operating and capital budget and shall issue its recommendations in a detailed
54 written report and shall mail copies to town meeting members postmarked not later than 14 days
55 prior to the scheduled date of the representative town meeting and make copies available to

56 voters at least 14 days prior to the scheduled date of the representative town meeting. In
57 preparing its report, the committee may require any town department, board or office to furnish it
58 with appropriate financial reports and budgetary information. If the advisory and finance
59 committee has failed to consider a warrant article, the representative town meeting may consider
60 that article, provided that two-thirds of the representative town meeting members in attendance
61 vote to do so. The vote shall not be taken unless the article has been presented to the advisory
62 and finance committee.

63 SECTION 7. Said section 1 of said chapter 358 is hereby further amended by striking
64 out section 3-6-2 and inserting in place thereof the following section:-

65 3-6-2 The department of public works shall be responsible for:

66 (a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm
67 drains, bridges and other public way related structures;

68 (b) the maintenance, repair and cleaning and custodial services of all buildings and
69 grounds owned or leased by the town;

70 (c) the development and maintenance of all cemeteries, parks and recreation facilities;

71 (d) snow and ice removal;

72 (e) providing for and supervising the collection and disposal of garbage and other refuse
73 and the maintenance and operation of all facilities for the disposal of the same;

74 (f) the supervision, care and replacement of trees;

75 (g) the design, construction, operation and maintenance of all water and sewer facilities;

76 (h) other functions as the town manager assigns; and

77 (i) the master planning of all infrastructure elements under their jurisdiction including,
78 but not limited to, public roadways, sidewalks, stormdrains, bridges, cemeteries, parks and
79 recreation facilities, solid waste and waste water facilities all of which shall be coordinated and
80 consistent with the comprehensive master plan provided for in section 14-4 of chapter 3.

81 SECTION 8. Said section 1 of said chapter 358 is hereby further amended by striking
82 out section 3-14-8 and inserting in place thereof the following section:-

83 3-14-8 The planning board shall appoint an open space committee comprised of 9
84 persons to act in an advisory capacity to the planning board and the representative town meeting
85 with respect to the preservation of natural open space and to assist the community preservation
86 committee in fulfilling its duties under the Community Preservation Act. Five members shall be
87 appointed by the planning board, 2 by the selectmen and 2 by the conservation commission.

88 SECTION 9. Said section 1 of said chapter 358 is hereby further amended by striking
89 out sections 3-16-1 and 3-16-2 and inserting in place thereof the following 2 sections:-

90 3-16-1 The board of selectmen shall appoint a building committee which shall consist of
91 9 members. The committee shall have among its members 1 member of the planning board, a
92 registered professional engineer or architect, an attorney, a person employed in the construction
93 industry or a related trade or occupation, 2 members of the school committee and 3 other
94 residents. Members of the committee shall be appointed for 3-year overlapping terms.

95 3-16-2 Upon the request of the town manager or a department head, the building
96 committee shall meet with various town departments from time to time to determine the need for

97 additions or renovations to any existing buildings or facilities, for the construction of new
98 buildings or facilities or for the demolition or disposal of existing buildings. The committee shall
99 report its recommendations to the board of selectmen and the representative town meeting and
100 the school committee when applicable. Whenever this work is authorized by the representative
101 town meeting, the building committee shall be responsible for the oversight of all work relating
102 thereto, including site planning, preliminary architectural drawings, final plans and the oversight
103 of all construction.

104 SECTION 10. Said section 1 of said chapter 358 is hereby further amended by striking
105 out section 4-2-1 and inserting in place thereof the following section:-

106 4-2-1 No representative town meeting member or elected town official representing the
107 entire town shall hold simultaneously any other elected town office other than member of a
108 charter commission. Any person who holds multiple offices in violation of this section shall
109 promptly inform the town clerk as to which office that person will vacate. Election to any
110 county, state or federal office other than county charter commission shall be deemed to be an
111 event disqualifying an elected town official, including, but not limited to, representative town
112 meeting member, from continuing in an elected town office.

113 SECTION 11. Said section 1 of said chapter 358 is hereby further amended by striking
114 out section 5-6-3 and inserting in place thereof the following section:-

115 5-6-3 Within 5 days after receipt of the petition the town clerk shall determine whether
116 the petition contains a sufficient number of signatures. If there is a sufficient number of
117 signatures, the town clerk shall inform the board of selectmen, who, with the town clerk, shall
118 provide for a referendum to be held between 35 and 90 days after that determination.

119 SECTION 12. Said section 1 of said chapter 358 is hereby further amended by inserting
120 after section 6-2-1 the following 2 sections:-

121 6-2-2 All multi-member board and committee appointments made under this charter shall
122 be for a specific term. Any person whose cumulative attendance falls below 50 per cent in a 12
123 month period, shall be deemed to have resigned from the appointed position. Thereafter, the
124 position shall be considered vacant for all purposes.

125 6-2-3 All bodies who have the ability to appoint may remove the appointee for cause, by
126 a vote of the appointing authority, as defined in the establish process developed by the
127 appointing authority.

128 SECTION 13. Said section 1 of said chapter 358 is hereby further amended by striking
129 out section 7-6-1 and inserting in place thereof the following section:-

130 7-6-1 At least once in every 5 years, a special committee shall be appointed by the town
131 moderator to review this charter and to make a report, with recommendations, to the
132 representative town meeting concerning any proposed amendments which the committee may
133 determine to be necessary or desirable.