

**Massachusetts House of Representatives
Bill Summary**

Bill #: H.4399

Title: An Act further amending the charter of the town of Middleton

Sponsor: Rep. Bradley Jones

Committee: Joint Committee on Municipalities and Regional Government

Hearing Date: September 4 to September 11, 2025 written testimony hearing

Current Law:

Subsection 2-2-3 states that Town Meeting must be adjourned if a quorum is not met.

Subsection 2-4-2 states that Town Meeting procedure must follow the latest edition of Town Meeting Time.

Subsection 2-4-8 states that the Town Meeting must receive Finance Committee recommendations prior to taking action on financial matters.

Subsection 2-4-9 states that the Town Meeting must receive Planning Board recommendations prior to taking action on matters related to zoning and land.

Subsection 2-4-10 states that an article defeated at Town Meeting may be brought up again within one year if in compliance with the MGL.

Subsection 4-4-1 states that said boards may subpoena witnesses, administer oaths, take testimony, and outlines other endowed powers.

Subsection 6-5-2 states that administrative leave suspensions must not exceed fifteen days.

Subsection 6-8-3 states that hearings to review placements of administrative leave must be advertised in a local newspaper and cite its purpose, location, time, and date.

Subsection 7-2-1 states that the town must request the auditing agency of the Commonwealth to conduct an audit at least ninety days before the end of each fiscal year.

Subsection 7-6-1 states that the Finance Committee must publish in a local newspaper a notice of where and when copies of operating budgets and other matters may be located.

Subsection 7-10-1 states that appropriations shall lapse at the end of the fiscal year, provided it has not been expended or encumbered by contract.

Subsection 10-1-1 states that this charter may be edited in accordance with the General Laws.

Subsection 10-5-1 states that a quorum requirement must be established by all town entities.

Subsection 10-6-1 states that no town entity may conduct an executive session except by not less than a majority vote of those present.

Summary:

Section 1 amends Subsection 2-2-3 of the Middleton charter by adding language allowing for the dissolution of a town meeting if a quorum is not met.

Section 2 amends Subsection 2-3-2 by specifying that the Town Meeting may consider and act upon amendments to all financial proposals of the Town where required by applicable law.

Section 3 edits Subsection 2-4-2 by replacing a mention of Robert's Rules of Order with the latest edition of Town Meeting Time.

Section 4 amends Subsection 2-4-6 by empowering the town moderator to change the order of consideration of articles during Town Meeting.

Section 5 amends Subsections 2-4-8 and 2-4-9 by clarifying that lack of recommendation to the Town Meeting from the Finance Committee or the Planning Board shall not preclude Town Meeting action. Also, it removes a reference to Section 10 of Chapter 39 of the General Laws in regard to articles defeated at Town Meeting.

Section 6 edits Subsection 3-1-1 by empowering the Select Board to change the date of town elections for emergency reasons, provided that the new date is in conformance with state law.

Section 7 amends Subsections 3-4-1 through 3-4-3 by decreasing the percentage of registered voters required to sign a petition to initiate a recall election from 20 to 12 percent.

Section 9 edits Subsection 4-4-1 by striking language specifying the powers of any agent tasked to investigate the affairs and conduct of any town entity.

Section 10 changes the title of Chapter 5 to "OTHER ELECTED BOARDS AND OFFICIALS."

Section 11 amends Subsection 5-1-1 by listing the town moderator as an official to be elected by the town.

Section 12 clarifies Subsection 5-1-4 in how members of town entities that do not receive compensation may be reimbursed for expenses incurred in the administration of their duties.

Section 13 amends Subsection 5-2-1 by clarifying that vacancies not named in Chapter 5 shall be filled in accordance with state law.

Section 15 edits Subsection 5-4-2 by specifying that alternate members of the planning board may only vote and act on zoning and subdivision matters.

Section 18 amends Subsection 6-3-1 by eliminating the personnel board from a list of five member boards.

Section 19 edits Subsection 6-5-1 by specifying that personnel suspension must be paid and removing the 15-day administrative leave maximum.

Section 22 edits Subsection 6-7-4 by requiring the Town Accountant be included in the development of the annual budget.

Section 23 clarifies Subsection 6-7-7 by formally empowering the Town Administrator with the title of Chief Procurement Officer.

Section 23 also adds Section 6-7-10, which details the Town Administrator's role as a supervisor of department heads and representative of the town in all matters relating to personnel.

Section 24 amends Subsection 6-8-3 by empowering the Select Board to extend any administrative leave placement of the Town Administrator and strike language requiring any town administrator administrative leave appeal hearing to be advertised in a newspaper.

Section 25 eliminates Subsection 6-8-4.

Section 26 amends Subsection 6-9-1 by removing the 90-day maximum for term extensions of the acting Town Administrator.

Section 27 edits Subsection 7-2-1 by removing the requirement for the annual audit to occur at least ninety days before the end of the fiscal year.

Section 28 adds Subsection 7-4-2, which requires the Town Administrator to submit a proposed operating budget and capital budget to the Select Board and Finance Committee no later than 90 days and 60 days prior to the start of the fiscal year, respectively. It also adds language allowing the Select Board to submit a budgetary message to the Town Meeting.

Section 29 edits Subsection 7-5-1 by stating that the capital improvement program may be based on material prepared by all department heads, rather than the Capital

Planning Committee, and shall be revised annually by the Town Administrator rather than the CPC.

Section 29 also edits 7-6-1 by removing the requirement for the Finance Committee's budgetary notice to be published in a newspaper.

Section 30 amends Subsection 7-10-1 by eliminating language that deems appropriations lapsed at the close of the fiscal year if not otherwise extended.

Section 33 eliminates Section 8-2.

Section 34 changes Subsection 9-5-2 by empowering the Town Administrator to develop and adopt personnel rules, rather than the Personnel Board.

Section 35 amends Subsection 10-1-1 by requiring a Charter Review Committee every ten years.

Section 37 amends Subsection 10-5-1 by removing the requirement for boards, commissions, and committees to establish a quorum.

Section 38 edits Subsection 10-6-1 by prohibiting town entities' executive sessions except as allowed by the General Laws.

Sections 8, 14, 16, 17, 20, 21, 31, 32, and 36 all make minor grammatical edits.

Notes:

Approved as Article 20 by majority vote of the Town Meeting during meeting dated May 13, 2025.