

TOWN OF TEWKSBURY

ARTICLE 1 INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

1-1.1 The inhabitants of the town of Tewksbury, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "Town of Tewksbury."

SECTION 1-2: SHORT TITLE

1-2.1 This instrument shall be known and may be cited as the Tewksbury Home Rule Charter.

SECTION 1-3: POWERS OF THE TOWN

1-3.1 Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or general laws of the commonwealth, it is the intention and the purpose of the voters of the town of Tewksbury through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein. The ultimate power of the town resides with the voters through their ability to elect the town council.

SECTION 1-4: DIVISION OF POWERS

1-4.1 The town council shall have and shall exercise all legislative powers of the town. The executive branch, headed by the town manager who is appointed by the town council, shall administer all town fiscal, business and municipal affairs.

SECTION 1-5: CONSTRUCTION

1-5.1 The powers of the town of Tewksbury under this charter are to be construed liberally in favor of the town and the specific mention of any particular power is not intended to limit the general powers of the town as stated in Section 1-3.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

1-6.1 Subject only to express limitations in the constitution or general laws of the commonwealth, the town of Tewksbury may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any agency or political subdivision thereof, or with the United States government or any agency thereof.

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SECTION 1-7: TOWN SEAL

1-7.1 The town seal in existence at the time this charter is adopted, unless the town council shall adopt another, shall continue to be the town seal and shall be kept in the custody of the town clerk. Papers and documents issued from any office or board of the town may be attested by use of said seal.

ARTICLE 2: LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION, TERM OF OFFICE

2-1.1 Composition - There shall be a town council of nine (9) members, which shall exercise the legislative powers of the town. These nine (9) members are to be known as councilors.

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2-1.2 Term of Office - The term of office for town council members shall be three (3) years beginning on the first Tuesday of April following election and continuing until a successor is qualified. The terms shall be staggered in accordance with the transitional language in Article 9, Section 9-6.

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2-1.3 Eligibility – Voters of the town of Tewksbury shall be eligible to hold the office of town council. Each councilor shall be nominated and elected by and from the voters at large. Four councilors will be nominated and elected from districts composed of the town’s current precincts and five councilors shall be nominated and elected by and from the voters at large. A district councilor shall at the time of election be a voter of the district from which elected.

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2.1.3.1 If any district councilors shall during the first 24 months of the term of office remove to another district in the town, such office shall be deemed vacant and the balance of the unexpired term shall be filled in the manner provided in Section 2 – 11. If the district councilor removes to another district in the last 12 months of the term to which elected, the councilor shall continue to serve for the balance of the term for which he is elected.

2.1.3.2 If a councilor at large removes from the town during the first 24 months of the term of office, such office shall be deemed vacant and the balance of the term shall be filled in the manner provided in Section 2-11. If a vacancy among the councilors at large occurs in the final twelve (12) months of such councilor’s term, the council shall at a regular or special meeting elect a registered voter of Tewksbury to serve for the balance of the said term.

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Deleted: Section 2-2.1 Council Organization. As soon as practicable after the councilors-elect have been qualified and sworn following each election, under Section 7-1, the town council shall be called together by the town clerk for the purpose of conducting an election among council members for the office of town council president and vice-president to serve at the pleasure of the town council.

SECTION 2-2: COUNCIL OFFICERS AND CLERK

2-2.1 Council Organization. The president shall preside at all meetings of the town council, and perform such other functions as may be assigned by the charter, by ordinance or by vote of the town council. The vice-president shall preside at meetings of the town council during the absence or disability of the president.

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2-2.2 Election and Term - ~~The~~ council ~~p~~resident, and ~~v~~ice-~~p~~resident, shall each serve a 1 year term of office.

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2-2.3 Town Council President - The town council president shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order. The town council president shall appoint, with the approval of the town council, all members of all subcommittees of the town council, whether special or standing. The town council president shall have the same powers to vote upon all measures coming before the town council as any other member of the town council. The town council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance, or by other vote of the town council.

2-2.4 Town Council Vice-President - The town council vice-president shall serve as acting president during the temporary absence or disability of the town council president. The powers of an acting town council president shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary absence or disability and no others.

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2-2.5 Clerk of the Town Council - A clerk of the town council, who is not a council member, shall be appointed by the council for a 1, 2, or 3 year term. The clerk of the town council shall, with the consent of the town council, ensure the continuity of record keeping for the town council; give notice of its meetings to its members and to the public; keep the journal of town council proceedings; present the draft minutes to the town council at regularly scheduled meetings; and, perform such other duties as may be provided by ordinance or by other vote of the town council.

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SECTION 2-3: PROHIBITIONS

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2-3.1 Holding Other Town Office or Position - No member of the town council shall hold any other non-elected compensated town office or town employment. No former member of the town council shall hold any compensated town office or town employment until 1 year following the date on which such former member's service on the town council has terminated. This provision shall not prevent a town officer or other town employee who has taken a leave of absence in order to serve as a member of the town council from returning to the same office or other position of town employment held at the time such leave of absence commenced; provided however no such person shall be eligible for any other town office until at least one year following the termination of service as a member of the town council.

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2-3.2 Interference with Administration - Except for the purpose of inquiries and investigations pursuant to Section 2-7, the town council shall not infringe upon the town manager's authority and responsibilities by giving instructions, orders or directions directly to the officers and employees serving under the town manager.

SECTION 2-4: EXPENSES

2-4.1 Expenses - Subject to appropriation and to prior allocation and authorization, the town council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

SECTION 2-5: GENERAL POWERS

2-5.1 Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed upon by town ordinance. The town may enter into contracts for the exercise of its corporate powers on such terms and conditions as are authorized by the town council by ordinance.

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SECTION 2-6: EXERCISE OF POWERS; RULES

2-6.1 Exercise of Powers - Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by the town council.

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2-6.2 Rules of Procedure - The town council shall from time to time establish written rules regulating its procedures, which shall be in addition to the following:

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2-6.2.1 Regular meetings of the town council shall be held at a time and place fixed by ordinance but which shall be not less frequent than once monthly.

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2-6.3. Special Meetings - Special meetings may be held on the call of the president of the town council, town manager, or on the call of any 4 or more members, by written notice delivered at least forty-eight hours in advance of the time set and such notice shall further comply in all instances with the provisions of M.G.L. c. 30A, §18-25 (referred elsewhere herein as the "Open Meeting Law"). Except as otherwise authorized by the laws of the Commonwealth all sessions of the town council shall be open to the public and press. Every matter coming before the town council for action shall be put to a vote, the result of which shall be duly recorded. All council votes on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded by the town clerk. A full, accurate, and up-to-date record of the proceedings of the town council shall be kept and shall be open to inspection by the public. Regular meetings of the town council shall provide for a period of public comment; provided however, the town council may regulate such period of public comment as deemed appropriate.

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2-3.3.1 The town manager may at any time call a special meeting of the town council by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the town council. Such notice shall, except in an emergency as determined by the town manager, be delivered at least 48 hours in advance of the time set and shall specify the

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purpose or purposes of the special meeting. A copy of each such notice shall be posted on the town bulletin board and on the town's official web site.

2-6.4 Town Council Meeting Protocol - All meetings of the town council shall include opportunity for public comment in accordance with Open Meeting Law. Comments may be presented orally or in writing.

2-6.4.1 For the conduct of business a quorum of the town council shall be a minimum of 5 members, provided that a smaller number may adjourn from time to time.

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2-6.4.2. Except as otherwise provided by the charter, the affirmative vote of 5 members shall be required to adopt any ordinance or appropriation order.

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2-6.4.3 The meetings of the town council and of every committee or subcommittee thereof shall be posted and the agenda made available in accordance with the applicable provisions of the Open Meeting Law.

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2-6.3 LICENSING AUTHORITY: DELEGATION OF POWERS

2-6.3.1 The town council shall be the licensing authority of the town and shall have all the power to issue licenses as otherwise authorized by law, to make all necessary rules regarding issuance of such licenses and to attach conditions and restrictions on any license it may issue as it deems to be in the public interest and to enforce all laws relating thereto.

2-6.3.2 The town council may delegate to one or more agencies the powers vested in the town council by the general laws, to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits of any such town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken and to enforce all laws relating to such businesses for which a license has been issued.

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SECTION 2-7: ACCESS TO INFORMATION

2-7.1 In General - The town council may make investigations into the affairs of the town and into the conduct and performance of any town agency and, for this purpose, may subpoena witnesses, administer oaths and require the production of evidence.

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2-7.2 Town Officers, Members of Town Agencies, Employees - With notice to the town manager, the town council may require any town officer, member of a town agency or town employee to appear before it to give such information as the town council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the town council.

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2-7.3 Town Manager - The town council may require the town manager to appear before it and to provide specific information to it on any matter within the jurisdiction of the town council.

2-7.4 Notice - The town council shall give a minimum notice of 10 days to any person requested to appear before it under the provisions of this section. The notice shall include specific issues on which the town council seeks information. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

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SECTION 2-8: PERSONNEL APPOINTED BY TOWN COUNCIL

2-8.1 Except as otherwise provided by this charter, the town council shall appoint all boards, commissions and committees. The town council shall adopt procedures to allow for orderly appointment of multiple member bodies, including, but not limited to, the following: a board of assessors; a conservation commission; a zoning board of appeals; a council on aging; a government study committee; a trust fund commission; a historical commission; a finance committee; and a board of registrars. The town council shall also appoint all multiple member policy advisory committees or commissions and may appoint all ad hoc committees or commissions not specifically provided by ordinance, and all other multiple member bodies for whom no other method of appointment is provided.

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2-8.1.1 Appointments made by the town council shall be for the same term of office, and the same number of members for each multiple member body set forth in Section 2-8.1 above as currently provided for, until other provisions are made in accordance with the charter.

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2-8.1.2 The town council may employ such staff and experts as is necessary to conduct the business of the town council. The town council shall set the form and levels of compensation of such staff.

2-8.2 Salaries/Compensation - Any person appointed by the town council shall receive such salaries or other compensation as may from time to time be provided for such office by ordinance; provided, however, that such salary or compensation shall have been adopted by a two-thirds (2/3) vote of the full town council.

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2-8.3 Removal/Suspension - Any person appointed by the town council may be removed or suspended by the town council by the use of procedures contained in the personnel ordinance for the removal of town employees.

2-8.4 Review of Town Manager - The town council shall annually conduct a comprehensive performance review and evaluation of the town manager, the results of which shall be reviewed at a regular meeting of the town council in each calendar year.

2-8.4.1 The town council shall by majority vote of the town council establish guidelines for the annual performance review and evaluation of the town manager. The town council and the

town manager shall jointly establish short-term and long-term goals for the town manager and the town manager's annual performance review shall include a measurement of the town manager's progress in achieving or performing against the goals as stated and agreed.

SECTION 2-9: ORDINANCES, TAX MEASURES, APPROPRIATION ORDERS AND LOAN AUTHORIZATIONS

2-9.1 Ordinances, tax measures, appropriation orders and loan authorizations shall be introduced in writing and shall be processed through the following stages: First Reading; Public Hearing; Second Reading. After the First Reading, the town council shall cause a synopsis of the proposed ordinance, tax measure, appropriation order or loan authorization to be published in a newspaper of general circulation in the form passed by the town council, together with notice of the time and place when and where the public hearing will be held for final passage, at least 7 days prior to the date of the public hearing. If the town council amends the ordinance, tax measure, appropriation order or loan authorization after the public hearing, then it shall cause a synopsis of the amended ordinance, tax measure, appropriation order or loan authorization to be published in a newspaper of general circulation in the new form passed by the town council, together with notice of the time and place when and where the public hearing will be held at least 7 days prior to the date of the new public hearing.

2-9.2 Emergency Ordinances - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of 4 or more members of the town council. Emergency ordinances shall stand repealed on the sixty-first day following adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

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2-9.3 The town council shall cause a synopsis of every ordinance, tax measure, and appropriation order or loan authorization to be published in a newspaper of general circulation, posted on the town bulletin board, and posted on the town's official web site. The ordinance, tax measure, appropriation order or loan authorization shall be effective 20 days after the date of publication, except in case of emergency involving the health or safety of the people or their property when the provisions of the foregoing section 2-9.2 shall apply.

SECTION 2-10: COUNCIL REVIEW OF CERTAIN APPOINTMENTS

2-10.1 The town manager shall submit to the town council the name of each person the town manager desires to appoint to each of the following positions in the town, and all other town officials whose appointment or election is not specifically provided for herein, however titled: town clerk, town treasurer; town collector; chief assessor; police chief; fire chief; superintendent of public works; director of personnel; director of community development;

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director of council on aging; conservation administrator; director of the public library; director of public health, and town attorney; but, not including any position for whom selection is provided by general election under Article 4. The town council may require any person whose name has been referred to it to appear before a standing committee of the town council, or before the town council, to give such information relevant to such appointment as the committee, or the town council, may require. Appointments made by the town manager shall become effective on the fifteenth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless 5 members of the town council shall within the said 15 days vote to reject such appointment, or unless the town council has sooner voted to affirm the appointment. Rejection by the town council shall require a 2/3 vote of the town council. The question on rejection of any appointment made by the town manager shall not be subject to the procedure of charter objection provided in Section 8-5 of this charter.

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2-10.2 The person serving as town clerk at the time this charter is approved by the voters shall, notwithstanding any contrary provision of any special or general law, the charter, or any rule or regulation, complete the term to which elected. The appointment provisions of the charter pertaining to the town clerk shall become effective upon the completion of such term or if there is a sooner vacating of the office by the said person serving as town clerk at the time this charter is approved, whichever is earlier.

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SECTION 2-11: FILLING OF VACANCIES

Filling of Vacancies by Town Council

2-11.1 Whenever a vacancy shall occur during the first 24 months of the term of a councilor, the town council shall call a special election in said district(s) or in the town, as necessary, to be held within 90 days of the determination of such vacancy. Should a vacancy occur in the final 12 months of the term of a councilor, the remaining members of the town council shall appoint by majority vote a town of Tewksbury voter to fill the vacancy until the next annual town election. The voter chosen to fill a vacancy in the seat of a councilor shall reside in the town of Tewksbury. Individuals serving on the council as a result of appointment shall not be entitled to have the words "incumbent for re-election" printed alongside their names on the election ballot. All vacancies shall be filled within 60 days.

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Filling of Vacancies in Other Elected Offices

2-11.2 When a vacancy exists in any town office or an elected town board the vacancy shall be filled as required by M.G.L. c. 41, §11. The person so appointed shall serve to completion of the unexpired term, or until the next annual town election, whichever is earlier.

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SECTION 2-12: FINANCE COMMITTEE

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2-12.1 The town council president shall appoint a finance committee of 5 members with the approval of the town council. Such committee shall be in addition to any similar committee

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composed of council members. Terms of committee members shall be for three years; the council president shall so arrange initial terms such that as equal a number of members as is possible are appointed each year. No elected or appointed town officer or town employee shall serve on the committee. The committee will serve in an advisory capacity to the council on fiscal matters, and on such other matters as the council may request. The committee shall, at the council's request, examine all budget and appropriations proposals and make recommendations thereon to the council.

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ARTICLE 3 EXECUTIVE BRANCH

SECTION 3-1: TOWN MANAGER: QUALIFICATIONS; COMPENSATION

3-1.1 Town Manager Qualifications - The town manager shall be the chief executive officer of the town and shall be appointed by the town council by an affirmative vote of at least two-thirds of the town council members. The town manager shall be a person of proven administrative ability, and specially qualified by education and training. At a minimum, the town manager shall possess a minimum of a bachelor's degree in public administration or a related field and 5 years of relevant public or private experience, or, in the alternative, a master's degree in public administration or a related field and 3 years of relevant public or private experience in performing the duties that are comparable to those set forth in section 3-3 below. The town council may, from time to time, establish by ordinance such additional qualifications as it may deem necessary and appropriate.

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3-1.2 The town manager shall not engage in any other business or occupation during his or her term except for part-time consultative or teaching duties, directly relating to the profession of municipal management and with the specific consent of the town council.

3-1.3 Compensation - The town council shall determine the town manager's salary within the amount as provided by yearly annual appropriation. The term of appointment of the town manager shall not exceed a term of 3 years.

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3-1.4 Expenses - Subject to appropriation, the town manager shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.

3-1.5 Prohibitions - The town manager shall hold no other town office or town employment for which a salary or other emolument is payable from the town treasury; provided, however, this restriction shall not apply in any event where the town manager is serving in another capacity in lieu of creating or maintaining a position for which funding may be required and an annual appropriation made; or, where town manager is also serving in another position as part of an administrative plan to reorganize, consolidate, combine, or eliminate, in whole or in part, certain functions or tasks that may otherwise be performed, temporarily or permanently, by town manager.

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SECTION 3-2: EXECUTIVE POWERS; ORGANIZATION

3-2.1 The executive powers of the town shall be vested solely in the town manager and may be exercised by the town manager either personally or through the several town agencies under the general supervision and control of the office of the town manager.

SECTION 3-3: POWERS AND DUTIES OF THE TOWN MANAGER

3-3.1 The town manager shall be the chief executive officer of the town and shall be responsible to the town council for the operation of town affairs for which the town manager is given responsibility under this charter. The powers, duties, and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

3-3.1.1 To supervise, direct, and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility, authority or control by this charter, by ordinance, or by vote of the town council.

3-3.1.2 To administer either directly or through a person or persons supervised by the town manager, in accordance with this charter, all provisions of general or special laws applicable to the town, all ordinances, and all regulations established by the town council.

3-3.1.3 To oversee and coordinate all activities of town departments or agencies.

3-3.1.4 To attend all regular and special meetings of the town council, unless excused, which are related to matters under the general supervision of the town manager.

3-3.1.5 To keep the town council fully informed as to the state of the town, and to make recommendations on matters which may require its attention.

3-3.1.6 To maintain complete and accurate records of the financial activity of the town.

3-3.1.7 To approve the rental, use, maintenance, and repair of all town facilities, except, those school buildings and grounds under the jurisdiction of the school committee.

3-3.1.8 To authorize the purchase of all supplies, materials, and equipment, except books and other educational materials and supplies for the schools and the public library.

3-3.1.9 To approve the award of all town contracts, except contracts for books, educational material and supplies for the schools and the public library as aforesaid.

3-3.1.10 To develop and maintain a full and complete inventory of all town owned real and personal property.

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3-3.1.11 To administer personnel policies, practices, or rules and regulations, compensation plans and related matters for town employees, except for school department employees, and to administer collective bargaining agreements, except for school department agreements, entered into by the town.

3-3.1.12 To set the compensation levels of town employees and officers appointed by the town manager within the limits established by appropriation and any applicable compensation plan.

3-3.1.13 To be responsible for the negotiation of contracts with town employees on wages and other terms and conditions of employment, except employees of the school department. The town manager may employ special counsel to assist in the performance of these duties. Contracts with town employees shall be subject to the approval of the town council.

3-3.1.14 To prepare and submit an annual operating budget, capital improvement program, and a long-term financial forecast under Article 7 of the charter.

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3-3.1.15 To keep the town council informed as to the financial condition of the town and to make recommendations to the town council as the town manager determines necessary or expedient.

3-3.1.16 To investigate or inquire into the affairs of any town agency under the authority of the town manager.

3-3.1.17 To delegate, authorize, or direct any subordinate or employee of the town to exercise any power, duty, or responsibility which the office of town manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be considered to be the acts of the town manager.

3-3.1.18 To perform such other duties as necessary or as may be assigned by this charter, by ordinance, or by vote of the town council.

SECTION 3-4: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

3-4.1 The town manager shall cause the charter, the laws, the ordinances and other orders for the government of the town to be enforced, and shall cause a record of all official acts of the executive branch of the town government to be kept.

SECTION 3-5: APPOINTMENTS BY THE TOWN MANAGER

3-5.1 All appointments made by the town manager shall be made on the basis of merit and fitness demonstrated by past performance or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person qualified by education, training, and previous work experience to perform the duties of the office or position.

3-5.2 The town manager shall have authority to appoint, in consultation with the town council, a town clerk. This appointment shall be made on the basis of merit and fitness, past performance, or by other evidence of competence and suitability. Each person initially and subsequently appointed to fill the position of town clerk shall be a person qualified by education, training, and previous work experience to perform the duties of the office or position.

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3-5.2.1 Notwithstanding any provision in the charter to the contrary, the town manager may remove, suspend or discipline only for just cause, the individual appointed as town clerk. The decision of the town manager shall be final; it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the town manager.

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SECTION 3-6: ADDITIONAL APPOINTMENTS; REMOVAL OR SUSPENSION BY THE TOWN MANAGER

3-6.1 Except as is otherwise proved in Section 2-10, the town manager shall have authority to appoint, after consultation with the appropriate agency head, all assistants, subordinates, and employees of an agency without prior approval of the town council. All appointments shall be made on the basis of merit and fitness, past performance, or by other evidence of competence and suitability. Each person appointed shall be a person qualified by education, training, and previous work experience to perform the duties of the office or position.

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3-6.2 The town manager, after consultation with the appropriate agency head, as applicable, may remove, suspend or discipline any person appointed by the town manager under this Section 3-6. The decision of the town manager shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the town manager; provided, however, that any such removal, suspension or other disciplinary action shall be in accord with the applicable provisions of G.L. c. 32 concerning a position recognized by the town as being subject to the jurisdiction of the civil service law, so-called, or any collective bargaining agreement in force and effect to which an employee has rights as a bargaining unit member, or any personnel ordinance that is in force and effect and of application to such employee at the time of such disciplinary action is being taken.

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SECTION 3-7: COMMUNICATIONS; SPECIAL MEETINGS

3-7.1 Communications to the Town Council - The town manager shall submit to the town council and make available for public distribution the annual report as referenced in Section 8-8. The town manager shall, from time to time throughout the year, by written communication, report on and recommend to the town council for its consideration such measures as, in the judgment of the town manager, are in the best interest of the town. The town manager shall, from time to time throughout the year, by written communications, keep the town council

informed of the financial condition of the town and shall regularly report to the town council concerning substantive fiscal, financial, or other issues of significant interest to the town.

SECTION 3-8: TEMPORARY ABSENCE OF THE TOWN MANAGER

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3-8.1 Delegation of Authority by Town Manager. The town manager may authorize any subordinate officer or employee of the town to exercise any power or perform any function or any duty of the town manager that is assigned by this charter. The town manager may rescind or revoke any such authorizations previously made, provided, however, that all acts performed under any such delegation of authority during such period of authorization shall be and remain the acts of the town manager. Nothing in this section shall be construed to authorize a town manager to delegate the power of appointment.

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3-8.2 Acting Town Manager - Whenever, by resignation, removal from office or otherwise, the position of town manager is vacant, the town council shall appoint an acting town manager for a term not to exceed 4 months; provided, however, two renewals, each individually not to exceed a 4 month term extension, may be granted by majority vote of the town council. The powers of the acting manager as provided in Article 3, section 3-8.4.

3-8.3 Temporary Absence - During the temporary absence of the town manager for periods of 10 days or less, the town manager shall, by a letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or town employee to serve as acting town manager and to serve only when the needs of the town require and only to the extent necessary under the circumstances.

3-8.4 Powers of Acting Town Manager - The acting town manager shall have only those powers of the town manager as are essential to conduct the business of the town in an orderly and efficient manner and on which action may not be delayed. The acting town manager shall have no authority to make any permanent appointment or removal from town service unless the appointment of the acting town manager shall extend beyond four months.

3-9: REMOVAL OF TOWN MANAGER

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3-9.1 The town council by 2/3 affirmative vote of the full council may vote to terminate, remove or suspend the town manager from office in accordance with the following procedure:

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3-9.1.1 Prior to removal or termination the town council shall adopt a preliminary resolution of removal by the affirmative vote of a majority of the full council. The preliminary resolution may suspend the town manager for a period not to exceed thirty days. A copy of the resolution shall be delivered to the town manager forthwith. If so requested by the town manager, town council shall provide a written statement setting forth the reasons for the removal or termination.

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3-9.1.2 Within five days after the receipt of the preliminary resolution, the town manager may

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request a public hearing by filing a written request for such hearing with the town council. If such a hearing is requested, the hearing shall be held at a meeting of the town council not later than twenty days from the date of request. At such hearing the town manager shall be entitled to address the town council and make comments related to the preliminary resolution. If a public hearing has not been requested by the town manager, the town council may adopt a final resolution of removal, which may be effective immediately, by the affirmative vote of a majority of the full council at any time after ten days following the date of delivery of a copy of the preliminary resolution to the town manager. If the town manager requests a public hearing, the town council may, at the conclusion of the hearing or within five days of the conclusion of the hearing, adopt a final resolution of removal by an affirmative vote of majority of the full town council.

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3-9.1.3 The town council may suspend by a 2/3 affirmative vote of the full council, the removal of the town manager pending and during any public hearing as requested by the town manager. The town manager shall continue to receive a salary until the final date of removal shall become effective unless provided otherwise. The action of the town council in terminating, removing or suspending the town manager shall be final.

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3-10: TOWN MANAGER SEARCH COMMITTEE

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3-10.1 Any vacancy in the office of town manager shall be filled as soon as possible by the town council. Pending appointment of the town manager or the filling of any vacancy, the town council shall forthwith within 30 days of receipt of notice that a permanent vacancy in the office of town manager exists, appoint a screening committee of 7 members. Each member so appointed must be a resident of the town at the time of such appointment and continuously maintain such residency during the candidate recruitment and selection process. The method and manner of the recruitment and selection process shall be determined by the town council acting in its sole discretion and in accordance with customarily accepted executive job search standards and principles. No member of the town council shall serve as a member of the search committee.

3-10.2 Not more than 14 days after the appointment of the search committee members, the town clerk shall call and convene a meeting of the search committee members who shall meet (1) to organize and to implement a search process in accordance with guidelines and or directives provided by the town council; and, (2) to advertise the vacancy and solicit candidates for the office of town manager.

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3-10.3 The screening committee shall review all applications that are timely received by it, screen all applications by checking and verifying work records, academic and professional credentials and such other relevant credentials in relation to the requirements of section 3-1.1 of this charter.

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3-10.4 Not more than 90 days after the date on which the committee meets to organize, the committee shall submit to the town council the names of not fewer than 3, but not more than 5

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persons whom it believes to be the best qualified and suited in terms of training and experience to perform the duties of the town manager. The town council shall, within 30 days after the date of its receipt of the list of nominees, select a candidate from the said list to fill the position of town manager or reject the list of nominees in total and direct that the committee resume the search.

3-10.5 Upon appointment of a town manager the search committee established hereunder shall be deemed to have fulfilled its obligations under this charter and shall, thereafter, be immediately dissolved.

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3-11: RESIDENCY OF TOWN MANAGER

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3-11.1 The town manager need not be a resident of the town or of the commonwealth at the time of appointment but shall establish residence within a 30 mile radius of the town's boundaries within 6 months following appointment, unless the time to establish residency is extended by the town council acting in its discretion.

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ARTICLE 4 ELECTED TOWN BOARDS AND OFFICERS

SECTION 4-1: GENERAL PROVISIONS

4-1.1 In addition to the town council, members of town boards to be elected by the voters of the town shall be 5 members of the school committee, 5 members of the planning board, 5 members of the board of health; 6 members of the board of trustees of the public library; 4 elected members of the housing authority; and such members of the shawsheen technical regional district school committee as may be established by the regional school district inter-local agreement, and such other regional authorities, districts, or committees as may be established by law or inter-local agreement. The terms of office for town council shall be 3 years; school committee shall be 3 years; planning board shall be 5 years; board of health shall be 3 years; board of trustees of the public library shall be 3 years; housing authority shall be 5 years; and, the shawsheen technical regional district school committee shall be 3 years. All such terms shall begin on the first day of a candidate's election and shall continue until a successor is qualified. Each board's terms of office shall be staggered in accordance with the transition language in Article 9, Section 9-6.

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SECTION 4-2: SCHOOL COMMITTEE

4-2.1 Authority. The school committee shall have general charge and superintendence of the public schools of the town. The school committee shall have all powers and duties which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by law, or by ordinance not inconsistent with said general laws. In furtherance thereof, the school committee shall administer and manage the public schools of the town, elect a Superintendent of Schools; control all school buildings and grounds connected therewith; make reasonable rules and regulations for the management of the public schools of

Tewksbury and adopt reasonable rules for the conducting of the business of the school committee.

4-2.2 Expenses. Subject to the school department appropriation, the members of the school committee shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

4-2.3 Prohibition. Unless such service may otherwise be authorized by law, no member of the school committee shall hold any other office or position under the jurisdiction of the school committee for which a salary or other emolument is payable from the town treasury.

4-2.3.1 No school committee member shall hold any compensated non-elected office or employment until 1 year following the date on which his or her service as a member of the school committee has terminated, but this shall not prevent a town or school department officer or employee who has taken a leave of absence from such office or employment from resuming the same office or employment following service as a member of the school committee.

SECTION 4-3: PLANNING BOARD

4-3.1 Powers and Duties. The planning board shall have the responsibility to make studies of the resources and planning needs of the town for the future growth and development of the town. The board shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations governing such development.

In addition thereto, the planning board shall act as special permit granting authority and have all powers which are conferred on planning boards by general laws and such additional powers and duties as may be provided by the charter, or ordinance not inconsistent with said grant of powers conferred by said general laws.

SECTION 4-4: BOARD OF HEALTH

4-4.1 Powers and Duties. The board of health shall be responsible for the formulation and enforcement of rules and regulations concerning public health. The board shall have all the powers and duties given to boards of health by the general laws of the commonwealth, the charter, or ordinance not inconsistent with said grant of powers conferred by said general laws.

SECTION 4-5: SHAWSHEEN TECHNICAL REGIONAL DISTRICT SCHOOL COMMITTEE

4-5.1 Composition, Term of Office. The shawsheen technical regional district school committee is a ten member regional school committee which serves the Towns of Bedford, Billerica, Burlington, Tewksbury and Wilmington with two members elected from the Town of Tewksbury for a 3 year term.

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SECTION 4-6: BOARD OF LIBRARY TRUSTEES

4.6.1 Composition Term of Office: The board of library trustees has 6 members, serving staggered terms such that 2members shall be elected annually.

4-6.2 General Powers and Duties. The board of trustees of the public library shall have all powers that are conferred on library trustees by the general laws of the commonwealth and such additional powers and duties as may be provided by the charter or by ordinance not inconsistent with said grant of powers conferred by said general laws.

SECTION 4-7: HOUSING AUTHORITY

4-7.1 Composition, Term of Office. There shall be a housing authority composed of 5 members serving terms of 5 years each, so arranged that the term of one member expires each year. Four members shall be elected by the voters and the fifth member shall be appointed as provided by the general laws of the commonwealth.

4-7.2 Powers and Duties. The housing authority shall make studies of the housing needs of the town and shall provide programs for housing. The housing authority shall have all the powers and duties given to housing authorities under the general laws of the commonwealth, the charter, or ordinance not inconsistent with said grant of powers conferred by said general laws.

ARTICLE 5 ORGANIZATION

5-1 Administrative Organization.

5-1.1 Organization of Town Agencies. The organization of the town into operating agencies for the provision of services and the administration of government may, pursuant to charter powers granted in section twenty of chapter 43B of the General Laws, be accomplished through either of two methods provided in this part.

5-1.2 Ordinance. Subject only to the express prohibitions in laws of the commonwealth or the provisions of this charter, the town council may by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part, establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such agencies, as deemed necessary, and may for such purposes transfer the duties and powers, and so far as is consistent with the use for which the funds were intended, transfer the appropriation of one agency to another.

5-2 Executive Reorganizations.

5-2.1 The town manager may, from time to time, prepare and submit to the town council for its consent plans for the organization or reorganization of town departments, boards, commissions and offices for which the town manager is the appointing authority. The town

Deleted: 4-5.2 Powers and Duties. The shawsheen Technical Regional District School committee functions under M.G.L. c. 71, §16A, and by inter-local agreement entitled "Shawsheen Valley Regional Vocational / Technical School District" with all member Towns as amended through May 28, 1974, said agreement on file in the office of the Town Clerk and Town council, successor to the former Board of Selectmen.¶
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Deleted: The town manager may from time to time prepare and submit to the town council plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of business of the town. Whenever the town manager prepares such plan, the town manager shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following the date of said publication. Following such public hearing, the proposal, which may have been amended by the town manager subsequent to the public hearing, shall be submitted to the town council.¶

5-2.2 An organization or reorganization plan shall become effective at the expiration of the 60 days following the date of submission of such proposa...

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manager shall consult with the appropriate independently elected board or committee prior to submitting any plans of organization or reorganization to the town council. Such plans may reorganize, create, consolidate or abolish committees, commissions, offices, departments, and agencies under supervision of the town manager, in whole or in part, may establish new committees, commissions, offices, departments, and agencies as deemed necessary, and may for such purposes transfer the duties and powers, and so far as is consistent with the use for which the funds were intended, transfer the appropriation of one agency to another.

5-2.1.1 Whenever the town manager prepares such a plan, the town council shall hold at least 1 public hearing on the plan, after posting of the time, date, location and subject matter of the hearing not less than 14 days prior to the date of the public hearing. A plan prepared by the town manager shall not be subject to amendment and shall become effective after a 2/3 vote in favor of the plan by the town council.

5-2.1.2 The town council shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than 7 nor more than 14 days following said publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the town council unless the council shall, by a 2/3 vote, within such period vote to disapprove the plan. The town council vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

5-3.1 Repetitive Proposals. Whenever a reorganization proposal becomes effective, whether under the provisions of section 5-1 or 5-2, no proposal to again reorganize which encompasses substantially the same subject matter shall be acted upon within 18 months following the first reorganization, except on the petition of the town manager.

5-4.1 Publication of Administrative Code and Personnel Plan. For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part, of the ordinances of the town of Tewksbury.

5-5.1 Personnel Administration. The town manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of modern concepts of personnel management and may include, but not be limited to, the following elements: a method of administration; personnel policies specifying the rights, obligations and benefits of employees; a classification plan; a compensation plan; a method of recruiting and selecting employees based upon merit principles; a centralized record keeping system; a performance evaluation system; disciplinary procedures; and other elements that are determined necessary.

5-5.1.2 All town agencies and positions shall be subject to the rules and regulations adopted under this section excluding employees of the school department, and the town public library.

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~~The town manager may propose reorganization plans and, subject only to express prohibitions in the laws of the Commonwealth or this charter, reorganize, consolidate or abolish in whole or in part town agencies, or establish such new town agencies as is deemed necessary to the same extent as is provided in section 5-1.1 above, for ordinances; and for such purpose may transfer the duties and powers and so far as is consistent with the use for which the funds were voted by the council, transfer the appropriation of one town agency to another.~~

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ARTICLE 6 FINANCE AND FISCAL PROCEDURES

SECTION 6-1: ANNUAL OPERATING BUDGET

6-1.1 The town manager shall establish policy and procedures for the preparation of the town's fiscal year operating budget. All agencies of the town shall follow the schedule and budget preparation procedures set by the town manager.

6-1.2 Annual Operating Budget Policy. The president of the town council shall call a meeting of the town council prior to the commencement of the budget process, but not later than November 30, to review the financial condition of the town, revenue and expenditure forecasts, and other information relevant to the budget process. The president also shall invite representatives of the school committee and the superintendent of schools to attend this meeting. Subsequent to this meeting, the town council shall meet with the town manager to set policy goals. Based on these goals, the town manager will (1) annually develop budgetary goals to be employed in the construction of the proposed annual operating budget, and (2) develop with the superintendent of schools an annual policy agreement pertaining to the allocation of the projected revenue between the general government operations and the school department operations. Said agreement shall be subject to review and approval of the school committee and the town council.

6-1.3 Operating Budget Purpose. The operating budget shall annually serve the following essential purposes:

- (a) A policy document, identifying the town's challenges, programs, and financial goals and policies;
- (b) A financial plan, presenting the town's current financial condition, comparing all revenues and expenditures for the prior year, current year, and ensuing year, including the basis for economic assumptions and projecting the town's financial condition at the end of the budget period;
- (c) An operations guide, describing municipal services and operations, such as police and fire protection, education, maintenance of streets, parks, water and sewer systems and identifying measures of activity, effectiveness and efficiency for individual programs or departments; and
- (d) A communications device, articulating the town's challenges and priorities for the coming year and summarizing for taxpayers and other interested individuals and organizations how the town's programs, services, and finances will meet those challenges and accomplish those goals.

6-1.4 Submission of Operating Budget. Within the period prescribed by the laws of the commonwealth, the town manager shall submit to the town council a proposed operating

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5-61: . POWERS OF ORGANIZATION¶

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5-61.1 . The town manager, subject to the approval of the town council, may reorganize, create, consolidate or abolish committees, commissions, offices, departments, and agencies under supervision of the town manager, in whole or in part, may establish new committees, commissions, offices, departments, and agencies as deemed necessary, and may for such purposes transfer the duties and powers, and so far as is consistent with the use for which the funds were intended, transfer the appropriation of one agency to another.¶

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budget for all town agencies, which shall include the proposed school budget as adopted by the school committee, for the ensuing fiscal year with an accompanying budget narrative and supporting documents. The budget narrative submitted by the town manager shall categorize the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position, and include such other material as the town manager deems desirable or the town council may require.

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6-1.4.1 The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the town manager deems desirable.

6-1.4.2 The proposed budget as adopted by the school committee shall be submitted to the town manager at least thirty days prior to the submission of the proposed annual operating budget to the town council.

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6-1.4.3 The town manager shall prepare and submit the annual operating budget to the town council. The town council shall have one or more public hearings on the proposed budget. Copies shall be made available for public review not less than 10 days prior to the public hearing.

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6-1.5 Operating Budget Adoption. The town council shall adopt the operating budget, with or without amendments, within 60 days following the day the proposed operating budget is received by it, or such other period as may be provided by general law, but in no event, not later than the close of the fiscal year. In amending the operating budget the town council may delete or decrease any programs or amounts, except expenditures required by law or for debt service. If the town council fails to take any action with respect to any item in the proposed operating budget within sixty days following the date of its receipt, or such other period as may be provided by general law, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

6-1.5.1 The town council may add budget items or increase funding for budget items as generally described in sections 32 and 33 of chapter 44 of the General Laws for items not funded in the Town Manager's proposed budget.

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6-1.6 Supplementary Budgets and Appropriations. Whenever the town manager shall submit to the town council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item or items not included therein, the town council shall not act upon such request until it has (1) given notice by publication in a local newspaper of the request, and (2) held a public hearing concerning such request.

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SECTION 6-2: CAPITAL IMPROVEMENTS PLAN

6-2.1 Capital Improvement Plan. The town manager shall, in conjunction with the finance committee, or any other committee established for such purpose, if any, annually submit a capital improvement plan to the town council at least 90 days prior to the date for submission of the operating budget, unless some other time duration is provided by ordinance.

6-2.2 Contents. The capital improvement plan shall include: (1) a summary of its contents; (2) an itemization of all capital improvements, including those of the school department, proposed to be undertaken during the next five fiscal years with supporting data; (3) cost estimates, method of financing, and recommended time schedules; and, (4) the estimated annual cost of operating and maintaining the facilities included.

6-2.3 Public Hearing. The town council shall publish in a newspaper of general circulation in the town a summary of the capital improvement plan and a notice stating: (1) the times and places where copies of the capital improvement plan are available for inspection by the public; and, (2) the date, time and place not less than fourteen (14) days after such publication, when a public hearing on said plan will be held by the town council.

6-2.4 Adoption. At any time after the public hearing but before the first day of the last month of the then current fiscal year, the town council shall by resolution adopt the capital improvement plan with or without amendment, provided that each amendment must be voted separately and that any increase in the capital improvement plan as submitted must clearly identify the method of financing proposed to accomplish this increase.

6-2.5 Long Term Financial Forecast. The town manager shall annually prepare a five year financial forecast of town revenue, expenditures and the general financial condition of the town. The forecast shall include, but not be limited to, an identification of factors which will impact on the financial condition of the town, revenue and expenditure trends; potential sources of new or expanded revenues and any long or short term actions which may be taken that will enhance the financial condition of the town. The forecast shall be submitted to the town council and shall be available to the public for inspection.

SECTION 6-3: ANNUAL AUDIT

6-3.1 The town council shall provide for an annual audit of the books and accounts of the town to be made by a certified public accountant, or firm of accountants, who have no personal interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

SECTION 6-4: FINANCIAL MANAGEMENT STANDARDS

6-4.1 The town council may by ordinance establish standards relating to the management of financial systems and practices. All standards adopted shall conform to accepted practice and standards of financial management.

ARTICLE 7 ELECTIONS AND ELECTION-RELATED MATTERS

SECTION 7-1: TOWN ELECTIONS: GENERAL

7-1.1 The general town election shall be held on the first Tuesday in April of each year between the hours of 7:00 a.m. to 8:00 p.m. at a place or places to be fixed by majority vote of the town council.

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SECTION 7-2: NON-PARTISAN ELECTIONS

7-2.1 All elections for town offices shall be non-partisan and election ballots shall be printed without party affiliation, mark, emblem, or other designation.

SECTION 7-3: APPLICATION OF MASSACHUSETTS GENERAL LAW

7-3.1 Except as expressly provided in the charter and authorized by statute, all town elections shall be governed by the laws of the commonwealth.

SECTION 7-4: DISTRICTS

The territory of the town shall be divided into 4 districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined limits. Each such district shall be composed of voting precincts established in accordance with general laws. The city council shall from time to time, but at least once in each 10 years, review these districts to insure their uniformity in number of inhabitants.

SECTION 7-4: CITIZEN INITIATIVE PETITION PROCEDURES

7-4.1 The town voters may at any time initiate a petition for the enactment of an ordinance, within the authority of the town council, excepting those measures provided in Section 7-8. Said form of petition shall be issued by the town clerk and shall include the complete text of the proposed ordinance, shall be signed by not less than 5% of the voters of the town as of the most recent town election. Within 10 days of filing, the town clerk shall certify that the petition contains the number of required signatures. The proposed ordinance shall be reviewed and approved by the town's attorney as to legality, and acceptable and correct language and terminology. The town's attorney shall not materially change its meaning and effect. Within 30 days from the date of the filing of said initiative petition with the town clerk, the town council shall submit the petition for town council vote. If such measure is not approved, the town council shall provide for the submission of the initiative question for a determination to the voters in ballot form at an election to be held within 60 days or at the next general election, whichever comes first. Said ordinance shall take effect immediately, provided a majority of those voting thereon shall have voted in the affirmative. The form of ballot for a proposed ordinance, resolution or vote shall be substantially as follows:

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"Shall the proposed measure (resolution or vote), a summary of which is printed herein or attached hereto, be adopted?"

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The voters shall indicate "yes" or "no" on their ballots.

SECTION 7-5: CITIZEN REFERENDUM PETITION

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7-5.1 The voters of the town may, within 90 days of enactment, petition over their personal signatures challenging town council adoption of an ordinance, resolution, or vote within the authority of the town council, excepting those ineligible measures provided in Section 7-8. Said petition shall be issued by the town clerk to include the complete text of the ordinance and shall be signed by not less than 5 percent of the registered voters of the Town. Within 10 days of filing, the town clerk shall certify that the petition has been signed by not less than 5 percent of the voters and upon certification the measure or any part thereof and its effective date shall be immediately suspended. The town council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded, the town council shall provide for the submission of the referendum question for a determination by the voters in ballot form at an election to be held within 60 days or at the next general election, whichever comes first, but pending such submission and determination the effect of such measure shall continue to be suspended. If majority of the votes cast on the question is in the affirmative, the measure shall be rescinded. The form of ballot for the suspension of a town council ordinance, resolution or vote shall be substantially as follows:

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SECTION 7-6: SUBMISSION OF OTHER MATTERS TO VOTERS

7-6.1 The town council may of its own motion, and shall, at the request of the school committee, if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

Deleted: "Shall the ordinance (resolution or vote) voted by town council on (date), a copy of which is printed herein or attached hereto, remain in force?"¶

¶ The voters shall indicate "yes" or "no" on their ballots.¶

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7-6.2 The town council may of its own motion submit to the voters at any regular town election non-binding ballot questions, propositions or opinion polls.

SECTION 7-7: OPEN MEETING OF THE VOTERS

7-7.1 The town council may call meetings of the voters of the town. Upon the request in writing of not less than 150 voters setting forth the purpose (the specific purposes) thereof, the town council shall within 30 days call a meeting of the voters. Said form of petition shall be issued by the town clerk. Within 10 days of filing, the town clerk shall certify that the petition contains the number of required signatures. The president of the town council or other

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designee of the town council shall preside and regulate the proceedings of such meetings. The president of the council shall cause the attendance of town officials and employees necessary to respond to the issues and concerns raised by petitioners.

SECTION 7-8: INELIGIBLE MEASURES

7-8.1 None of the following shall be subject to the initiative or the referendum procedures:

- (a) Proceedings relating to the internal organization or operation of the town council.
- (b) An emergency measure adopted in conformity with the charter.
- (c) The town annual operational budgets.
- (d) Any appropriation for the payment of the town's debt or debt service.
- (e) An appropriation of funds to implement a collective bargaining agreement.
- (f) Proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action.
- (g) Proceedings repealing or rescinding a measure or part thereof, which is challenged by referendum procedures.
- (h) Memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.
- (i) Any proceedings providing for the voluntary submission of other matters to the voters at an election, as provided for in Section 7-7.
- (j) Any refinancing of an existing loan authorization for the purpose of achieving a lower rate of repayment.

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SECTION 7-9: CONFLICTING PROVISIONS

7-9.1 If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

7-9.2 The town council may of its own motion submit to the voters at any regular town election non-binding ballot questions, propositions or opinion polls.

SECTION 7-10: LIMITS TO RE-ENACT OR ABOLISH

7-10.1 The town council shall not re-enact ordinances, orders, or resolutions rejected by voters at referendum elections for a period of at least 2 years. The town council shall not modify or abolish ordinances adopted by voters at initiative elections for a period of at least 2 years.

SECTION 7-11: RECALL ELECTIONS

Recall of Elected Office Holders

7-11.1 Application. Any person, who holds an elected office with more than 6 months

remaining in the term of office, may be recalled from the office by the voters in the manner provided in this section.

7-11.1.1(a) Recall Affidavit Petitions for Officer Elected At large. One hundred and fifty or more voters may file with the town clerk an affidavit containing the name of the officer elected at large whose recall is sought and a statement of the grounds upon which the petition is based.

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7-11.1 (b) Recall Affidavit for Officer Elected by District. Fifty or more voters residing within the district may file with the town clerk an affidavit containing the name of the officer elected by district whose recall is sought and a statement of the grounds upon which the petition is based.

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7-11.1.2 Recall Petition: If said affidavit is determined to be valid, the town clerk shall thereupon deliver to the 10 persons first named on such petitions, petition blank forms demanding such recall. The blank forms shall be addressed to the town council; they shall contain the names of the 10 persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. The recall petitions shall be returned to the office of the town clerk within 20 days following the date they are issued, signed by at least 20% percent of the number of the voters at the time of the previous annual town election.

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7-11.1.3 The town clerk shall, within 24 hours following such filing, submit the petitions to the board of registrars which shall within 5 days thereafter, certify thereon the number of signatures which are the names of voters.

7-11.2 Recall Elections. If the petitions shall be certified by the board of registrars to be sufficient, the town clerk shall forthwith submit the same with the town clerk's certificate to the town council. Upon its receipt of the certified petitions, the town council shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign the office within 5 days following delivery of said notice, the town council shall order a special election to be held not less than 65 days nor more than 90 days after the date of the certification of the town clerk that the petition is sufficient. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed under this section, but only the ballots for candidates need be counted.

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Deleted: A recall election for a district officer shall be held only in the affected district.

7-11.2.1 Nomination of Candidates. The nomination of all candidates, the publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with this charter and the General Laws regulating elections.

7-11.2.2 Propositions on the Ballot. Ballots used at the recall election shall state the proposition in the order indicated:

"Shall [here insert the name and title of the elective officer whose recall is sought] be recalled?"
Yes ___ No ___

If a majority of the votes cast upon the question of recall is in the affirmative, such elected officer shall be recalled. No recall election shall be effective unless at least twenty (20%) percent of those entitled to vote shall have voted.

7-11.2.3 Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word “candidates” and the names of candidates arranged as prescribed by law. If a majority of the votes cast on the proposition is against the recall the votes for the candidates need not be counted. If a majority of the votes cast is in favor of the recall the votes for candidates shall be counted and the candidate receiving the highest number of votes shall be declared elected.

7-11.3 Officeholder. The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is then not recalled he shall continue in his office for the remainder of his unexpired term, subject to recall under Section 7-11.4.

7-11.3.1 If the officer is recalled, he shall be deemed removed upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

7-11.4 Request of Recall Petition. No recall petition shall be filed against an officer within 6 months after taking office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least 6 months after the election at which the recall was submitted to the voters.

ARTICLE 8 GENERAL PROVISIONS

SECTION 8-1: CHARTER CHANGES

8-1.1 This charter may be replaced, revised or amended in accordance with any procedure made available under the constitution of the commonwealth, or by statutes enacted in accordance with the constitution of the commonwealth.

SECTION 8-2: SEVERABILITY

8-2.1 The provisions of this charter are severable. If any provision of this charter is held invalid the other provisions shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 8-3: RULES OF INTERPRETATION

8-3.1 The following rules shall apply when interpreting the charter:

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8-3.1.1 Specific Provisions to Prevail. To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

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8-3.1.2 Number and Gender. Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular; words imparting the masculine gender shall include the feminine gender.

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8-3.1.3 References to General Laws. All references to the general laws or the laws of the Commonwealth contained in the charter refer to the general laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters.

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8-3.1.4 "Counting of Days" – If the number of days referenced is five or less, only business days shall be counted, not including Saturdays, Sundays, and holidays, and if more than 5 days, every day shall be counted.

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SECTION 8-4: RULES AND REGULATIONS

8-4.1 A copy of all rules and regulations adopted by any town agency shall be placed on file in the offices of the town manager and town clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any town agency shall become effective until 5 days following the date it is so filed.

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SECTION 8-5: PERIODIC REVIEW OF CHARTER AND ORDINANCES

8-5.1 Ordinances: Not later than the first day of July, at five-year intervals, in each year ending in a five or in a zero, the town manager and town council shall provide for a review to be made of the ordinances of the town for the purpose of preparing a proposed revision or recodification of the same, without substantive change. Such review shall be made by a special committee to consist of 8 members appointed by the town council. Seven of the persons appointed shall be voters of the town. The eighth person appointed shall be the town clerk, who shall serve ex-officio as an advisor and resource person to the special committee. The town clerk shall not have a vote. The special committee shall file its report with the clerk of the town council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the town council agenda for action before the fifteenth day of June in said year and if not so scheduled by the clerk of the town council the matter shall come before the town council for action at its next meeting held following the said fifteenth day of June and no other business shall be in order until such report has been acted upon, by roll call vote. The review of town ordinances shall be under the supervision of the town's attorney. A revision, recodification or republication of the ordinances shall be made at five-year intervals. Copies of the revision, recodification, or republication shall be made available to the public at a cost not to exceed the actual cost of such reproduction. In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

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8-5.2 Charter: Not later than the first day of July, at 10 year intervals, in each year ending in a nine, the town manager and town council shall provide for a review to be made of the town charter. Such review shall be made by a special committee to consist of 8 members appointed by the town council. Seven of the persons appointed shall be voters of the town. The eighth person appointed shall be the town clerk, who shall serve ex-officio as an advisor and resource person to the special committee. The town clerk shall not have a vote. The special committee shall file its report with the clerk of the council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the town council agenda for action before the fifteenth day of June in said year and if not so scheduled by the clerk of the town council the matter shall come before the town council for action at its next meeting held following the said fifteenth day of June and no other business shall be in order until such report has been acted upon, by roll call vote.

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SECTION 8-6: LIMITATION ON OFFICE HOLDING

8-6.1 No town employee shall simultaneously hold more than one full-time compensated position with the town. Any hours worked in any part-time town position shall not be the same or otherwise conflict with, the hours worked in a full-time town position.

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SECTION 8-7: ENFORCEMENT OF CHARTER PROVISIONS

8-7.1 It shall be the duty of the town manager to see that the provisions of the charter are faithfully followed and complied with by all town agencies and town employees. Whenever in the opinion of the town manager, any town agency or town employee is failing to follow any provision of the charter, the town manager shall, in writing, cause notice to be given to such agency or employee directing compliance with the charter. If determined by the town council that the town manager has failed to follow the provisions of the charter it shall, by resolution, direct the attention of the town manager to those areas and demand compliance with said charter provisions. The procedures made available in M.G.L. c. 231A may be used to determine the rights, duties, status, or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

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SECTION 8-8: ANNUAL REPORT OF THE TOWN

8-8.1 Notwithstanding any general law to the contrary, an annual report, which contains a general summary of the activities of all town agencies, shall be based on the town's fiscal year, and shall be published, in accordance with any ordinance governing same, not later than the thirtieth day of November next following the end of the fiscal year. The annual report shall contain reports by the town manager, the town council, the school committee and such other town agencies as may be required by ordinance to provide such reports. The annual report will be made available at the town clerk's office, at the public library, shall be electronically posted on the official town web site and made available at the polls during the annual town election.

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SECTION 8-9: NOTICE OF VACANCIES

8-9.1 Whenever a vacancy occurs, or is about to occur, in any town office or town employment, except for positions covered by the civil service law or collective bargaining agreements, that the appointing authority intends to fill and for which there has been made an appropriation and allocations of funds for the filling of that position by the funding authority, the appointing authority shall immediately cause public notice of such vacancy, or impending vacancy, to be posted on the town bulletin board and electronically on the official town's web site for a period of not less than fourteen (14) days. Any person who desires to be considered for appointment to said office or employment may file with the appointing authority a statement in clear and specific terms setting forth such person's qualifications for the position. No permanent appointment to fill a vacancy in an office or employment shall be effective until at least fourteen (14) days have elapsed following such posting, and until all persons who have filed statements in application have been considered.

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8-10.1 The following rules shall apply when interpreting the charter. ¶
8-10.1.1 Specific Provisions to Prevail. To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail. ¶
8-10.1.2 Number and Gender. Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular; words imparting the masculine gender shall include the feminine gender. ¶
8-10.1.3 References to General Laws. All references to the general laws or the laws of the Commonwealth contained in the charter refer to the general laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters. ¶
8-10.1.4 "Counting of Days" – If the number of days referenced is five or less, only business days shall be counted, not including Saturdays, Sundays, and holidays, and if more than 5 days, every day shall be counted.

ARTICLE 9: TRANSITIONAL PROVISIONS

SECTION 9-1: CONTINUATION OF EXISTING LAWS

9-1.1 All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication hereby repealed directly or indirectly, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

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SECTION 9-2: CONTINUATION OF GOVERNMENT

9-2.1 All functions, duties, and requirements of all town officers, boards, agencies, or commissions shall continue until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of the charter.

SECTION 9-3: EXISTING OFFICIALS AND EMPLOYEES

9-3.1 Upon the charter taking effect, all existing town officers, appointees and employees shall continue to perform their duties in the same manner and to the same extent as they have performed the same prior to ratification by the voters of the charter, except as may otherwise be provided in the charter.

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9-3.2 All employees in the full time permanent service or employment of the town at the time of adoption of this charter shall be retained in the same or similar position to the greatest extent practicable. No such employee shall forfeit pay grade or time in service as a result of the charter's adoption.

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SECTION 9-4: CONTINUATION OF OBLIGATION

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9-4.1 All official bonds, obligations, contracts and other instruments entered into or executed by or to the town before the adoption of the charter; and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the town, shall be enforced and collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter. No legal action done by or in favor of the town shall be rendered invalid by the adoption of the charter.

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SECTION 9-5: TIME OF TAKING EFFECT

9-5.1 The charter shall take effect on January 1 of the year following the year in which it is adopted by the voters. Unless otherwise specified in the charter, all provisions are to be implemented within 90 days of the time of taking effect.

9-5.2 The provisions of Article 6 of the charter must be in effect within 2 years of its adoption by the voters.

SECTION 9-6: TRANSITIONAL ELECTIONS;

9-6.1 All members of the Board of Selectmen in office at the time this charter takes effect shall remain in office until the initial meeting of the Town Council following the annual town election. At that time, the Board of Selectmen shall be abolished, and no town meeting may be called or held unless in accordance with Article 7, Section 6 of this charter. The town council shall immediately assume all duties and responsibilities of the town's legislative body. Following the election of the Town council, the position of Town Moderator shall be abolished, and the term of the current moderator terminated.

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9-6.2 Those members of the Board of Selectmen still in office at the time this charter takes effect shall continue to serve as councilors at large for the remainder of the term to which elected. Upon the taking of office of the entire town council following its initial election, the Board of Selectmen shall be abolished, and those members of the Board of Selectmen referenced herein will take the oath of office to serve as a town councilor at large for the

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remainder of the term to which they originally elected.

9-6.3 On the first Tuesday in April in the year in which the charter takes effect, the annual town election shall be held and 6 members of the Town Council, 4 from districts and 2 at large, shall be elected as follows:

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9-6.3.1 The 3 selectmen with 1 and 2 years remaining on their terms will take office as councilors at large. Those selectmen with 2 years remaining on their terms to which originally elected shall serve for 2 years, and the selectmen with 1 year remaining on the term to which originally elected shall serve for 1 year.

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9-6.3.2 Two councilors at large shall be elected, for 3 year terms. The highest and next highest vote total among the candidates seeking election to the town council for a 3 year term shall be declared elected.

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9-6.3.3 Four district councilors shall be elected to terms in said election in the following manner so as to establish staggered terms going forward :

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9-6.3.3.1 The district 4 council candidate with the highest vote total shall be elected as the district 4 councilor and shall serve a three-year term.

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9-6.3.3.2 The district 2 council candidate with the highest vote total shall be elected as the district 2 councilor and shall serve a two year term.

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9-6.3.3.3 The district council candidates from districts 1 and 3 with the highest vote total shall be elected as district 1 and district 3 councilors respectively and shall each serve a 1 year term.

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9-6.4 In the second year following the adoption of this charter: one councilor at large shall be elected and the district 1 and district 3 councilors shall each be elected to serve 3 year terms.

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9-6.5 In the third year following adoption of this charter, 2 councilors shall be elected at large and the elected district 2 candidate shall be elected for a 3 year term.

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9-6.6 In the fourth year following the adoption of this charter, 2 councilors at large and the district 2 councilor shall each be elected to serve 3 year terms.

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9-6.7 Thereafter, all terms shall be for three years, in the following order:

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- Two councilors at large and the District 4 councilor
- One councilor at large and the District 1 and 3 councilors
- Two councilors at large and the District 2 councilor

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9-6.7.1 As soon as possible following the election the town clerk shall call together persons elected to the town council for the purpose of taking their oaths of office, to choose a president

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and vice president of the town council and to adopt any temporary rules governing the conduct of meetings of the town council.

9-6.7.2 Following the organization meeting of the town council, the town council president shall as soon as practicable appoint a committee of the council to develop rules and regulations governing the conduct of council meetings and business. Said committee shall propose such rules and regulations for review and adoption by the council as a whole within 45 days following the organization of government, such rules to be adopted within 6 months of the council's initial election.

9-6.8 The school committee in office at the time of the election adopting this charter and establishing the town council shall continue to serve in that office until the time this charter shall take effect. Immediately upon the charter's taking effect, each member of the school committee shall immediately thereafter on said date of taking effect continue to serve the then remainder of his or her term of office as a member of the school committee in accordance with the terms of this charter.

9-6.8.1 On the first Tuesday in April in the year following the adoption of this charter by the voters, an election will be held for the office of school committee. At such election the 2 then expiring terms of the 5 member school committee shall be filled by election in the following manner:

9-6.8.1.1 The 2 school committee candidates receiving the 1st and 2nd highest number of votes will be elected to initial 3 year terms.

9-6.8.1.2 Thereafter the term of office for all subsequent elections for all members of the school committee shall be three 3 years thus allowing for staggered terms.

9-6.9 The planning board in office at the time of the election establishing the town council shall continue to serve in that office until the time this charter shall take effect. Immediately upon the charter's taking effect, each member of the planning board shall immediately thereafter on said date of taking effect continue to serve the then remainder of his or her term of office as a member of the planning board in accordance with the terms of this charter.

9-6.9.1 On the first Tuesday in April in the year following the adoption of this charter by the voters, an election will be held for the office of planning board. At such election the 1 then expiring term of the 5 member planning board shall be filled by election in the following manner:

9-6.9.1.1 The 1 planning board candidate receiving the highest number of votes will be elected to an initial 5 year term;

9-6.9.1.2 Thereafter, the term of office for all subsequent elections for all members of the planning board shall be 5 years thus allowing for staggered terms.

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Deleted: 9-6.1 All members of the board of selectmen in office at the time this charter takes effect shall remain in office until the initial meeting of the town council following the annual municipal town election. At that time, the board of selectmen shall be abolished, and no town meeting may be called or held unless in accordance with Article 7, Section 6 of this charter. The town council shall immediately assume all duties and responsibilities of the town's legislative body. Following the election of the town council, the position of town moderator shall be abolished, and the term of the current moderator terminated.

¶
9-6.2 Those members of the board of selectmen still in office at the time this charter takes effect shall continue to serve as councilors at large for the remainder of the term to which elected. Upon the taking of office of the entire town council following its initial election, the board of selectmen shall be abolished, and those members of the board of selectmen referenced herein will take the oath of office to serve as a town councilor at large for the remainder of the term to which they were originally elected. ¶

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The board of selectmen in office at the time of the election adopting this charter and establishing the town council shall continue to serve in that office ...

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9-6.10 The board of health in office at the time of the election adopting this charter and establishing the town council shall continue to serve in that office until the time this charter shall take effect. Immediately upon the charter's taking effect, each member of the board of health shall immediately thereafter on said date of taking effect continue to serve the then remainder of his or her term of office as a member of the board of health in accordance with the terms of this charter.

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9-6.10.1 On the first Tuesday in April in the year following the adoption of this charter by the voters, an election will be held for the office of board of health. At such election the 2 then expiring terms of the 5 member board of health shall be filled by election in the following manner:

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9-6.10.1 The 2 board of health candidates receiving the 1st and 2nd highest number of votes will be elected to 3 year terms;

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9-6.10.2 Thereafter, the term of office for all subsequent elections for all members of the board of health shall be 3 years thus allowing for staggered terms.

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9-6.11 The board of library trustees in office at the time of the election adopting this charter and establishing the town council shall continue to serve in that office until the time this charter shall take effect. Immediately upon the charter's taking effect, each member of the board of library trustees shall immediately thereafter on said date of taking effect continue to serve the then remainder of his or her term of office as a member of the board of trustees of in accordance with the terms of this charter.

9-6.11.1 On the first Tuesday in April in the year following the adoption of this charter by the voters, an election will be held for the office of board of library trustees. At such election the 2 then expiring terms of the 6 member board of library trustees shall be filled by election in the following manner:

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9-6.11.1.1 The 2 board of library trustee candidates receiving the 1st and 2nd highest number of votes will be elected to 3 year terms;

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9-6.11.1.2 Thereafter, the term of office for all subsequent elections for all members of the board of library trustees shall be 3 years thus allowing for staggered terms.

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9-6.12 The housing authority is governed by a 5 member board who appoints an Executive Director. Four members shall be elected by the voters and the fifth member shall be appointed as provided by the general laws of the commonwealth.

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9-6.12.1 The housing authority in office at the time of the election establishing the town council shall continue to serve in that office until the time this charter shall take effect. Immediately upon the charter's taking effect, each member of the housing authority shall immediately

thereafter on said date of taking effect continue to serve the then remainder of his or her term of office as a member of the housing authority in accordance with the terms of this charter.

9-6.12.2 On the first Tuesday in April in the year following the adoption of this charter by the voters, an election will be held for the office of housing authority. At such election the 1 then expiring term of an elected member of the 5 member housing authority shall be filled by election in the following manner:

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9-6.12.2.1 The 1 housing authority candidate receiving the highest number of votes will be elected to a 5 year term;

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9-6.12.2.2 Thereafter, the term of office for all subsequent elections for all elected members of the housing authority shall be 5 years, thus allowing for staggered terms.

9-6.12.2.3 The term of the appointed housing authority member shall be as provided by the general laws of the commonwealth.

9-6.13 The shawsheen technical regional district school committee members in office at the time of the election adopting this charter and establishing the town council shall continue to serve in that office until the time this charter shall take effect. Immediately upon the charter's taking effect, each member of the shawsheen technical regional district school committee shall immediately thereafter on said date of taking effect continue to serve the then remainder of the term of office as a member of the shawsheen technical regional district school committee in accordance with the terms of this charter.

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9-6.13.1 On the first Tuesday in April in the year following the adoption of the charter by the voters, an election will be held for the office of shawsheen technical regional district school committee. At such election the then expiring term of that member of the 2 member shawsheen technical regional district school committee shall be filled by election in the following manner:

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9-6.13.1.1 The shawsheen technical regional district school committee candidate receiving the highest number of votes will be elected to a 3 year term;

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9-6.12.1.2 Thereafter, the term of office for all subsequent elections for all members of the shawsheen technical regional district school committee shall be 3 years thus allowing for staggered terms.

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9-6.13 The town clerk serving as an elected officer of the town at the time of the election adopting this charter shall continue to serve until the first Tuesday in April in the year following the adoption of this charter and the town clerk shall thereafter be appointed by the town manager in accordance with this charter.

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ARTICLE 10: SPECIAL ACTS

~~10-1.~~ Special Acts Repealed: Action Taken Thereunder Preserved. The following special acts are repealed; provided, however, that nothing contained in the charter shall be construed to revoke, invalidate or otherwise alter acts done in compliance therewith or under the authority thereof:

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~~10-2.~~ Special Acts Specifically Retained. The following special acts are hereby recognized, confirmed and retained:

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ARTICLE 11: DEFINITIONS

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9-11.1 Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

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9-11.1.2 Administrative Code — The term “administrative code” shall mean a written description of the administrative organization of town offices, departments and multiple member bodies. The administrative code shall state the mode of selection, term of office and general powers and duties of each town office department and multiple member body.

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Deleted: The word "Charter" shall mean this Charter and any amendment

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Deleted: to the Charter hereafter adopted.

Deleted: 9-11.1.3 "Counting of Days" – If the number of days referenced is five or less, only business days shall be counted, not including Saturdays, Sundays, and holidays, and if more than 5 days, every day shall be counted. ¶

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9-11.1.2 Agency – The words “Agency” or “Town agency” shall include any department, committee, commission, division, office, agency, or other like administrative entity of the Town.

9-11.1.3 Charter - The word “charter” shall mean this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

9-11.1.4 Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

9-11.1.5 Full Council, Full Multiple Member Body - The words "full Council" or "full multiple member body" shall mean the entire authorized complement of the Town Council, School Committee or other multiple member body notwithstanding any vacancy which might exist.

Deleted: 9-11.1.6 general laws - The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and Towns, to all cities, or to a class of two or more cities and or cities and Towns of which Tewksbury is a member. ¶

9-11.1.7 General Laws - The words "General Laws" (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted. ¶

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9-11.1.6 Initiative Measure - The words "initiative measure" shall mean a measure proposed by the voters through the initiative process provided under this Charter.

9-11.1.7 Local Newspaper - The words "local newspaper" shall mean a newspaper of general circulation within Tewksbury, with either a weekly or daily circulation.

- 9-11.1.8 Majority Vote - The words "majority vote" when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by ordinance, by law, or by its own rules. Deleted: 10
- 9-11.1.9 Measure - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which the Town Council or the School Committee might adopt. Deleted: 11
- 9-11.1.10 Multiple Member Body - The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the Town Council or the School Committee. Deleted: 2
- 9-11.1.11 Operating Budget – The term "Operating Budget" shall mean a proposed plan developed annually for raising and spending money for specified programs, functions, activities or objectives during a fiscal year. Deleted: 3
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- 9-11.1.12 Organization or Reorganization Plan - The words "organization or reorganization plan" shall mean a plan submitted by the town manager to the town council which proposes a change in the organization of the structure of the town government, or to change the way in which a municipal service, or services are delivered. Deleted: 4
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- 9-11.1.13 Quorum - The word "quorum" shall mean a majority of all members of a multiple member body unless some other number is required by law or by ordinance. Deleted: 6
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- 9-11.1.14 Referendum Measure - The words "referendum measure" shall mean a measure adopted by the town council or the school committee that is challenged under the referendum procedures of this charter. Deleted: 9
- 9-11.1.15 Town - The word "town" shall mean the town of Tewksbury. Deleted: 20
- 9-11.1.16 Town Bulletin Boards - The words "town bulletin boards" shall mean the bulletin board in the town hall on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the town council.
- 9-11.1.17 Town officer - The words "town officer" when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the town.
- 9-11.18 Voters - The word "voters" shall mean registered voters of the town of Tewksbury.