



TOWN CHARTER

**TOWN OF OXFORD
CHARTER
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*No Chapter 7, Section 7 upon original vote of Charter.

TOWN OF OXFORD

CHARTER

5/19/98 **PREAMBLE**

We, the people of the town of Oxford, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment of the constitution of the commonwealth and General Laws Chapter 43B, do hereby adopt the following home rule charter for this town. It is the intention of this document that it reflect a gender non-specific approach. Any references to masculine gender are intended to reflect both masculine and feminine gender, and should not be otherwise construed.

CHAPTER 1 POWERS OF THE TOWN

Section 1 Incorporation

1-1-1 The present Town of Oxford, Massachusetts, within its territorial limits as now or may hereafter be established by law, is hereby reincorporated and continued as a body politic and corporate under the name: Town of Oxford.

Section 2 Scope of Town Powers

1-2-1 The Town shall possess, exercise, and enjoy all powers possible under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this charter.

Section 3 Form of Government

1-3-1 This charter provides for the open town meeting-selectmen-town manager form of government.

Section 4 Construction of Charter

1-4-1 The powers of the town under this charter, shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any measure the general powers of the town as stated in this chapter.

Section 5 Intergovernmental Relations

1-5-1 Consistent with any constitutional or statutory provisions, the town 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 any one or more municipalities, civil divisions, sub-divisions, or agencies of the commonwealth, other states, or of the United States government.

CHAPTER 2 TOWN MEETING

Section 1 Organization

2-1-1 The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

3/18/74 2-1-2 The quorum for the conduct of business at town meetings shall be as prescribed by by-law.

3/18/74 2-1-3 Deleted.

2-1-4 Upon the challenge of the presence of a quorum, a smaller number than the established quorum shall adjourn any such meeting forthwith to a stated date, time, and place.

2-1-5 In all procedural matters, the town meeting shall follow the latest revised edition of Demeter's Manual of Parliamentary Law and Procedure, except as otherwise provided by general law, this charter, or by-law.

2-1-6 Rules of parliamentary procedure in simplified form shall be prepared by the moderator and the town clerk and shall be made available for distribution to those requesting them, to new voters at the time of registration, and to those in attendance at all sessions of the town meeting.

Section 2 Powers and Responsibilities

5/16/78 2-2-1 The adoption, amendment, or repeal of by-laws shall be acted upon at the special town meeting held in October.

2-2-2 The town meeting shall consider and act upon with or without amendments, all proposed operating and capital improvement budgets, bond issues, and other financial proposals of the town.

2-2-3 The town meeting shall possess and may exercise all powers possible under general law.

Section 3 Procedures

3/17/75 2-3-1 The town meeting shall meet regularly during the first week in May, on 5/19/92 a date to be determined by by-law, to consider and adopt an annual operating and capital budget, and to act on financial and other matters. The meeting shall be continued on other days, until all articles in the warrant shall have been acted upon.

3/18/74 2-3-2 The town meeting shall also meet regularly in October on a date set by the Selectmen to consider and act on matters of planning, zoning, subdivision control, building codes, and the adoption, amendment, or repeal of by-laws, as well as to consider and act upon such other business, including matters involving an appropriation of town funds, as may properly come before the meeting. The meeting shall be continued on other days, until all articles in the warrant shall have been acted upon.

2-3-3 A special town meeting may be called by the Board of Selectmen and shall be called by said board upon request, in writing, of at least two hundred registered voters of the town.

2-3-4 All proposed operating expenditures shall be included in a single, omnibus-type article in the town meeting warrant. In addition, all regular proposed capital improvements expenditures shall be included in an omnibus-type article.

2-3-5 The board of selectmen shall prepare the warrant for all town meetings.

5/16/78 2-3-6 The warrant for the May annual town meeting shall be closed thirty-six (36) days prior to the date of the meeting and the date for closing the warrant for any other town meeting shall be at the discretion of the Board of Selectmen. The warrant for town meetings shall be posted as prescribed by the General By-Laws.

*2/7/20

2-3-7 Articles involving an expenditure of town funds shall not be voted on by the town meeting unless the finance committee shall have considered them previously and issued a recommendation thereon. The chairman of the committee, or his designated representative, shall be present at the meeting to provide verbal explanations of the committee recommendations.

2-3-8 Articles involving planning, zoning, subdivision control, land acquisition, conservation, extension of sewer lines, and all other matters relating to the environment shall not be voted on by the town meeting unless the finance committee and the planning board shall have considered them previously and issued recommendations thereon. The chairmen of the respective boards, or their designated representatives, shall be present at the meeting to provide verbal explanations of the boards' recommendations.

5/16/78 2-3-9 Any articles other than zoning except when required by special or general law, not receiving the appropriate recommendations required by sections 2-3-7 and 2-3-8 may, by a two-thirds vote of the town meeting, be considered and acted upon.

5/19/98

2-3-10 The order of consideration of articles as printed in the warrant may be changed only by a four-fifths vote of the town meeting.

2-3-11 Any warrant article or motion thereunder defeated at any session of the annual town meeting shall require a two-thirds vote for adoption at a special town meeting called during the ensuing twelve months. This restriction shall apply when an article or motion presented at a special town meeting contains the same subject matter or would produce the same effect as one acted on at a previous meeting. A request for a different sum of money shall not be construed as changing the subject matter of such an article or motion.

2-3-12 The substance of any article relating to planning, zoning, subdivision control, land acquisition, conservation, extension of sewer lines, and all other matters relating to the environment, which have been acted upon at any of the two regularly scheduled town meetings shall not again be voted on by the town meeting for a period of two years thereafter, unless the planning board shall have recommended resubmission of the article.

3/18/74 2-3-13 At least fourteen days prior to the date of any town meeting, a copy of the warrant therefor shall be mailed or delivered by the board of selectmen to the moderator, town counsel, and to each member of the finance committee and planning board.

***General Court**

3/18/74 2-3-14 Except as otherwise provided in sections 2-3-11 and 2-3-12, any ten
5/16/78 voters of the town may secure, by written petition to the board of selectmen, the inclusion
 of an article in the warrant for the annual town meeting, and at least one hundred
 registered voters may secure the same for any special town meeting.

Section 4 Presiding Officer

2-4-1 A moderator shall be elected for a term of three years and shall preside at all sessions of the town meeting.

2-4-2 He shall have the power to declare a secret written ballot on any motion under any warrant article when he deems such action to be in the best interest of the town.

2-4-3 The moderator shall appoint: (a) seven members of the finance committee; (b) a deputy moderator for a one year term who shall preside in the moderator's absence; and (c) any ad hoc committee created by the town meeting, unless another appointive authority shall be specified in the article establishing such committee.

Section 5 Compulsory Attendance

2-5-1 All town officers, the chairmen of boards, commissions, and committees, and department heads, or their duty designated representatives, shall attend sessions of the town meeting when proposals affecting their particular office, board, department, or function are included in the warrant. The absence of any such persons shall not invalidate the action of the town meeting, but may be grounds for their subsequent removal from office if appointed.

CHAPTER 3 THE BOARD OF SELECTMEN

Section 1 The Board of Selectmen

3-1-1 A board of selectmen of five members shall be elected at large for three years overlapping terms. The regular election for the office of selectmen shall be held in accordance with chapter seven.

3-1-2 Vacancies in the office of selectman shall be filled by special elections in accordance with provisions of general law.

Section 2 General Powers

5/16/78 3-2-1 All executive powers of the town, except as otherwise provided in this charter, shall be vested in the board of selectmen. The board shall exercise control over town affairs by recommending major courses of action to the town meeting.

3-2-2 The board shall have the power to enact rules and regulations relating to the conduct of town elections and for the establishment of town policies, not otherwise governed by statute, this charter or by-law, provided, however, that whenever an appropriation shall be necessary to implement such action, the vote of the board shall be effective only if such appropriation shall be made by the town meeting.

5/16/78 3-2-3 The board shall establish written policies and procedures to be enacted one year from adoption of this section. These policies and procedures shall cover the functions and duties of the Board of Selectmen, Town Manager and other officers, boards and commissions appointed by the Board of Selectmen or Town Manager.

5/16/78 3-2-4 The policies and procedures shall be reviewed and updated within ninety days of each annual election.

Section 3 Powers of Appointment

5/18/76 3-3-1 The board shall have the power to appoint; (a) a town manager as provided in chapter five; (b) three members of a board of registrars of voters for

5/15/84 three year overlapping terms; (c) election officers, (d) five members of a zoning board of appeals for terms of such length and so arranged that the term of one member shall expire each year, and three associate members in like manner; and (e) the Chief of Police and other police officers.

CHAPTER 4 ELECTED OFFICERS AND TOWN BOARDS

Section 1 General Provisions

*12/21/93 4-1-1 Beginning with the first town election held after the adoption of this charter, the officers and boards to be elected by vote of the town shall be: a moderator, a board of library trustees, a board of selectmen, a housing authority, a school committee, and two members of the Southern Worcester County Regional Vocational School District Committee.

4-1-2 Boards and commissions established or continued under this chapter shall perform their functions and duties in accordance with the constitution, general law, this charter, and by-laws.

4-1-3 During the term for which he is elected, and for one year following expiration of his term, no officer or member of any board or commission established under this chapter shall be eligible to accept any appointed, paid town position placed under the jurisdiction of the respective office or board vacated.

Section 2 Vacancies

4-2-1 Except as otherwise provided, vacancies in elected town boards established under this chapter shall be filled by the board of selectmen together with the remaining members of the respective board, in accordance with the provisions of general law.

Section 3 School Committee

4-3-1 A school committee of five members shall be elected at large for three year overlapping terms.

***General Court**

4-3-2 The school committee shall conduct a public hearing prior to submitting a budget to the town manager. The committee shall have preliminary summaries of its recommendations available at said hearing which shall be distributed to those requesting them.

Section 4 Library Trustees

4-4-1 A board of library trustees of three members shall be elected for three year overlapping terms.

4-4-2 The board shall be responsible for the administration and operation of the town library, including professional library staffing, acquisition of books, journals, periodicals, and other materials relating to the library function, and the promulgation of library rules and regulations.

Section 5 Housing Authority

4-5-1 There shall be a housing authority of five members, one of whom shall be appointed under authority of the commonwealth and four of whom shall be elected. All members shall serve five year overlapping terms.

Section 6 Town Clerk

*12/21/93 4-6-1 A town clerk shall be appointed by the town manager and approved by
*7/11/94 a majority of the full board of selectmen. The town clerk shall carry out such duties as are, and may be, provided by general law, this charter, by-law and by vote of the town meeting.

CHAPTER 5 THE TOWN MANAGER

Section 1 Appointment

5-1-1 The board of selectmen, by an affirmative vote of at least three members, shall appoint a town manager for an indefinite term to serve at its pleasure.

Section 2 Qualifications

5-2-1 The office of town manager shall be filled solely on the basis of educational, executive, and administrative qualifications and experience. The educational qualifications shall consist of at least a bachelor's degree preferably in public administration, granted by an accredited degree-granting college or university. The professional experience shall include at least three years of prior full-time, compensated executive service in public or business administration. Alternatively, seven years or more of prior service as a town or city manager shall qualify any applicant.

5/16/78 5-2-2 In selecting a town manager, the board of selectmen shall conduct a nationwide search for candidates, including an advertisement in a then current nationwide town manager publication. The town manager need not be a resident of the

***General Court**

town when appointed, but he shall take up residence within eight months following his appointment. He shall not have held an elective office of the town of Oxford within two years immediately prior to his appointment.

Section 3 Powers and Duties

5/16/78

5-3-1 The town manager shall be the chief administrative officer of the town and he shall be directly responsible to the board of selectmen for the performance of his duties. The board of selectmen shall be responsible for setting the salary of the town manager.

5-3-2 He shall devote his full working time to the duties of his office; he shall not become a candidate for, or hold, any elective office during his term of appointment; and he shall not engage in any business activity during his term, except with the written consent of the board of selectmen.

5-3-3 He shall attend all meetings of the board of selectmen, except when excused, and he shall have the right to speak but not to vote.

5/16/78

5-3-4 Deleted.

5/16/78

5-3-5 He will keep the board of selectmen fully informed regarding departmental operations, general problems, and administrative actions, and to this end shall submit written periodic reports to the board.

5-3-6 He shall be responsible for the functions of: (a) finance; (b) public safety; (c) public service, and (d) public works.

5-3-7 He shall be responsible for purchasing for all town offices and departments, except the school and library departments, unless so requested, respectively, by the school committee or the library trustees.

5-3-8 He may, subject to the approval of the board of selectmen, establish, reorganize, consolidate, or abolish any department, board, commission, committee, office, or agency under his direction and supervision, except as otherwise provided by general law.

3/17/75

5-3-9 He shall have the power to appoint and, except as otherwise may be provided by applicable civil service and tenure provisions, this charter, or collective bargaining agreements, may suspend or remove: (a) a fire chief, except as provided in section 5-3-10, a town accountant, a town clerk with the approval of a majority of the full board of selectmen, a town collector, a town counsel and a town treasurer; provided, however, that said town clerk shall be a resident of the town within six months of said appointment and any vacancy in said office shall be filled in a like manner; (b) three assessors, one of whom shall serve full time and possess appropriate professional qualifications; (c) seven members of a planning board, as provided in chapter nine; (d) three members of a board of health, one of whom shall be a professional health practitioner; (e) all division and department heads, officers and employees thereof administering functions for which he is responsible except as provided in Section 3-3-1; (f) five members of a personnel board in accordance with general law; (g) seven members of an historical commission, subject to

***General Court**

the approval of the board of selectmen; and (h) members of such boards, commissions, committees, and individual town officers as are authorized by general law, this charter, or bylaw, and for whom appointment is not otherwise provided.

5-3-10 Until such time as a full-time fire department is established within the division of public safety, he shall appoint five members of a board of fire engineers for three year overlapping terms, who shall appoint a fire chief and a forest fire chief.

5/16/78

5-3-11 He shall perform such other duties as may be required by this charter, bylaw, policy and procedure, vote of the town meeting, or vote of the board of selectmen.

Section 4 Removal

5-4-1 During the first six months of his appointment, the board of selectmen may remove the town manager by an affirmative vote of at least three members, provided that his salary shall continue to be paid for a period of thirty days after the vote effecting his removal from office.

5-4-2 After the town manager has been in office longer than six months, the board of selectmen may initiate his removal by adopting of a resolution to that effect, provided that no such resolution shall be adopted within ninety days following any town election that has resulted in a change in the incumbents on the board.

5-4-3 The adoption of said resolution shall serve to suspend the town manager for a period of no more than forty-five days, during which his salary shall continue to be paid. A copy of such resolution shall be delivered forthwith to the town manager in person, or sent by registered mail to his place of residence.

5-4-4 Within five days following the adoption of such resolution, the town manager may file with the board of selectmen and the town clerk, a written request for a public hearing. If such hearing is requested, the board shall schedule it within two weeks of such request and it shall be held in a public place. The board shall advertise the hearing in a newspaper of local circulation within the town and shall cause identical notices citing the purpose, location, time, and date to be posted in four public places in the town.

5-4-5 The moderator, or if he is unable to be present, the deputy moderator, shall preside at any such hearing.

5-4-6 At any such hearing, the reasons for the removal shall first be read aloud. The town manager shall then have the right to respond, either personally or through counsel. The board of selectmen and the town manager shall have the right to call and cross-examine witnesses and to subpoena any and all town records.

5-4-7 Final removal of any town manager recruited under this charter shall be effected by the affirmative vote of at least four members of the board of selectmen at a public meeting of the board held within seven days of such public hearing, if he has so requested one. If he has not requested a hearing, final removal may be effected by at least three affirmative votes of the board held not earlier than fourteen days after the vote initiating the removal. The salary of the town manager shall continue to be paid for a period of thirty days after the vote effecting his removal from office.

5-4-8 A copy of all notices, requests, and motions adopted by the board of

selectmen, and a transcript of the public hearing, if one is held, shall be filed in the office of the town clerk, and shall be a public record.

Section 5 Resignation

5/19/98 5-5-1 The manager shall provide the board of selectmen with sixty days written notice of his intention to resign.

Section 6 Acting Town Manager

5/16/78 5-6-1 The board of selectmen shall designate a qualified person to exercise the powers and perform the duties of the town manager during any temporary vacancy caused by his absence, suspension, removal or resignation. The appointment shall be for a period not to exceed ninety days, and it may be renewed only once for an additional period not to exceed ninety days. Members of the board of selectmen and members of their families, including the spouse and children of a selectman and the parents, brothers, sisters, nephews and nieces of a selectman and his or her spouse, shall be ineligible to serve in this capacity.

CHAPTER 6 TOWN ADMINISTRATIVE ORGANIZATION

Section 1 General

6-1-1 The administrative functions of the town government shall be performed within the organizational framework of four divisions: (a) a division of finance, (b) a division of public safety, (c) a division of public services, and (d) a division of public works.

5/19/98 6-1-2 Responsibility for the functions administered with four divisions shall be vested in the town manager, except as provided in section 3-2-1.

6-1-3 The board of selectmen shall designate those divisions to be supervised by a director and those, if any, to be supervised by the manager. If the manager is designated to act as director of one or more divisions, he shall serve in such dual capacity without additional compensation. A division director, other than the manager, may be designated as head of one or more departments within his respective divisions, should any such departments be established under section 5-3-8 of this charter.

Section 2 Division of Finance

6-2-1 The administrative functions of assessment, tax collections, receipts and disbursements, and others of a fiscal nature shall be carried out within a division of finances.

Section 3 Division of Public Safety

6-3-1 The administrative functions of civil defense, fire, police, public health, public safety in general, inspection services, and such other public safety services as may be assigned by this charter or by-law shall be carried out within a division of public

safety.

Section 4 Division of Public Services

6-4-1 The administrative functions of general town services, recreation, the town clerk, the town library, veterans services, and such other public services as may be assigned by this charter or bylaw shall be carried out within a division of public services.

Section 5 Division of Public Works

6-5-1 The administrative functions of cemeteries, engineering, forestry, highways, parks, public grounds, sewers, water, and such other public works functions as may be assigned by this charter or bylaw shall be carried out within a division of public works.

Section 6 Personnel System

6-6-1 All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness demonstrated by an examination and/or other evidence of competence.

3/17/75

5/16/78

*2/7/20

6-6-2 Personnel Rules. Except as otherwise provided by general law, after consultation with the personnel board, the town manager shall propose personnel rules for all town positions, except those of the school department and the town manager. Such rules shall provide for: (a) the classifications of all positions, based on the duties, responsibilities and authority of each position, with adequate provisions for reclassification of any position whenever warranted by changed circumstances; (b) a salary and pay plan for all positions; (c) methods of determining the merit and fitness of candidates for appointment and promotion; (d) policies and procedures regulating reduction in force and removal of employees; (e) hours of work, attendance regulations, and provisions for sick, vacation, military, and other leave; (f) policies and procedures governing persons holding provisional appointments; (g) policies and procedures governing relationships with employee organizations; (h) policies regarding in-service training programs; (i) grievance procedures including procedures for the hearing of such grievances; and (j) such other practices and procedures as may be necessary for the administration of the personnel system. The Personnel Board shall meet and review the proposed rules and make recommendations to the Town Manager, who shall issue the rules in the final form. The rules shall take effect when a copy thereof signed by the town manager and a majority of the personnel board is filed with the town clerk, provided, however, no rule, or any amendment thereof involving the expenditure of funds shall take effect until the funds therefor have been appropriated by the appropriate body. The procedure for amending such rules shall be the same as for the initial issuance thereof.

***General Court**

CHAPTER 7 ELECTIONS

Section 1 Town Elections

3/17/75

7-1-1 The regular election for all town offices shall be by official ballot held on the third Tuesday in May of each year.

Section 2 Elections to be Nonpartisan

7-2-1 All elections of town officers shall be non partisan, and election ballot for town offices shall be printed without any party mark, emblem, or designation whatsoever.

Section 3 Eligibility of Town Voters

7-3-1 Any registered voter of the town shall be eligible for election to any elective office or board of the town, provided however, that no person shall hold, concurrently, more than one elective office of the town.

Section 4 Time of Taking Office

7-4-1 Any person duly elected to any office or board shall take up the duties of his office immediately following his certification, provided that he first shall have been sworn to the faithful performance of his duties by the town clerk.

Section 5 Initiative

3/18/74

7-5-1 Deleted.

Section 6 Recall of Elective Officers

5/15/84

7-6-1 The holder of any elective office who has held such office for at least six months may be recalled therefrom by the registered voters of the town as provided herein. Ten or more registered voters of the town may file with the town clerk an affidavit containing the name of the officer whose recall is sought, the elective office he holds and a statement of the grounds for his recall. If the town clerk determines the affidavit to be sufficient, he shall upon the request of any person who signed the affidavit issue to such person copies of the recall petition demanding such recall, printed forms for which he shall keep available in his office. Each copy of the petition issued by the town clerk shall (a) bear the signature and official seal of the town clerk, (b) be dated as of the date the affidavit was filed with the town clerk, (c) be addressed to the board of selectmen, (d) contain the name of the person to whom it was issued, (e) contain the name of the officer whose recall is sought and the elective office he holds and (f) contain the grounds of recall stated in the affidavit. A copy of the affidavit and of each of the copies of the petition issued by the town clerk shall be entered by the town clerk in a record book kept in his office. No person to whom a copy of the petition is issued shall allow any signature to be placed thereon except in his presence; and each

person to whom a copy of the petition is issued shall before filing such copy with the town clerk make an affidavit thereon that each of the signatures that appears thereon was signed in his presence. The petition shall be filed with the town clerk within forty-five days of the date on which the affidavit was filed with the town clerk, and shall have been signed in ink or indelible pencil by registered voters of the town equal in number to at least twenty-five per cent of the voters registered in the last annual town election. Upon the expiration of forty-five days after the date on which the affidavit was filed with the town clerk, the town clerk shall submit the petition to the registrars of voters of the town who shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

5/15/84

7-6-2 If the Town Clerk determines the petition to be sufficient, he shall forthwith execute a certificate to that effect and submit the petition with his certificate to the board of selectmen. Upon receipt of the petition and the certificate of the town clerk, the board of selectmen shall forthwith give written notice of the receipt of the petition and certificate to the officer whose recall is sought. If such officer does not resign from his office within five days after delivery to him of such notice, the board of selectmen shall thereupon order a recall election to be held within sixty days, but not sooner than thirty days, after the date of the receipt by the board of selectmen of the petition and the certificate of the town clerk; provided, however, that no such recall election shall be ordered if the term of office of the officer whose recall is sought will expire within ninety days after such date. Any such recall election shall be called and conducted in the same manner as is provided by general law for the conduct of a special election.

7-6-3 The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officer whose recall is sought) be recalled?" A majority vote of the voters to recall such elective officer shall not be effective unless a total of at least fifty per cent of the electors entitled to vote on the question shall have voted, and unless the number of votes cast in favor of recall shall exceed the number of votes he received on the last occasion he was elected to office.

7-6-4 Recall of such officer shall become effective upon certification of the results of the voting thereon, regardless of any defect in the recall petition. If any elective officer shall be recalled, the vacancy created thereby shall be filled in accordance with the provision of this charter and of general law.

7-6-5 No person, having been recalled or having resigned from office while recall proceedings were pending against him, shall be appointed to any town office or board within two years following said recall or resignation.

Section 8 Apportionment

7-8-1 The selectmen, in consultation with the town clerk, shall divide the town into voting precincts, which shall be convenient, compact, contiguous, and substantially equal in population. Such apportionment shall be presented to the town meeting by the town clerk at the town meeting to be held in October, 1973, and shall take effect on December 1, 1973.

CHAPTER 8

FINANCIAL PROVISIONS AND PROCEDURES

Section 1 Applicability of State Law

8-1-1 In all matters concerning finances and financial procedures of the town, the provisions of general law shall apply, together with such other requirements as are provided by this chapter.

Section 2 Fiscal Year

8-2-1 The fiscal year of the town shall begin on the day prescribed by general law.

5/16/78 8-2-2 All town department budgets for the new fiscal year shall be submitted to the town accountant as prescribed by general law, who shall transmit to the town manager according to the manager's policies and procedures.

3/17/75 Section 3 Submission of Budget and Budget Message

* 1/2/13 8-3-1 At least 45 days prior to the start of the May session of the annual town meeting, the town manager shall submit at a joint meeting of the board of selectmen and the finance committee a budget for the ensuing year and an accompanying message, unless otherwise provided for by general law.

5/16/78 8-3-2 Deleted.

3/1/75 8-3-3 The manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall: (a) outline the proposed financial policies of the town for the ensuing fiscal year; (b) described the important features of the budget; (c) indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes; (d) summarize the town's debt position; and (e) include such other material as the manager deems appropriate.

5/16/78 8-3-4 The budget shall provide a complete financial plan for all town funds and activities and shall be in such form as the finance committee may require, but it shall indicate proposed expenditures for both current operations and capital projects during the ensuing year, detailed by divisions, departments, offices, boards, commissions, committees, and purposes.

3/17/75 Section 4 Action on Proposed Budget

8-4-1 The finance committee shall conduct one or more public meetings on the proposed budget and shall issue its recommendations in print and make copies available to the voters at least seven days prior to the May session of the annual town meeting. In preparing its recommendations, the committee may require any town division, department, board, or office to furnish it with appropriate financial reports and budgetary information.

8-4-2 The board of selectmen shall be responsible for presenting the budget to the town meeting.

***General Court**

3/17/75 **Section 5 Budget Adoption**
8-5-1 The town meeting shall adopt the budget, with or without amendments, at the May session of the annual town meeting.

5/16/78 **Section 6 Capital Improvements Program**
8-6-1 A committee to be known as the Capital Program Committee may be established, composed of one member from and appointed by the finance committee, one member from and appointed by the planning board, and six additional members appointed by the moderator. The finance and planning board members shall be appointed for two years. All other members for four year terms in such manner that one shall expire every year. No town employee or town officer shall be appointed. The town finance director and the town accountant and town manager shall be ex- officio members without the right to vote. Any vacancy shall be filled for the unexpired term in the manner of the original appointment. In the absence of a capital program committee, the finance committee shall act as the capital program committee.

3/17/75 8-6-2 The committee shall study proposed capital outlays involving the acquisition of land or an expenditure of twenty-five thousand dollars (\$25,000) or more having a useful life of at least three years. All officers, boards and committees including selectmen, school committee, shall by September first of each year give to the Capital Program Committee on forms prepared by it, information concerning all projects anticipated by them as needing Town Meeting approval during the ensuing six years. The committee shall study the need, timing and cost projection of these projects and the effect each will have on the financial position of the town.

5/16/78 8-6-3 The Capital Program Committee shall prepare an annual report containing a budget for such outlays for the first year for presentation to the finance committee and to the selectmen at annual budget hearings. They will report to the town meeting the capital program for the following five years. It may make such investigations and hold such hearings as it may deem necessary.

3/17/75 **Section 7 Notice of Public Hearing on Capital Program**
8-7-1 The finance committee shall publish, in one or more newspapers of general circulation in the town, the general summary of the capital program and a notice stating: (a) the times and places where copies of the capital improvements program are available for inspection; and (b) the date, time, and place, not less than seven days following such publication, when the committee shall conduct a public hearing on said program.

8-7-2 The board of selectmen shall present the capital improvements program to the May session of the annual town meeting for its adoption, with or without amendment.

Section 8 Public Records

8-8-1 The budget and the capital improvements program shall be public records, and copies shall be kept available for inspection at the office of the town clerk and at the

public library.

Section 9 Collections and Disbursements

8-9-1 Except as otherwise provided by general law, all monies and fees received by the town or by any division, department or officer thereof, shall, upon their receipt by such division, department or officer, be paid forthwith into the town treasury.

5/16/78

*2/7/20

8-9-2 Warrants for the payment of town funds, prepared and signed by the town accountant in accordance with the General Laws shall be submitted to the town manager for the town manager's review, approval and signature.

Section 10 Lapse of Appropriations

8-10-1 Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if five years pass without any disbursement from or encumbrance of the appropriation.

8-10-2 In the final month of any fiscal year, no division, department, commission, office, or agency may expend, except for amounts previously encumbered, more than one-twelfth of its annual appropriation.

Section 11 Finance Committee

3/17/75

8-11-1 A finance committee of seven members shall be appointed by the moderator for three year overlapping terms. Appointments shall be made annually within ten days after the adjournment of the May session of the town meeting.

CHAPTER 9 PLANNING AND THE ENVIRONMENT

Section 1 Powers and Duties of the Planning Board

9-1-1 A planning board of seven members shall be appointed by the town manager to serve for five year overlapping terms.

9-1-2 Except for the conservation commission, industrial development financing authority, industrial commission, and any ad hoc committee created for environmental purposes, members shall be ineligible for appointment to other officers established by this charter.

9-1-3 The board shall exercise such powers and duties as prescribed by general law, this charter, and bylaw.

5/16/78

9-1-4 The board shall meet with the town manager and board of selectmen and make recommendations on all matters concerning the physical, economic, and environmental development of the town, sixty days prior to a town meeting.

***General Court**

Section 2 Master Plan

9-2-1 The board shall be responsible for the development and periodic updating of a master or comprehensive plan, which shall be utilized as the basis of all major developments in the town.

9-2-2 The board shall report annually to the town meeting on the status of the plan.

Section 3 Planning Staff

9-3-1 The town manager may appoint a planning director from a list of two or more candidates prepared by the planning board, provided that funds have been appropriated for that purpose.

9-3-2 Any director so appointed shall be professionally qualified for the duties of his office by reason of education, training, and experience.

9-3-3 The planning director appointed under provisions of 9-3-1 shall be ultimately responsible to the planning board but shall be under the daily supervision of the town manager.

Section 4 Conservation Commission

9-4-1 A conservation commission of seven members shall be appointed by the town manager for three year overlapping terms.

9-4-2 The commission shall exercise such powers and duties as prescribed by general law, this charter, and bylaw.

5/16/78 9-4-3 The commission shall recommend to the town meeting bylaws dealing with the environment and its impact on the growth of the town.

Section 5 Industrial Development Financing Authority

5/16/78 9-5-1 An industrial development financing authority of five directors shall be appointed by the board of selectmen for five year overlapping terms.

9-5-2 The authority shall exercise such powers and duties as prescribed by general law, this charter, and bylaw.

3/18/74 Section 6 Development and Industrial Commission

10/4/00 9-6-1 A development and industrial commission of five members shall be appointed by the town manager for five year overlapping terms in accordance with the provisions of General Laws, Chapter 40, Section 8A.

5/1/03 *9/16/04 9-6-2 Deleted.

Section 7 Zoning Board of Appeals

9-7-1 A zoning board of appeals, as provided in chapter three, shall exercise such powers and duties as prescribed by general law, this charter and bylaw.

***General Court**

5/16/78

Section 8 Coordination of Activities

9-8-1 It shall be the general responsibility of the town manager, in cooperation with the planning director, if any, to coordinate the activities of the planning board, conservation commission, industrial authority, industrial commission, and other boards, commissions, and committees, except the board of appeals, concerned with the physical, economic, and environmental development of the town. All committees shall make annual reports to the town manager and the board of selectmen.

CHAPTER 10 GENERAL PROVISIONS

Section 1 Amendment

10-1-1 This charter may be replaced, revised, or amended in accordance with the provisions of the constitution and general law.

Section 2 Specific Provisions to Prevail

10-2-1 To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 3 Severability

10-3-1 If any provision of this charter is held invalid, the remaining provisions shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 4 Town Boards, Commissions, and Committees

3/18/74

10-4-1 All boards, commissions, and committees of the town shall: (a) organize annually and elect a chairman and other necessary officers; (b) establish a quorum requirement for their meetings; (c) adopt rules of procedure and voting; (d) maintain a journal of proceedings, copies of which shall be a public record filed regularly with the town clerk; and (e) give reports at any session of any town meeting upon the request of the Board of Selectmen or the Town Manager.

10-4-2 The votes of each town board, commission, and committee shall be recorded and made a part of its official proceedings.

Section 5 Rescinding Power

10-5-1 Any appointive authority under this charter shall have the power to rescind, for cause, any appointment made thereby, provided that the appointee shall first have been served with a written notice specifying the appointive authority's intention, the reasons therefore, and informing the appointee of his right to a public hearing, if requested.

10-5-2 A copy of the written notice, and a transcript of the public hearing, if any,

shall be filed in the office of the town clerk, and shall be a public record.

Section 6 Vacancies in Appointed Boards

10-6-1 Vacancies arising in appointed town boards, commissions, and committees shall be filled by the respective appointive authority for the unexpired portion of the term.

Section 7 Investigations

10-7-1 The power to make investigations shall be vested in the town meeting, acting through a duly constituted special committee, or the board of selectmen. The board of selectmen may also initiate investigations and may empower the town manager to act on its behalf.

10-7-2 The investigatory authority may investigate the conduct of any town division, department, board, commission, committee, office or function, including any doubtful claims against the town. For this purpose the investigatory authority may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of such investigation shall be placed on file in the office of the town clerk, and a summary thereof shall be printed in the next annual town report.

Section 8 Filing of Notices

10-8-1 All appointive authorities of the town shall file with the town clerk a copy of each notice of appointment to a town office, or any rescinding of appointment thereto, and the same shall be a public record.

Section 9 Computing of Time

10-9-1 In computing time under this charter, every calendar day shall be counted.

CHAPTER 11 TRANSITIONAL PROVISIONS

Section 1 Effective date

11-1-1 Upon adoption by the voters, this charter shall take effect on July 1, 1972.

Section 2 Continuation of Government

11-2-1 Appointed or elected town officials holding office on the effective date of this charter shall continue to serve until reelected, reappointed, their successors have been qualified, or their duties have been transferred or abolished. No regular full-time or part-time employee of the town shall forfeit his pay grade or longevity as a result of the adoption of this charter.

11-2-2 No officer holding, on the effective date of this charter, tenure of office by act of the legislature, or vote of the town meeting, or both, shall have the same set aside as the result of the adoption of this charter.

Section 3 Continuation of Bylaws

11-3-1 All special acts, bylaws, resolutions, rules, regulations, and votes of the town meeting in force on the effective date of this charter, not inconsistent with its provisions, shall continue in force until amended or repealed, including, if any, bylaws which have been passed and have been approved by the attorney general but have not been published.

11-3-2 Within thirty days of the vote adopting this charter, the board of selectmen shall appoint a bylaw revision committee of five members, to revise, codify and submit a revised set of bylaws. Such bylaws shall be voted on at the March session of the town meeting held after the adoption of this charter.

5/16/78

5/19/98

11-3-3 Beginning in 1997, it shall be the responsibility of the town clerk to insure that the bylaws of the town shall be revised, codified, and republished at the discretion of the town clerk and that copies shall be made available to all registered voters requesting them.

Section 4 Transfer of Records and Property

11-4-1 All records, property, and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency, shall be transferred forthwith to the office, department, or agency to which such powers and duties are assigned.

Section 5 Continuance of Contracts and Other Obligations

11-5-1 All leases, contracts, franchises, and obligations entered into by the town or for its benefit prior to the effective date of this charter shall continue in full force and effect.

Section 6 Pending Actions and Proceedings

11-6-1 No action or proceedings, civil or criminal, in law or in equity, pending at the time this charter takes effect, brought by or against the town or any office, department, or other agency thereof, shall be affected or abated by the adoption of this charter.

Section 7 Continuation of Elective Offices

3/17/75

11-7-1 Beginning in 1973, those elective offices which continue in accordance with this charter, the terms of which would expire in March, shall continue to serve until the third Tuesday in May, or until their successors have been qualified.

5/19/98

Section 8 Enlargement of Board of Selectmen - **Deleted**