

# Proposed Sandisfield Town Charter

September 27, 2023

## **PREAMBLE:**

We, the people of the town of Sandisfield, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the Constitution of the Commonwealth, do hereby adopt the following charter for this town.

## **Article 1: Incorporation, Powers, etc.**

### **Section 1. Incorporation**

1-1-1 The inhabitants of the town of Sandisfield within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Sandisfield."

### **Section 2. Short Title**

1-2-1 This instrument shall be known and may be cited as the Sandisfield Town Charter.

### **Section 3. Powers of the Town**

1-3-1 It is the intent and the purpose of the voters of the town of Sandisfield, through the adoption of this charter, to secure all of the powers possible for the town under the constitution and laws of the commonwealth.

### **Section 4. Division of Powers**

1-4-1 All legislative powers of the town shall be exercised by a town meeting open to all voters of the town, pursuant to Article 2 of this charter.

1-4-2 The executive powers for all town fiscal, prudential, and municipal affairs shall be vested in the executive branch headed by the select board with administration exercised by the town manager pursuant to Article 3 of this charter.

### **Section 5. Construction**

1-5-1 The powers of the town under this charter are to be construed liberally in its favor, and the specific mention of any particular power is not intended to limit in any way the general powers of the town as stated in section 1-3-1.

### **Section 6. Intergovernmental Relations**

1-6-1 Consistent with any applicable constitutional or statutory provisions, the town may exercise its powers, or perform its functions and may participate in the financing thereof, with one or more civil divisions, subdivisions or agencies of any state or the United States government.

1-6-2 The town, through the select board, in accordance with general or special laws, may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

## **Section 7. Definitions**

1-7-1 As used in this charter the following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Charter" shall mean this charter and any amendments to it that may hereafter be adopted.
- (b) "Days" shall mean calendar days, not including Saturdays, Sundays, and legal holidays when the time set is seven (7) days or less. When the time set is more than seven (7) days, every day shall be counted.
- (c) "Majority vote" shall mean a majority of those present and voting, provided there is a quorum of the body present when the vote is taken, unless a higher number is required by law.
- (d) "Multiple-member body" shall mean any town body consisting of two (2) or more persons. whether called "board," "commission," "committee," "sub-committee," or otherwise, and whether elected, appointed, or otherwise constituted.
- (e) "Town" shall mean the Town of Sandisfield.
- (f) "Town agency" shall mean any board, commission, committee, department, division, or office of the town government.
- (g) "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 that position, exercises some portion of the sovereign power of the town.
- (h) "Voters" shall mean registered voters of the town of Sandisfield.

## **Article 2: Legislative Branch**

### **Section 1. Town Meeting**

2-1-1 The legislative powers of the town shall be vested in a town meeting open to all voters of the town.

2-1-2 Two town meetings shall be held annually, each to be conducted as an annual town meeting under Massachusetts General Law.

2-1-3 The spring town meeting shall be held in March, April, May, or June, on a date to be determined by the town bylaws or as designated by the select board. The fall town meeting shall

be held in October, November, or December, on a date to be determined by the Town bylaws or designated by the Select Board.

2-1-4 The select board may call special town meetings when the select board deems necessary or desirable in order to transact the legislative business of the town in an orderly manner or as allowed by the General Laws.

2-1-5 The select board shall call a special town meeting upon request in writing of 200 registered voters or 20 percent of the total number of registered voters of the town, whichever number is less at the time the petition is submitted. The special town meeting must be held no later than 45 days after the select board receives the petition.

## **Section 2. Presiding Officer at Town Meeting**

2-2-1 The town moderator, elected under section 4-1-1 of this charter, shall preside at all sessions of the town meeting.

2-2-2 The moderator may appoint a voter to perform the duties of the moderator in the event of a conflict of interest or if the moderator is called away from the meeting.

2-2-3 In the absence of the moderator, the town meeting shall, as its first act, elect a temporary moderator in accordance with the General Laws.

2-2-4 If the position of moderator is vacant due to resignation, removal from town, or otherwise, the town meeting shall, as its first act, elect a temporary moderator by a majority vote, who shall serve until the next town election, at which time a moderator shall be elected for a new one (1)-year term.

2-2-5 The moderator shall perform such duties as may be assigned to the office of moderator by charter, the General Laws, bylaws or vote of town meeting.

## **Section 3 Clerk of the Meeting**

2-3-1 The town clerk shall serve as the clerk to the town meeting. In the event of unavoidable absence, the town clerk shall designate a substitute; otherwise, the moderator shall appoint a clerk pro tempore. The town clerk shall give notice of all meetings to the public, keep a journal of its proceedings, and perform such other functions as may be provided by the laws of the commonwealth, by the charter, by bylaw, or by other town meeting vote.

## **Section 4 Finance Committee**

2-4-1 There shall be a five (5) member finance committee consisting of at least four (4) registered voters. One member may be an unregistered voter who is a full or part-time town resident. The finance committee shall have all the powers and duties granted to finance committees by the Massachusetts General Laws and such additional powers and duties as may be provided by the charter, by town bylaw, or by town meeting vote.

2-4-2 Finance committee members shall be appointed to three (3)-year staggered terms by a three (3) member appointment committee consisting of: the moderator, a finance committee member selected annually by the finance committee, and a registered voter appointed by the planning board annually.

2-4-3 Upon the expiration of any finance committee member's term, the appointment committee shall appoint finance committee members, as needed, to a new term. The appointment committee shall fill all vacancies in the same manner.

2-4-4 The appointment committee may make recommendations for the removal of finance committee members for cause in writing to the full select board. The select board will vote to accept or reject the appointment committee's removal recommendation at a regular meeting of the select board.

### **Section 5 Warrants for Town Meeting**

2-5-1 Every town meeting shall be called by a warrant issued by the select board, which shall state the date, time, and place at which the meeting is to be convened and, by separate articles, the subject matters to be acted upon.

2-5-2 Except as otherwise provided by this charter, the publication and distribution of the warrant shall be in accordance with Town bylaws governing such matters. Warrants must be issued at least seven (7) days prior to each town meeting and at least fourteen (14) days prior to special town meetings.

2-5-3 The select board shall include in the warrant all articles submitted to it by: (1) a multiple-member body acting by a majority vote of its members; or (2) 10 voters for a spring or fall town meeting and 100 voters or 10 percent of the number of voters, whichever is lesser, for a special town meeting. If an article is petitioned as set forth in this section and received after the warrant for the next town meeting has been closed, the article shall appear on the warrant for the next town meeting for which it qualifies for inclusion.

### **Section 6. Rules of Procedure for Town Meeting**

2-6-1 Except as otherwise provided by this charter, the procedure and conduct of the town meeting shall be governed by the town bylaws.

## **Article 3: Executive Branch**

### **Section 1. Executive Powers Vested in Board of Selectmen**

3-1-1 Notwithstanding any general or special law to the contrary, there shall be in the town of Sandisfield a select board consisting of 3 members elected for terms of 3 years each, so arranged that 1 term of office shall expire each year. Vacancies in the office of select board shall be filled by a special or regular election in accordance with the provisions of the General Laws.

3-1-2 Except as specifically provided by this act, the select board shall have all of the executive powers given to boards of selectmen by the General Laws. The select board shall have, but not be limited to, the following executive powers:

- (a) serve as the chief policy making body of the town;
- (b) authority to enter into intergovernmental or public or private agreements consistent with law on such terms as it deems beneficial to the town;
- (c) serve as agents of the Town to institute, prosecute and defend any and all claims, actions, and proceedings to which the Town is a party or in which the interests of the Town may be involved; and, at their discretion, compromise or settle any claim to which the Town is a party, which does not require payment by the Town of an amount in excess of One Thousand Dollars (\$1,000.00) without the approval of the Town Meeting, but no settlement of a claim or suit obligating the Town in an amount in excess of One Thousand Dollars (1,000.00) shall be made, except as authorized by law, without the consent of the Town Meeting; and, in their annual report, shall state what actions have been brought against the Town, what cases have been compromised or settled, and the current standing of all suits involving the Town or any of its interests;
- (d) formulate and promulgate policy directives and guidelines to be followed by all town agencies serving under it, and in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony; provided, however, that nothing in this section shall be construed to authorize any member of the select board or a majority of such members, to become involved in the day-to-day administration of any town agency. The select board shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it;
- (e) enforce the by-laws, rules and regulations for the government of the town and keep an up-to-date record of all its official acts;
- (f) appoint the town manager and town counsel and approve the hire of the town audit firm, which shall be chosen by the town manager;
- (g) serve as the licensing board of the town and have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest. The select board shall enforce the laws relating to all businesses for which it issues such licenses. The select board under this provision may delegate or reorganize any local licensing authority or process notwithstanding any general laws relating to local governance to the contrary;
- (h) provide timely audits as required by law. The audits shall be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the town government of the town of Sandisfield or any of its officers; and
- (i) develop, in consultation with the town manager, a personnel system to include, but not be limited to, classifications and pay schedules, benefit programs, personnel and hiring policies and practices and regulations for town employees.

## **Section 2. Appointment and Qualifications of Town Manager**

3-2-1 Notwithstanding the provisions of section 23A of chapter 41 of the General Laws or any other general or special law to the contrary, there shall be in the town of Sandisfield a town manager appointed by the select board who shall serve at the pleasure of the board. The town manager shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office.

3-2-2 The select board may enter into a contract with the town manager for salary, fringe benefits and other conditions of employment including, but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance and leave. The town manager shall receive such compensation as the select board shall determine within the amount appropriated therefor by the town.

3-2-3 Any vacancy in the office of town manager shall be filled by the select board with all due haste. Until an appointment is made to fill the vacancy of town manager, the select board shall appoint a suitable person including, but not limited to, an employee of the town, to perform the duties of the office, which shall be known as the temporary town manager. In the event of the temporary absence or disability of the town manager lasting more than 5 consecutive business days, the select board may designate a qualified person to serve as acting town manager during such temporary absence or the town manager's inability to serve.

3-2-4 The town manager shall have the following duties and responsibilities:

- (a) serve as the chief administrative officer of the town, and shall act as the agent for the select board and shall be responsible to the select board for the proper operation of town affairs for which the town manager is given responsibility under this act;
- (b) under the authority of the select board, supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all other functions for which the town manager is given responsibility, authority or control by act, by-law, town meeting vote or vote of the select board; and
- (c) delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility that the office of town manager is authorized to exercise under this act. All actions that are performed under such delegation shall be deemed to be the actions of the town manager.
- (d) The town manager may act with regard to appointment and removal as follows:
  - (1) appoint and remove all non-elected department heads, in compliance with clause (2), and approve the appointment and removal of all other town employees;
  - (2) consult with the appropriate elected or appointed board, commission, committee or official and the select board prior to making department head appointments or removals. Prior to finalizing a department head appointment, the town manager shall provide notice to the select board of the anticipated appointment and the terms and conditions of employment for the appointment. The select board shall approve or disapprove the appointment and the terms and conditions of employment within 14 days of notice to the select board. A failure of the select board to act in this 14 day period shall be considered approval;

- (3) adjust the terms and conditions of employment of department heads or the termination or removal of department heads subject to the same notice and approval requirements set forth in clause (2); and
- (4) be responsible for posting on the town bulletin board and website notices of job opportunities.
- (5) Appointments under this subsection shall be based on merit and fitness.
- (e) The town manager shall have personnel management responsibilities as follows:
  - (1) administer personnel policies and any related matters for all municipal employees by adopting appropriate practices, rules or regulations and to administer all collective bargaining agreements entered into by the town; and
  - (2) negotiate, subject to the approval of the select board, all contracts with town employees over wages and other terms and conditions of employment. The town manager may, subject to the approval of the select board, employ special counsel to assist in the performance of these duties.
- (f) The town manager shall have financial management responsibilities as follows:
  - (1) prepare and present an annual operating budget for the town and present a capital improvement plan for the next 5 fiscal years;
  - (2) serve as the chief procurement officer for the town and award and execute contracts in accordance with, and subject to, the provisions of chapter 30B of the General Laws, and to appoint such assistant procurement officers as provided in said chapter 30B;
  - (3) inspect and submit warrants for payment to the select board;
  - (4) approve the award of all contracts for all town departments and committees;
  - (5) keep the select board and the finance committee fully informed as to the financial condition of the town and to make recommendations to the select board and to other elected and appointed officials as the town manager deems necessary or expedient; and
  - (6) ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the select board as may be required but not less than annually.
- (g) The town manager shall have the following administrative responsibilities:
  - (1) attend all regular and special meetings of the select board, unless excused by the select board;
  - (2) attend all sessions of the town meeting and answer all questions addressed to the town manager that are related to the warrant articles and to matters under the general supervision of the town manager;
  - (3) administer, either directly or through a person or persons supervised by the town manager in accordance with this act, provisions of general or special laws, bylaws and other votes of the town meeting;
  - (4) investigate or inquire into the affairs of any town department or office under the supervision of the town manager;
  - (5) coordinate activities of all town departments, officers, boards or commissions;
  - (6) keep the select board fully informed as to the needs of the town requiring action by the town or as the town manager deems necessary or expedient;

- (7) develop and maintain a full and complete inventory of all town-owned real and personal property; and
- (8) perform such other duties as necessary or as may be assigned by this act, town meeting vote or vote of the select board.

## **Article 4: Elected Officials, Elected Boards, and Appointed Boards**

### **Section 1. Elected Officials, Boards, Committees, and Multiple-Member Bodies**

4-1-1 The following boards, committees, and officials shall be elected for staggered terms and under the conditions below:

- (a) Select Board -- three (3) Members elected for terms of three (3) years so arranged that one term of office shall expire each year
- (b) Town Moderator – one (1) Moderator for a term of one (1) year
- (c) Town Clerk – one (1) Clerk for a term of three (3) years
- (d) Board of Assessors – three (3) Members for terms of three (3) years
- (e) Constable – two (2) Constables for a term of three (3) years
- (f) Board of Health – three (3) Members for terms of (3) years
- (g) Planning Board – five (5) Members for terms of five (5) years
- (h) Library Trustees – three (3) Trustees for terms of five (5) years
- (i) Regional School Committee members – as provided by the regional school district agreement

### **Section 2. Appointed Boards, Committees, and Other Multiple-Member Bodies**

4-2-1 The following boards, committees, and other multiple-member bodies shall be appointed by the Select Board from among the residents of the Town, one of which may be ineligible to register to vote, for staggered terms and under the conditions below:

**Conservation Commission:** There shall be a Conservation Commission consisting of five (5) members appointed by the Select Board for three (3)-year terms so arranged that as near an equal number of terms as possible shall expire each year. The Conservation Commission shall have all the powers and duties granted to Conservation Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**Cemetery Committee:** There shall be a five (5) member Cemetery Committee appointed by the Select Board for three (3) year terms so arranged that as near an equal number of terms as possible expire each year. The Cemetery Committee is tasked with advising the Select Board, who are also the Cemetery Commissioners, of any problems or issues with the town's five (5) cemeteries.



**Council on Aging:** There shall be a five (5) member Council on Aging appointed by the Select Board for three (3) year terms so arranged that as near an equal number of terms as possible expire each year. The Council on Aging shall have all the powers and duties granted to Councils on Aging by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**Board of Registrars:** There shall be a Board of Registrars of voters consisting of the Town Clerk and three (3) other persons who shall be appointed by the Select Board for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year. The Board of Registrars shall have all the powers and duties granted to Board of Registrars by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting Vote.

**Cultural Council:** There shall be a Cultural Council of at least five (5) and not more than twenty-two (22) members to be appointed by the Select Board for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year. The Cultural Council shall have all the powers and duties granted to Cultural Councils by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**Historical Commission:** There shall be a Historical Commission consisting of not less than three (3) nor more than seven (7) members who shall be appointed by the Select Board for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year. The Historical Commission shall have all the powers and duties granted to Historical Commissions by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

**Recreation Committee:** There shall be a seven (7) member Recreation Committee appointed by the Select Board for three (3) year terms so arranged that as near an equal number of terms as possible shall expire each year. The Recreation Committee is committed to developing and administering comprehensive community and recreational programs on a year-round basis serving all age groups to enrich their quality of life.

**Zoning Board of Appeals:** There shall be a Zoning Board of Appeals consisting of three (3) or five (5) members who shall be appointed by the Select Board for terms of such length and so arranged that as near an equal number of terms shall expire each year. The Zoning Board of Appeals shall have all the powers and duties granted to Zoning Boards of Appeals by the Massachusetts General Laws, and such additional powers and duties as may be provided by the Charter, by Town Bylaw or by Town Meeting vote.

### **Section 3. Other Town Boards, Commissions or Committees**

4-3-1 Notwithstanding the above, additional committees and multiple-member bodies may be established as necessary pursuant to this charter, town bylaws and the General Laws.

#### **Section 4. Town Manager Liaison**

4-4-1 The Town Manager shall serve as the town's liaison to all boards, committees, and officials.

#### **Section 5: Report of Activities**

4-5-1 All boards, committees, or commissions shall annually, on a date determined by the Select Board, submit a report of activities, achievements, and other information to the Select Board.

## **Article 5: Financial Policies and Procedures**

#### **Section 1. Annual Budget**

5-1-1 The fiscal year of the town shall begin on July 1 and end on the last day of June, unless another period is required by the General Laws.

5-1-2 Annually, prior to October 1, the town manager shall establish and issue a budget schedule setting forth the calendar dates relating to the development of the annual operating budget for the ensuing fiscal year. Any deviation from the budget schedule shall require approval of the select board and the finance committee.

5-1-3 Prior to November 1 in each year, the town manager shall estimate revenue for the ensuing fiscal year.

5-1-4 Prior to December 1 in each year, the select board, after consultation with the town manager, shall issue a policy statement that shall establish the general guidelines for the next town budget.

5-1-5 All department heads and all multiple-member bodies shall submit detailed budget requests to the town manager at least 150 days before the date of the spring town meeting.

5-1-6 At least 90 days prior to the scheduled date of the spring town meeting, the town manager shall submit to the select board a comprehensive proposed budget for all town functions for the ensuing fiscal year and an accompanying budget message.

5-1-7: The proposed budget message shall explain the proposed budget in fiscal terms and in terms of the specific projects contemplated in the year ahead. The proposed budget shall provide a complete financial plan for all town funds and activities, including school budgets, and shall be in the form as the town manager, in consultation with the finance committee, may establish. The draft budget shall indicate proposed expenditures for current operations and for capital projects during the ensuing year, detailed by each town agency and by specific purposes and projects.

5-1-8 The select board shall, within 30 days following the submission of the proposed budget prepared by the town manager, approve the proposed budget, with or without amendments,

and submit it to the finance committee. The select board shall also transmit the budget request of the school committee, with its recommendations on same, to the finance committee.

5-1-9 At least 30 days prior to the scheduled date of the town meeting, the select board shall hold one (1) or more public hearings on the proposed budget.

5-1-10 The finance committee shall review the proposed budget and, prior to the publication of the warrant, issue a report with its recommendations and detailed explanations regarding the budget and any other budget-related articles.

5-1-11 The warrant for the spring town meeting shall be mailed and posted as required by the town bylaws, provided that the mailing includes the proposed budget and the finance committee report detailed in section 5-1-10.

5-1-12 The town manager shall present the proposed budget to the Town Meeting.

## **Section 2. Capital Improvements Plan**

5-2-1 As part of the annual budget process, the town manager will solicit capital project requests from department heads which include a cost estimate, an estimate of ongoing maintenance costs, and the useful life of the requested item.

5-2-2 The town manager will annually update and propose for adoption by the finance committee a five-year capital improvement plan, including the upcoming fiscal year's capital improvement budget and a four-year projection of capital needs and expenditures that details their estimated costs, descriptions, and anticipated funding sources.

## **Section 3. Approval of Warrants**

5-3-1 Warrants for the expenditure of town funds, prepared and signed by the town accountant in accordance with the General Laws, shall be inspected and submitted for payment to the select board pursuant to Section 3-2-4(f)(3) of this charter.

## **Section 4. Annual Audit**

5-4-1 The select board shall ensure that timely audits are conducted pursuant to section 3-1-2(g) of this charter. Audits shall be conducted every two years. In the event that the auditor renders a qualified audit opinion, then the audit shall be conducted annually until an unqualified audit opinion is rendered. A copy of the auditors' report shall be filed with the town clerk and shall be a public record. A summary of the report shall be published in the next annual town report.

# **Article 6: Administrative Organization**

## **Section 1 Method of Organization**

6-1-1 The organization of the town into operating town agencies shall be accomplished through the establishment of an organization chart that presents the organization of all town agencies.

Such a table shall be prepared by the town manager in consultation with the select board and may be revised from time to time.

6-1-2 For the public's convenience, the organization chart shall be printed as an appendix to, but not part of, the town's bylaws. The organization chart shall also be published annually in the town report.

## **Section 2. Appointed Officials**

6-2-1 Appointed town officials shall be selected pursuant to Sections 4-2-1, 3-1-2(e), and 3-2-4(d) of this charter.

# **Article 7: Elections**

## **Section 1. Elections**

7-1-1 The annual election of town officers and the determination of such matters as the laws that are required to be determined by ballot shall be held on a date to be determined by the town bylaws or as designated by the select board. Special town elections may be held from time to time in accordance with the law.

7-1-2 The board of registrars, together with such assistant registrars as may be required and regularly designated, shall conduct and supervise all local elections in accordance with the laws of the commonwealth and with local laws that are not inconsistent with state law.

7-1-3 Elections to any office shall be nonpartisan, and election ballots for Town officers shall be printed without any party mark, emblem, or designation whatsoever.

7-1-4 Following certification of the election by the board of registrars, a person duly elected to an office shall take up the duties of that office immediately after being sworn to the faithful performance of his or her duties by the town clerk or the town clerk's designee.

# **Article 8: General Provisions**

## **Section 1. Charter Revision or Amendment**

8-1-1 The charter may be replaced, revised, or amended in accordance with any procedure made available by the constitution of the commonwealth and any laws of the commonwealth enacted to implement said constitutional amendment.

8-1-2 In every year ending in a four and in other years deemed necessary by the select board, a special committee shall be appointed by the select board to review the provisions of the charter and shall have the title of charter review committee. The charter review committee shall submit a report to the select board and town meeting concerning any proposed amendments or revisions to the charter which such committee deems necessary.

## **Section 2. Review of Bylaws**

8-2-1: At least once every five years, a special committee shall be appointed by the select board to review the town bylaws. A bylaw review committee under this section shall not be appointed in the same year that a charter review committee is appointed under section 8-1-2. The bylaw review committee shall report any proposed revisions to the town meeting, not later than at the fall town meeting following the year in which the committee is appointed.

## **Section 3. Rules and Interpretation**

8-3-1 To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

8-3-2 All references to the General Laws or the Laws of the Commonwealth or MGL 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 and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.

8-3-3 In computing time under the charter, if seven (7) days or less, only calendar days, not including Saturdays, Sundays or legal holidays shall be counted; if more than seven (7) days, every day shall be counted.

8-3-4 Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular.

8-3-5 The provisions of this charter are severable. If any of the provisions of this charter are held to be unconstitutional, or invalid, the remaining provisions of this charter shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstances is held to be invalid, the application of said charter and its provisions to other persons or circumstances shall not be affected thereby.

## **Section 4. Rules and Regulations**

8-4-1 A copy of all rules and regulations adopted by any town department or town office shall be filed in the office of the town clerk, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town department or town office shall become effective until ten (10) days following the date it has been so filed in the office of the town clerk.

## **Section 5. Oaths or Affirmations**

8-5-1 All elected officials and members of all boards, commissions, and committees whose duties include the expenditure of Town funds, shall be sworn to the performance of their duties within seven (7) days of their notification by the Town Clerk or the Town Clerk's designee.

## **Section 6. Procedures Governing Multiple Member Bodies**

8-6-1 All multiple-member bodies shall annually elect a chair, a vice-chair, and any other officer the body deems necessary from among the body's membership, not including alternate or associate members.

8-6-2 Every multiple-member body shall maintain a meeting record in accordance with Massachusetts General Laws. All multiple-member bodies shall keep minutes of each meeting. Said minutes shall include, at a minimum, the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes. A copy of said minutes shall be sent to the Town Clerk in a timely manner following approval by the multiple-member body.

8-6-3 At least 48 hours before any meeting of a multiple-member body is to be held, an agenda containing all items which are scheduled to come before the multiple-member body at the meeting shall be posted in a manner consistent with the Town bylaws.

8-6-4 Each multiple-member body shall conform to the requirements of this section, and may adopt its own rules and order of business unless otherwise provided by this charter or by law.

8-6-5 A majority of the members of the multiple member body then in office shall constitute a quorum. No action of the multiple member body shall be valid or binding unless approved by the affirmative vote of the majority of the quorum present at the meeting where said action is taken.

8-6-6 All multiple member bodies, when established, shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than 1 year, such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

8-6-7 All members of multiple-member bodies, one of which may be ineligible to register to vote, must be residents of the Town during their terms. If a member of a multiple-member body removes from the Town during the term for which appointed, such seat shall immediately be deemed vacant and filled by the appointing authority. The town manager and relevant town employees shall be available to assist bodies as necessary but shall not serve as board members with the right to vote. Notwithstanding this provision, a town employee who resides in the town may serve on a multiple-member body if such position presents no conflict of interest pursuant to the General Law and does not conflict with this charter, town bylaws, or the General Law.

## **Section 7. Limitation on Office Holding**

8-7-1 Unless otherwise allowed by law or this Charter, no person shall simultaneously hold more than one Town office or position of employment. This section may be waived by the Select Board by filing a written notice of the waiver with an explanation and justification with the Town Clerk and complying with all responsibilities and procedures under Massachusetts General Laws.

8-7-2 This section shall not prohibit any elected official in the town from holding one or more

additional elected positions in the town without the approval of the Select Board, unless otherwise prohibited by the Massachusetts General Laws.

8-7-3 No person may serve on the select board while at the same time serving as a town employee or as an elected or appointed officer or official or member of a multiple-member town body, regardless of whether compensation is received for that service.

## **Section 8. Enforcement of Charter Provisions**

8-8-1 The provisions of this Charter may be enforced by any applicable general or special law.

8-8-2 In addition to the foregoing, this charter provides the following means of enforcement:

- (a) any person who has reason to believe that a town official or governmental body has violated any provision of this charter by action or failure to act may file a written complaint with the town clerk, setting forth the circumstances that constitute the alleged violation.
  - (1) The written complaint shall identify the official or governmental body, specify the date and time of the alleged violation, and cite the section of the charter allegedly violated.
  - (2) The written complaint shall be filed within two (2) months of the alleged violation. Upon receiving the written complaint, the Town Clerk shall forward a copy thereof to the alleged offender (either the town official or the chairperson of the governmental body), the town manager, and the select board.
- (b) The responding official or the chairperson of the responding governmental body shall file a reply with the town clerk.
  - (1) The reply shall either acknowledge the alleged violation with proposed remedial action, if appropriate and feasible, or deny the alleged violation with a statement of reasons.
  - (2) If the complaint is filed against a town official, the reply shall be filed by said official within
- (c) 30 days of receipt of a copy of the complaint. In the case of a complaint against a governmental body, the body's chairperson shall file a reply within thirty (30) days of the receipt of the copy of the complaint or within ten (10) days after the second regularly scheduled meeting of the governmental body following receipt of the copy of the complaint, whichever is greater.
- (d) A complainant who is aggrieved by the reply may pursue any remedy available at law or in equity.
- (e) Subject to the exemptions of the public records law, complaints and replies filed pursuant to this section will be considered public records.

## **Article 9: Transition Provisions**

### **Section 1. Effective date of Charter**

9-1-1 This Charter shall become effective on \_\_\_\_, except as provided herein.

**Section 2. Continuation of Existing Laws**

9-2-1 All special acts, bylaws, resolutions, rules, regulations, and votes of the Town Meeting in force on the effective date of this Charter that are not inconsistent with its provisions shall continue in force and effect until amended or repealed.

**Section 3. Transfer of Records and Property**

9-3-1 All records, property, and equipment whatsoever of any Town agency, or part thereof, the powers and duties of which are assigned in whole or part to another Town agency, shall be transferred forthwith to such agency.

**Section 4. Continuation of Government**

9-4-1 All committees, commissions, boards, departments, officers, and other agencies of the Town shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred, unless otherwise provided herein.

**Section 5. Continuation of Administrative Personnel**

9-5-1 Any person holding an office or position in the administrative services of the Town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency; provided however, that no person in the permanent full time service or employment of the Town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

**Section 6. Effect on Obligations, taxes, etc.**

9-6-1 All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by, with or on the behalf of the municipality before the adoption of this charter, shall continue to be obligations of the municipality. All taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the municipality, shall be enforced and collected. All writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter, and no legal act done by or in favor of the municipality shall be rendered invalid by reason of the adoption of this charter.