

**TOWN OF STURBRIDGE
SPECIAL TOWN MEETING WARRANT**



**TANTASQUA REGIONAL HIGH SCHOOL
MONDAY, DECEMBER 12, 2016 @ 7:00 P.M.**

**ARTICLE 46
AMENDMENTS TO THE STURBRIDGE CHARTER
(2/3rds vote required)**

To see if the Town will vote to amend the current Town Charter by substituting the recommended draft Charter as attached to this Warrant, on display at the Town Clerk's office and as posted on the Town of Sturbridge website; or take any action in relation thereto.

**ARTICLE 47
CREATION OF A FIRE APPARATUS STABILIZATION FUND
(2/3rds vote required)**

To see if the Town will vote to create a Fire Apparatus Stabilization Fund to be used to fund the future purchase of firefighting vehicles; or take any action in relation thereto.

**ARTICLE 48
PURCHASE OF A LADDER TRUCK**

To see if the Town will vote to appropriate the sum of FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00) from Free Cash for the purchase of a ladder truck, or its equivalent; or take any action in relation thereto.

**ARTICLE 49
COSTS ASSOCIATED WITH SOUTHBRIDGE LANDFILL PROJECT**

To see if the Town will vote to appropriate the sum of SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00) from Free Cash for the Board of Health to obtain legal and/or consulting services for possible litigation, advisement, and engineering consulting services relative to any site assignment, or change thereto, and study any health effects on the residents of Sturbridge from the Southbridge landfill; or take any action in relation thereto.

ARTICLE 50
UNPAID BILLS OF A PREVIOUS FISCAL YEAR
(9/10th vote required)

To see if the Town will vote to appropriate the sum of SEVEN THOUSAND THREE HUNDRED FORTY-SEVEN AND 34/100 DOLLARS (\$7,347.34) from Free Cash for the purpose of paying unpaid bills of a prior fiscal year; or take any action in relation thereto.

ARTICLE 51
TRANSFER OF FUNDS – CAPITAL PROJECTS FUND

To see if the Town will vote to appropriate the sum of ONE HUNDRED FIFTY-TWO THOUSAND AND 00/100 DOLLARS (\$152,000.00) from Free Cash to the Capital Projects Fund; or take any action in relation thereto.

ARTICLE 52
TRANSFER OF FUNDS – WATER MISCELLANEOUS EXPENSES

To see if the Town will vote to appropriate the sum of SIX THOUSAND AND 00/100 DOLLARS (\$6,000.00) from the Water Reserve Fund Balance to Water Miscellaneous Account #29450-55320; or take any action in relation thereto.

ARTICLE 53
TAX INCREMENT FINANCING AGREEMENT AND
PROJECT CERTIFICATION: PUBLIC HOUSE

To see if the Town will vote to approve the Project Certification Application submitted for a hotel facility located at the project site situated at 283 Main Street, as shown on the Project Certification Application, and to authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement, pursuant to the provisions of M.G.L. Chapter 40, section 59, with Resurrection Real Estate, LLC, or its acceptable designee, all in substantially the form submitted to this Town Meeting, such approval serving to confirm the information contained in the Project Certification Application that (1) the project as proposed is consistent with the Town's economic development objectives and can reasonably be expected to benefit significantly from the Tax Increment Financing Agreement; (2) the project will not overburden the Town's infrastructure and utilities servicing the Economic Opportunity Area; and (3) the project, as described in the Project Certification Application, will have a reasonable chance of increasing employment opportunities; and to authorize designation of the project as a certified project for a term of ten (10) years and a tax increment financing plan of not more than ten (10) years at the following exemption rate on the added value resulting from the project:

1 st Year	90%
2 nd Year	90%
3 rd Year	90%
4 th Year	60%
5 th Year	60%
6 th Year	40%
7 th Year	40%
8 th Year	20%
9 th Year	20%
10 th Year	10%

Or take any action in relation thereto.

Given under our hands this 21st day of November in the year of our Lord, Two Thousand and Sixteen.

Mary Blanchard
Mary Blanchard, Chairman

Priscilla Gimas, Vice Chairman

Mary Dowling
Mary Dowling, Clerk

Craig Moran
Craig Moran, Selectman

Michael Suprenant, Selectman

Board of Selectmen
Town of Sturbridge

Doug [unclear]
11/25/16

TRUE & ATTESTED
[Signature]



The 2015 Sturbridge Charter Review Committee recommends the following amendments/deletions to the Town of Sturbridge Home Rule Charter:

ARTICLE 1 DEFINITIONS

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter will have the following meanings:

- (A) Charter - The word "charter" shall mean this charter and amendments to it through any of the methods provided under the amendments to the state constitution.
- (B) Town - The word "town" shall mean the Town of Sturbridge.
- (C) Majority Vote - The words "majority vote" shall mean a majority of those present and voting.
- (D) Voters - The word "voters" shall mean registered voters of the Town of Sturbridge.
- (E) Gender - The reference to the generic pronoun "he" throughout the charter refers to both the male and female gender.
- (F) Days - When the period of time prescribed or allowed is seven days or fewer, Saturdays, Sundays and legal holidays shall be excluded in the computation. "Legal Holiday" includes those days specified in Massachusetts General Laws (M.G.L.) Chapter 4, Section 7 and any other day designated a holiday by the President and the Congress of the United States. If more than seven days, every day shall be counted.
- (G) Warrant – The "Warrant" is a document issued by the Board of Selectmen to call a Town Meeting. The Warrant states the time and place at which the Town Meeting is to convene, and, by separate articles, the subject matter to be acted upon, and further defined by Massachusetts General Laws, Chapter 39, Section 10.
- (H) Officer - All officers listed in Section 4-1(A) and any other person holding a position under Massachusetts General Laws (M.G.L.).
- (I) Appropriation – A vote on the disposition of funds at an Annual or Special Town Meeting.

ARTICLE 2 INCORPORATION, POWERS

Section 2-1 Incorporation.

The inhabitants of the Town of Sturbridge, within the territorial limits as now or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Sturbridge."

Section 2-2 Short Title.

This instrument shall be known and may be cited as the Sturbridge Home Rule Charter.

Section 2-3 Powers

The form of government provided by this Charter shall be known as the Sturbridge Selectmen -Open Town Meeting plan. Pursuant to the provisions of this Charter and subject only to such limitations as may be imposed by the Massachusetts Constitution and General Laws, the Town shall have all powers authorized to it under the Massachusetts Constitution and General Laws as fully and completely as though they were specifically enumerated in this Charter.

Section 2-4 Construction

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 this Charter shall not be construed as limiting in any way the general power stated in this article.

Section 2-5 Intergovernmental Relations

Subject to the applicable requirements or limitations of any provision of the Massachusetts Constitution or General Laws, 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 states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE 3 LEGISLATIVE BRANCH

Section 3-1 Town Meeting

The legislative powers of the Town shall be exercised by a town meeting open to all voters.

Section 3-2 The Moderator

The Moderator is the Presiding Officer at all Town Meetings. At the first Town Meeting under the Moderator's tenure of office, the Moderator shall appoint a Deputy Moderator to serve when the Moderator is absent. The appointment of a Deputy Moderator shall be subject to confirmation by the Town Meeting.

Subject to authorization by the Town Meeting or by the Charter or by Bylaw, the Moderator shall appoint member(s) to committees, including standing, special, and ad hoc committees. The Moderator shall perform such other duties as may from time to time be assigned to the Moderator, by the Moderator, by Bylaw, or other vote of the Town Meeting.

The Moderator holds sole authority to maintain good order, civil conduct, and discourse and to determine the relevance, nature, duration, and timing of all presentations, written or otherwise.

Section 3-3 Date of Annual Meeting

The Annual Town Meeting for the transaction of the Town's business shall be held on the first Monday of June or on such date as may from time to time be fixed by the Bylaws of the Town.

Section 3-4 Preparation of Warrant for Annual and Special Town Meetings.

The Selectmen shall prepare the Warrants for the Annual Town Meeting and for Special Town Meetings.

Section 3-5 Town Meeting Warrant Posting

The Town Clerk shall cause to be posted the Warrant for the Annual Town Meeting and all Special Town Meetings in the Town Hall, the post offices, the Town Library, and on the Town's official web site on the respective dates required by state statute or local by-law.

Section 3-6 Insertion of Warrant Article by Petition

Insertion of articles in the Warrant for Town Meetings by petition of the voters shall follow the procedures and stipulations of Chapter 39, Section 10 of the Massachusetts General Laws. Articles shall be inserted in the Warrant for any Annual Town Meeting by the Selectmen upon their receipt in writing of a petition signed by ten (10) or more registered voters. For a Special Town Meeting, articles shall be inserted by the Selectmen upon their receipt in writing of a petition signed by one hundred (100) or more voters, or ten (10) percent of the voters, whichever is less. All signatures on said petition are subject to certification by the Registrars.

Section 3-7 Call of Special Town Meeting by Petition

A Special Town Meeting shall be called by the Selectmen within forty-five (45) days after their receipt of a petition for that purpose signed by two hundred (200) or more voters, or twenty (20) percent of voters, whichever is less. All signatures on said petition are subject to certification by the Registrars.

Section 3-8 Availability of Town Officials at Town Meetings

- (A) Every Town officer, the head of each department, and the head of each division within the said department shall attend all sessions of the Annual Town Meeting for the purpose of providing pertinent information. In the event any Town officer, department head, or division head is to be absent due to illness or other reasonable cause, a deputy shall be designated by the Town officer, head of the department, or head of the division to attend the meeting.
- (B) The Town Administrator shall determine which Town officers, department heads, and division heads, if any, shall attend a Special Town Meeting. In the event any Town officer, department head, or division head is to be absent due to illness or other reasonable cause, a deputy shall be designated by the Town officer, department head, or division head with the approval of the Town Administrator.

ARTICLE 4 ELECTED OFFICIALS

Section 4-1 General Provisions

(A) Elective Offices - The offices to be filled by ballot of the whole town shall be:

<u>Board</u>	<u>No. of Members</u>	<u>Term</u>
Selectmen	5	3
Moderator	1	3
Town Clerk	1	3
Assessors	3	3
Constables	3	3
Library Trustees	9	3
Sturbridge School Committee (Elementary)	5	3
Board of Health	3	3
Zoning Board of Appeals	5 ⁽¹⁾	3
Tantasqua Regional School Committee	Variable	3
Recreation Committee	5	3

Members of regional authorities or districts as may be established by statute, inter-local agreement, or otherwise.

(B) Eligibility – Any voter shall be eligible to hold any elective Town office except that no full time employee of the Town reporting to the Selectmen, either directly or through the Town Administrator, may simultaneously hold the position of Selectman.

(C) Election - The regular elections for Town office shall be held annually on the second Monday of April or such a date as may from time to time be fixed in the Bylaws of the Town.

(1) Two (2) additional members appointed by the Town Administrator, for a total of seven (7) members

Section 4-2 Selectmen: Composition; Term of Office; Compensation; Powers and Duties; Appointment; and Restrictions

(A) Composition, Term of Office - There shall be five (5) Selectmen each elected by the voters for a term of three (3) years, so arranged that the term of office of at least one (1) member, but not more than two (2) members, shall expire each year.

(B) Compensation - The Selectmen shall receive such compensation as may annually be provided for that purpose by appropriation.

(C) Powers and Duties in General - The executive powers of the Town shall be vested in the Selectmen, and may be exercised by them jointly or through the Town agencies and offices under their general supervision and control. The Selectmen shall cause the laws and orders for the government of the Town to be enforced, and shall cause a record of all their official acts to be kept. To aid them in their official duties, they shall appoint a Town Administrator. The Selectmen shall act as the Water and Sewer Commissioners and have

the power and authority of Water and Sewer Commissioners as provided by Massachusetts General Laws and as Harbor Masters.

- (D) Appointment – The Selectmen shall appoint a Town Administrator and Registrars.
- (E) Restrictions - Selectmen shall not hold any other elected Town office, or any office appointed by the Town Administrator under Section 6-1 of the Charter that is subject to confirmation by the Selectmen.

Section 4-3 Moderator: Term of office; Compensation; Powers and Duties.

- (A) Term of Office - At each town election at which the term of office expires, a Moderator shall be elected by the voters for a term of three (3) years. In the event of a vacancy in that office prior to the expiration of the term, the Selectmen shall appoint a Moderator who shall serve until the next regular Town Election, when the voters shall elect a Moderator to serve for the balance of the term. The Moderator shall not hold any other Town office, elected or appointed.
- (B) Compensation - The Moderator shall receive such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The Moderator shall have the powers and duties provided for that office by statute, by this Charter, by Bylaw, or by other vote of the Town Meeting.
- (D) Appointments - The Moderator shall appoint a nine (9) member Finance Committee consisting of voters. The term shall be for three (3) years so arranged that the term of office of three (3) members shall expire each year. The Finance Committee shall review all Town Meeting Warrants and advise the Town Meeting of recommended action. The Finance Committee shall have all the powers provided in the Massachusetts General Laws, granted by Town Meeting, or specified by this Charter. The Moderator shall make appointments to other committees where so authorized by Town Meeting in Section 3-2.

Section 4-4 Sturbridge School Committee (Elementary): Composition; Term of Office; Compensation; Powers and Duties.

- (A) Composition, Term of Office - There shall be a Sturbridge School Committee (Elementary) consisting of five (5) members each elected by voters for a term of three (3) years, such that the term of office of at least one (1) member, but not more than two (2) members, shall expire each year.
- (B) Compensation - School Committee members shall receive such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The Sturbridge School Committee (Elementary) shall have all of the powers and duties school committees may have under the Massachusetts Constitution and General Laws, and shall have such additional powers and duties, including the use of land and buildings, as may be authorized by this Charter or Bylaw.

Section 4-5 Tantasqua Regional School Committee: Composition; Term of Office; Compensation; Powers and Duties.

- (A) Composition, Term of Office - There shall be elected representatives to the Tantasqua Regional School Committee, variable in number as provided in the Tantasqua Regional School Agreement, for a term of three (3) years, so arranged that the term of office of at least one (1) member shall expire each year. The Sturbridge School Committee (Elementary) shall elect one (1) of its members annually to serve on the Tantasqua Regional School Committee.
- (B) Compensation – Tantasqua Regional School Committee members shall receive such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The Tantasqua Regional School Committee shall have all the powers and duties regional school committees have under the Massachusetts Constitution, General Laws, and the Tantasqua Regional School Agreement.

Section 4-6 Assessors: Composition; Term of Office; Compensation; Powers and Duties.

- (A) Composition, Term of Office - There shall be three (3) Assessors each elected by the voters for a term of three (3) years, such that the term of office of one (1) member shall expire each year.
- (B) Compensation - The Assessors shall receive such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The Assessors shall annually make a fair cash valuation of all property, real and personal, subject to taxation within the Town. They shall have such other powers and duties as provided by Massachusetts General Laws.

Section 4-7 Town Clerk: Composition; Compensation; Term of Office; Powers and Duties.

- (A) Term of Office - There shall be a Town Clerk elected by the voters for a term of three (3) years.
- (B) The Town Clerk shall receive compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - The Town Clerk shall have all of the powers and duties town clerks may have under the Massachusetts Constitution and General Laws. The Town Clerk may also exercise such additional powers and duties as may from time to time be assigned to that office by this Charter, by Bylaw, or by other vote of the Town Meeting.

Section 4-8 Board of Health: Composition; Term of Office; Compensation;

Powers and Duties.

- (A) Composition, Term of Office - There shall be a Board of Health consisting of three (3) members, each elected by the voters for a term of three (3) years, so arranged that the term of office of one (1) member shall expire each year.
- (B) Compensation - The members of the Board of Health shall receive such compensation as may annually be provided for that purpose by appropriation.
- (C) Powers and Duties - the Board of Health may make reasonable health regulations and shall enforce Massachusetts General Laws relating to public health, provisions of the federal and state sanitary codes, and all local health regulations.

Section 4-9 Zoning Board of Appeals: Composition; Term of Office; Powers and Duties.

- (A) Composition, Term of Office - There shall be a Zoning Board of Appeals consisting of seven (7) members. Five (5) members shall be elected by the voters, each for a term of three (3) years, such that the term of office of at least one (1) member, but not more than two (2) members, shall expire each year. Two (2) members shall be appointed by the Town Administrator for three (3) year terms so arranged that the terms of office will not expire in the same year.
- (B) Powers and Duties - The Zoning Board of Appeals shall have all powers that are conferred on Zoning boards of appeals by Massachusetts General Laws, and such additional powers and duties as may be provided in the Zoning Bylaws.

Section 4-10 Recreation Committee: Composition; Term of Office; Powers and Duties.

- (A) Composition, Term of Office - There shall be a Recreation Committee consisting of five (5) members each elected by the voters for a term of three (3) years, so arranged that the term of office of at least one (1) member, but not more than two (2) members, shall expire each year.
- (B) Powers and Duties - The Recreation Committee shall plan, organize, and implement programs in response to the recreational needs of the Town, and shall be responsible for scheduling and issuing permits for all public recreation spaces.

Section 4-11 Other Elected Officers: Powers and Duties.

All other elected officers shall have all the powers and duties conferred on their respective offices by Massachusetts General Laws, this Charter, and the Town Bylaws.

Section 4-12 Recall Petition.

- (A) Any holder of an elective office, as defined in Section 4-1(A), may be recalled by the voters as herein provided.
- (B) Recall Petition – Any voter may file with the Town Clerk a signed and dated affidavit containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The Town Clerk shall issue the blank petition forms that demand such recall with the Town Clerk's signature and Town Seal, and shall keep printed copies of the petition forms available for the voters. The forms issued by the Town Clerk shall be dated, be addressed to the Selectmen and contain the name or names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit and demand a recall election. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within thirty (30) days after the filing of the affidavit and shall have been signed by at least twenty (20) percent of the voters, who shall add to their signatures the street and number of their residences.

The Town Clerk shall within twenty-four (24) hours of receipt of the petition, submit the petition to the Registrars, who shall forthwith certify the number of valid signatures.

- (C) Selectmen's Action on Receiving Petition – Petitions certified by the Registrars shall be submitted with the Registrars' dated certificate to the Selectmen no later than the close of the next business day. The Selectmen shall give written notice of the receipt of the dated certificate

to the officer sought to be recalled in no fewer than seven (7) days. Further, if the officer does not resign within five (5) days thereafter, the Selectmen shall order an election, such election to occur no fewer than thirty-five (35) days nor more than forty-five (45) days after the date of the Registrars' certificate; however, if any other Town election is to occur within sixty (60) days after the date of the certificate, the Selectmen shall postpone the holding of the recall election to the date of such other election. After a recall election has been ordered, the election shall proceed as provided in this Section, the resignation of the incumbent notwithstanding.

- (D) Incumbent Holds Office Until Recall Election - The incumbent shall continue to perform the duties of the office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this Section. If recalled, the incumbent shall be deemed removed from office, and the vacant office filled until the next election by appointment by the Selectmen.
- (E) Proposition on Ballot - Ballots used in a recall election shall submit the following proposition in the order indicated:

For the recall of (name of officer):

Against the recall of (name of officer):

Title of office:
- (F) Repeat of Recall Petition - No recall petition shall be filed against an officer within three (3) months after election to office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least three (3) months after the date of the recall election.
- (G) Appointment of Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending, shall be appointed to any Town office within two (2) years after such recall or such resignation.

ARTICLE 5 TOWN ADMINISTRATOR

Section 5-1 Appointment; Qualifications; Term.

The Selectmen shall appoint a Town Administrator for an indefinite term and fix compensation within the amount appropriated by the Town. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications. The appointee shall be a person especially fitted by education, training and/or experience in management or administration. The Town may, from time to time, establish by Bylaw such additional qualifications as seem necessary and appropriate.

In the event that the Town Administrator vacates that office, it shall be filled in accordance with Section 4-2 by the Selectmen. Meanwhile, they shall appoint a suitable person as temporary Town Administrator to perform the duties of the office. Such temporary appointment may not exceed six (6) months, but one (1) additional renewal, not to exceed three (3) months, may be voted by the Selectmen. The Selectmen shall set compensation for such person.

Section 5-2 Appointive Procedure.

The Selectmen shall appoint a five (5) member Town Administrator Search Committee consisting of the following:

One (1) member of the Selectmen,

One (1) Town department head,

Three (3) voters not employed by the Town.

The Search Committee shall advertise the available position, screen all applicants and present no fewer than two (2) nor more than four (4) candidates to the Selectmen. The Search Committee shall follow the affirmative action guidelines as established by Federal Law. The Selectmen shall interview the candidates presented by the Search Committee at a regular meeting of the Selectmen. The Selectmen, by majority vote, shall choose a Town Administrator.

In the event of any vacancy in the office of the Town Administrator, the Selectmen will initiate the appointive procedure within ten (10) days

Section 5-3 Powers and Duties.

The Town Administrator shall be the Chief Administrative Officer of the Town, and be directly responsible to the Selectmen for the administration of all Town affairs by or under this Charter.

The powers and duties shall be to:

- (A) Supervise and direct the administration of all departments, agencies, and offices for whose function the Town Administrator is responsible.
- (B) Appoint, subject to confirmation by the Selectmen, all appointive Town officers, utilizing procedures described in Section 6.
- (C) Make notification of all unfilled positions within the Town by posting a notice on the bulletin boards at the Town Hall, on the Town's official website, and on cable television for a period of no fewer than five (5) days, and by notification in writing to the local news media.
- (D) Fix the compensation of all Town officers and employees appointed by the Town Administrator within the limits established by existing appropriations and Bylaws.
- (E) Attend all meetings of the Selectmen, unless excused, and have a voice but no vote in all of its deliberations.
- (F) Keep full and complete records of the office and render as often as may be required by the Selectmen, and at least annually, a report of all operations within the Town Administrator's jurisdiction during the period reported on, which report shall be made available to the public.
- (G) Advise the Selectmen as to the needs of the Town and recommend to them for adoption such measures requiring action by them or by the Town Meeting.
- (H) Hold full jurisdiction, exercise care, custody, and control over the rental and use of all Town property, except school property and property under the control of the Conservation Commission, and for the maintenance and repair of all Town buildings and facilities.
- (I) Present to the Selectmen a draft annual budget of the Town and be responsible for the development and annual updating of the Capital Improvement Program.
- (J) Maintain a complete inventory of all property of the Town, both real and personal.
- (K) Negotiate contracts involving any subject within the jurisdiction of the Town Administrator. These proposed contracts shall be subject to final approval and execution by the Selectmen.

Copies of all proposed contracts, including personnel, shall be provided to the Finance Committee by the Selectmen within ten (10) days of approval for record purposes.

- (L) Be responsible, as Chief Procurement Officer, for purchasing all supplies, material, and equipment for all departments under the Town Administrator's jurisdiction.
- (M) Ensure that all provisions of Massachusetts General Laws, the Charter, the votes of the Town Meetings, and votes of the Selectmen are faithfully carried out.
- (N) Prepare and revise, as necessary, a plan establishing personnel requirements. It shall include job descriptions, together with wage and salary schedules, for all departments established by this Charter, or Town Bylaw, except school department employees, and it shall become effective within thirty (30) days of submission to the Selectmen, unless rejected by them.
- (O) Inquire into the official conduct of any officer, employee, department, board, or commission under Town Administrator jurisdiction.
- (P) Attend all sessions of the Town Meetings and respond to all questions that arise in relation to the office of the Town Administrator.
- (Q) Perform any other duties required by the Bylaws, the votes of the Town Meeting, or the votes of the Selectmen.

Section 5-4 Termination and Removal, or Suspension

The Selectmen may, by a majority vote of all Selectmen then in office, provided there are at least three (3) qualified Selectmen, terminate and remove, or suspend, the Town Administrator from office. The Selectmen shall provide the Town Administrator a written statement containing the reason(s) for the vote to approve termination and removal, or suspension, within seven (7) days. The Town Administrator, upon receipt of said statement, shall notify the Selectmen in writing, within seven (7) days, of the exercise of the right to a public hearing. Such public hearing shall be conducted at the next regularly scheduled meeting of the Selectmen following the Selectmen's receipt of the Town Administrator's written request for a public hearing.

The Selectmen may, by a majority vote of all Selectmen then in office, provided there are at least three (3) qualified Selectmen voting, affirm the vote of termination and removal, or suspension, of the Town Administrator from office following the public hearing. Alternatively, the Selectmen may reverse the initial vote of termination and removal, or suspension, of the Town Administrator from office, or take any action the Selectmen deem suitable.

The Selectmen may suspend the Town Administrator from office pending and during the public hearing. Actions of the Selectmen that are in accordance with this procedure are final. Authority and responsibility for termination and removal, or suspension, of the Town Administrator reside solely in the jurisdiction of the Selectmen. The Town Administrator's salary will continue to be paid until the Selectmen's vote to terminate and remove, or suspend, the Town Administrator becomes final.

Section 5-5 Acting Town Administrator

The Town Administrator shall appoint a qualified Town employee as Acting Town Administrator, by a letter filed with the Town Clerk, to exercise the powers and perform the duties of Town Administrator in the event of a temporary absence that will make the Town Administrator unavailable to perform the

required duties of the office for three (3) consecutive business days or more. The Selectmen may not revoke any such designation of an Acting Town Administrator until at least ten (10) days have elapsed whereupon the Selectmen may appoint another qualified Town employee to serve as Acting Town Administrator. The Selectmen may determine a designated Acting Town Administrator is incapable, unable, or unwilling, to perform the assigned duties; in such circumstance, the Selectmen can appoint another qualified Town employee to serve as Acting Town Administrator.

In the event the Town Administrator is incapacitated without a determined date of return, the Selectmen shall immediately appoint a qualified person as Acting Town Administrator.

ARTICLE 6 APPOINTED OFFICIALS, BOARDS, COMMISSIONS, AND EMPLOYEES

Section 6-1

- (A) Appointments to all boards, commissions and committees consisting of more than one (1) member and where terms are greater than one (1) year shall be made in a manner that all terms of all incumbents do not expire in the same year. To the extent possible, an equal number of members of each board, commission and committee shall come to the end of their terms of office in each year.
- (B) The Town Clerk shall maintain, electronically, a list of the offices, boards, commissions, and committees of the Town, including the name of each office, board, commission, or committee; purpose or objective as determined by the Selectmen, Town Administrator, or other appointing authority; number of members, respective term of office, and the appointing authority. The Town Clerk shall update the list of offices, boards, commissions, and committees, as they are formed or dissolved, and shall maintain by name a current list of members of each office, board, commission, and committee, post a copy on the official website of the Town, and cause it to be included in the Annual Town Report.
- (C) Annual appointments to all boards, commissions and committees shall be made by July 1 of each year. Upon the occurrence of a vacancy, the responsible appointing authority shall appoint a replacement within forty-five (45) days.
- (D) The Town Administrator shall have the power to appoint such other town officers and members of boards, commissions and committees as are authorized by the Massachusetts General Laws, this Charter, or Bylaws, for which the method of appointment is not otherwise herein provided.

Section 6-2 Appointments

The Town Administrator shall make all appointments to offices, boards, commissions, and committees, including town employees, subject to the confirmation by a majority vote of the Selectmen at a regularly scheduled meeting and administration of the oath of office by the Town Clerk, except herein otherwise provided.

Section 6-3 Power to Rescind Appointments.

The Town Administrator shall, subject to confirmation by majority vote of the Selectmen, have the power to rescind for cause any appointment made to any board, commission, committee, or individual office, including Town employees, provided that the appointee shall first have been served with a written notice of the Town Administrator's intention, specifying the reasons for the proposed removal, and informing the appointee of the right to be heard, if requested in writing by the appointee, at a public meeting of the Selectmen.

Section 6-4 Merit Principle.

All appointments and promotions of Town officers and other employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

Section 6-5 Appointments by the Town Administrator

A. Appointment of Fire Chief, Director of Department of Public Works, Police Chief

The Town Administrator shall appoint a five (5) member Search Committee, subject to confirmation by the Selectmen, when a vacancy occurs, consisting of the following:

- (1) Town Administrator
- (2) Two (2) voters not currently employed by the Town, appointed by the Town Administrator
- (3) Two (2) members, who may be residents or non-residents, qualified to participate in the search process and appointed by the Town Administrator.

The Search Committee shall screen all applicants, interview the top applicants at a legally advertised public meeting, and the Town Administrator shall select the best qualified applicant for appointment, subject to confirmation by the Selectmen.

B. Appointment of Town Employees.

The Town Administrator shall advertise all available positions, screen all applicants, and select the best qualified applicant for appointment in accordance with Section 4, subject to confirmation by the Selectmen.

ARTICLE 7 GENERAL PROVISIONS.

Section 7-1 Relation of Charter to Town Bylaws, Rules, Regulations, Orders, and Special Laws.

All conflicts between this Charter and Town Bylaws, rules, regulations, orders and special laws, shall be resolved in favor of this Charter. All provisions of Town Bylaws, rules, regulations, orders, and special laws not superseded by this Charter shall remain in force.

Section 7-2 Severability.

If any provisions of this Charter are held invalid by a court of competent jurisdiction, no other provisions of this Charter shall 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 this Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 7-3 Specific Provisions Shall Prevail.

To the extent that any specific provision of this Charter shall conflict with any provision expressed herein in general terms, the specific provision shall prevail.

Section 7-4 Publication of Charter and Bylaws.

The Selectmen shall, within one (1) year of the adoption of this Charter and subsequent revisions thereafter, cause to be prepared copies of said Charter and Town Bylaws to be available to the public in a suitable format in the office of the Town Clerk, and posted on the Town's official website.

Section 7-5 Charter Revision.

Any amendment to this Charter relating in any way to the composition of the Annual Town Meeting and/or Special Town Meeting or of the definition of the electoral constituency of the Selectmen, or of the term(s) of office of the Selectmen, or of the total number of Selectmen, can only be proposed by a Charter Commission elected under Massachusetts General Laws.

Any other amendment to this Charter can be proposed at a duly called Town Meeting. Any proposed amendment approved by a two-thirds (2/3) majority Town Meeting vote shall be acted upon by ballot of the whole Town at the next regular election of Town officers held in accordance with the Massachusetts General Laws. The effective date of revisions shall be the date the Town Clerk certifies that the proposed amendment(s) were approved by a majority of valid ballots cast.

The Selectmen shall every five (5) years, form a Charter Review Committee to review and recommend revisions to this Charter.

Federal and state statutes and regulations shall be controlling in all matters addressed by this Charter.

Section 7-6 Resignations.

Resignation from any appointive or elective office shall be done by filing a letter of resignation with the Town Clerk. The effective date of resignation shall be upon receipt by the Town Clerk unless a time certain is specified therein when it shall take effect. The Town Clerk shall notify the Town Administrator and Selectmen within twenty-four (24) hours of receipt of a letter of resignation by forwarding a copy of the letter with date received. The Town Clerk shall resign the office by submitting a letter so stating to the Selectmen.

Section 7-7 Numbering of Charter Provisions

The numbering of sections, subsections, paragraphs, and subparagraphs in this Charter is deemed non-substantive and ministerial in nature, and the Town Clerk, after consultation with Town Counsel, may make appropriate revisions to the same solely for the purpose of ensuring consistent and appropriate sequencing of such numbering; provided, however, that the Town Clerk shall keep a record of all such revisions, which shall include the date and substance of all such revisions.

ARTICLE 8 TRANSITIONAL PROVISIONS.

Section 8-1 Continuation of Existing Laws.

All general laws, special laws, Town Bylaws, votes, rules, and regulations of or pertaining to the Town which are in force when the Charter or revision thereto takes effect and which are not repealed directly or indirectly thereby, shall continue in full force and effect until amended or rescinded by operation of law or expire by their own limitation.

Section 8-2 Effective Date

This revised Charter shall take effect upon its adoption by the voters.