

Meeting Minutes

By-law and Charter Review Committee

September 27, 2012

7:00 pm at Town Hall

In Attendance:

Committee Members

David Surprenant

Henry Whittier

Louis Ciavarra

Absent:

Glenn Coulter

Richard Hersom

1. Approve Minutes

Minutes of September 13, 2012 unanimously approved.

2. Review Articles 5 & 6 of the Charter

The Committee reviewed and recommended several changes to Articles 5 & 6. See attachment.

3. Next meeting scheduled for September 24, 2012

4. Old Business

The Committee will review all questions submitted to Town Counsel at a future meeting.

Meeting adjourned at 7:45 pm.

Respectfully submitted,

Laura Caruso

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF TOWN AGENCIES

The organization of ~~the town into operating~~ agencies for the provision of services and the administration of the government may be accomplished through either of the following methods provided in this article.

(a) By-laws - Subject to express prohibitions in the General Laws or the provisions of this charter, the Town Meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part. The Town Meeting may also establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or, unless this charter specifically so provides, assigned to any other.

(b) Administrative Code - The Town ~~Administrator~~ *Manager*, after consultation with the Board of Selectmen, may from time to time prepare and submit to the Town Meeting plans of organization or reorganization which establish ~~operating divisions~~ *town agencies* for the orderly, efficient or convenient conduct of the business of the town.

Whenever the Town ~~Administrator~~ *Manager* prepares such a plan, the Board of Selectmen shall hold one or more public hearings on the proposal. The Board of Selectmen shall give notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven nor more than 14 days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Town Meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of 60 days following the date of adjournment of the Town Meeting at which the proposal is submitted unless the Town Meeting disapproves of the plan by a majority vote. The Town Meeting may vote only to approve or to disapprove the plan and may not vote to amend it.

The Town ~~Administrator~~ *Manager* may, through the administrative code, and subject to express prohibitions in the General Laws, or this charter, reorganize, consolidate or abolish any town agency, in whole or in part. The Town ~~Administrator~~ *Manager* may establish such new town agencies as is deemed necessary to the same extent as is provided in subsection (a) of section 5-1, for by-laws. The Town ~~Administrator~~ *Manager* may for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another, but no function assigned by this charter to a particular town agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

SECTION 5-2: MERIT PRINCIPLE

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

ARTICLE 6 FINANCE AND FISCAL PROCEDURES

SECTION 6-1: FISCAL YEAR

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

SECTION 6-2: SCHOOL COMMITTEE BUDGET

(a) Public Hearing - At least seven days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. ~~It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held by the School Committee on the proposed budget.~~ *Said publication shall further indicate the places at which complete copies of the proposed operating budget are available for examination by the public. Said publication shall also include times, dates and places when and where a public hearing will be held on the proposed budget.* The School Committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) Submission to Town ~~Administrator~~ *Manager* - The budget as adopted by the School Committee shall be submitted to the Town ~~Administrator~~ *Manager* within the time fixed by by-law, to enable the Town ~~Administrator~~ *Manager* to consider the effect of the school department's requested appropriation upon the total town operating budget.

SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE

Within the time fixed by by-law the Town ~~Administrator~~ *Manager*, after consultation with the Board of Selectmen, shall submit to the Finance and Warrant Advisory Committee a proposed operating budget for the ensuing fiscal year, with an accompanying budget message and supporting documents. The Town ~~Administrator~~ *Manager* shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. ~~Said publication shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.~~ *Said publication shall further indicate the places at which complete copies of the proposed operating budget are available for examination by the public. Said publication shall also include times, dates and places when and where a public hearing will be held on the proposed budget.*

SECTION 6-4: BUDGET MESSAGE

The budget message of the Town ~~Administrator~~ *Manager* shall explain the budget for all town agencies both in programmatic and fiscal terms. It shall outline proposed financial policies of the town for the ensuing fiscal year, including a description of important features of the budget, an indication of any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position, and include other material as the Town ~~Administrator~~ *Manager* deems desirable, or the Selectmen may require.

SECTION 6-5: THE BUDGET

The proposed ~~operating~~ budget shall provide a complete financial plan for all town funds and programs for the ensuing fiscal year. Except as may otherwise be required by the General Laws, or this charter, it shall be in the form the Town ~~Administrator~~ *Manager* deems desirable. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenses for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency; and
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency; and
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, and estimated balances in any special accounts established for specific purposes *and enterprise funds*.

SECTION 6-6: ACTION ON THE BUDGET

(a) Public Hearing - Upon its receipt of the proposed operating budget, the Finance and Warrant Advisory Committee shall provide for the publication in a local newspaper of a notice stating the time and place of the public hearing on the proposed operating budget as submitted. Such hearing shall not be less than seven nor more than ~~14~~ *fourteen* days following such publication.

(b) Review - The Finance and Warrant Advisory Committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The Finance and Warrant Advisory Committee may require the Town ~~Administrator~~ *Manager*, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget, and shall require the attendance of a representative of each town agency.

(c) Action by Town Meeting - The Finance and Warrant Advisory Committee shall file a report containing its recommendations for actions on the proposed operating budget, which report shall be available at least seven days before the date on which the Town Meeting acts on the budget. When the budget proposed by the Town ~~Administrator~~ *Manager* is before the Town Meeting for action it shall first be subject to amendments, if any, proposed by the Finance and Warrant Advisory Committee before any other amendments may be proposed. Any amendment offered at Town Meeting, shall include its funding source and shall not create a deficit in the proposed budget.

SECTION 6-7: CAPITAL PLANNING PROGRAM

The Town ~~Administrator~~ *Manager* shall submit a capital planning program to the Board of Selectmen and the Finance and Warrant Advisory Committee as part of the annual budget process including:

- (a) a list of all capital improvements proposed to be undertaken during each of the ensuing five years, with supporting information as to the need for each capital improvement;
- (b) cost estimates, proposed methods of financing, and recommended time schedules for each improvement; and,
- (c) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the Town ~~Administrator~~ *Manager* with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

SECTION 6-8: APPROVAL OF *PAYROLL AND EXPENSE* WARRANTS

The Town ~~Administrator~~ *Manager* shall be the chief financial official of the town. Warrants for the payment of town funds prepared by the Town Accountant in accordance with the provisions of the General Laws shall be submitted to the Town ~~Administrator~~ *Manager*. The approval of any such warrant by the Town ~~Administrator~~ *Manager* shall be sufficient authority to authorize payment by the Town Treasurer, but the *Chairman of the* Board of Selectmen shall approve all warrants in the event of the absence of the Town ~~Administrator~~ *Manager*, or a vacancy in the office of Town ~~Administrator~~ *Manager*.