

**town
of
dedham
charter
2012**

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ARTICLE 1
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SECTION 1-1 INCORPORATION

The inhabitants of the Town of Dedham, within the territorial limits established by law, shall continue to be a body corporate and politic under the name “Town of Dedham”.

SECTION 1-2 SHORT TITLE

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

SECTION 1-3 FORM OF GOVERNMENT

The administration of all the fiscal, prudential, and municipal affairs of the town, with the government thereof, shall be vested in a legislative branch, to consist of a representative town meeting, and an executive branch, to be headed by a board of selectmen.

SECTION 1-4 POWERS OF THE TOWN, INTENT OF VOTERS

Subject only to express limitation on the exercise of any power or function by a town in the constitution or statutes of the commonwealth, it is the intent and the purpose of the voters of Dedham, through the adoption of the charter, to secure for the town all powers it is possible to secure under the constitution and statutes of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

SECTION 1-5 CONSTRUCTION

The powers of the town under the charter shall be construed liberally in favor of the town, and the specific mention of particular powers is not intended to limit in any way the general powers of the town as stated in section 1-4.

SECTION 1-6 INTERGOVERNMENTAL RELATIONS

Subject to express requirements of the constitution and statutes of the commonwealth, the town may exercise any of its powers and perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any political subdivision or agency thereof or the United States government or any agency thereof.

ARTICLE 2

Representative Town Meeting

SECTION 2-1 COMPOSITION

The legislative body of the town shall be a representative town meeting to consist of not less than 270 members, and not more than the closest higher number of members necessary to achieve an equal number of members from each District who shall be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town.

Amended, 1992 Annual Town Meeting, Article 22; Chapter 134, Acts of 1992. Number of representatives changed from 270 to an even number of representatives from each district.

SECTION 2-2 ELIGIBILITY; NOMINATION PROCEDURES

- (a) **Eligibility** —Any voter shall be eligible for election as a town representative; provided, however, that no person shall simultaneously serve in any elected town office as defined in section 3-1 or as a member of the finance committee and as a town representative.
- (b) **Nomination of Candidates for Town Representative** — Nomination of candidates for the office of town representative shall be made by nomination papers, which shall show clearly whether the candidate is a former town representative, and if an elected incumbent of such office, that he is a candidate for re-election, and shall bear no other political designation. Such papers shall be signed by not less than ten voters of the district in which the candidate resides and from which he seeks election, and shall be filed with the town clerk at least twenty-eight days preceding the date of election, provided that any elected town representative may become a candidate for re-election by filing written notice thereof to the town clerk not later than fourteen days prior to the last day and hour for filing nomination papers. The said papers shall first have been submitted to the registrars of voters at least seven days prior to the date on which they are to be filed with the town clerk, who shall check each name on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters in the district for which the nomination is made.

If a town representative is a candidate for re-election, these words, “Candidate for Re-election,” shall be printed against his name as it appears on the ballot for the election of town officers; provided, however, that a town representative elected by the remaining members of a district to fill a vacancy shall not be considered a candidate for re-election. No nomination paper shall be valid in respect to any candidate if it fails to have his written acceptance attached to or written thereon.

A town representative who removes from the town shall forthwith cease to be a town representative. A town representative who removes from the district from which he was elected to another district within the town or who is so removed by a revision of district lines may continue to serve as a member of the representative town meeting from the district from which he was elected until the next regular town election, at which time the remainder of his term, if any, shall be terminated and a vacancy from that district shall exist which shall be filled at that election. Persons so removed from office may be elected as a town representative from the new district in which they then reside at the same election.

SECTION 2-3 ESTABLISHMENT OF DISTRICTS

The board of selectmen and the board of registrars of voters shall divide the town into not less than six nor more than nine convenient voting districts, so established as to consist of as

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nearly an equal number of inhabitants as is possible in compact and contiguous territory, bounded insofar as it is possible by the center line of known streets or ways or by other well defined limits.

These boundaries shall be reviewed and, if need be, wholly or partly revised by the said selectmen and registrars in September once in ten years, or in September of any year when directed to do so by vote of the representative town meeting held not later than the twentieth day of August in such year.

The board of selectmen and the board of registrars of voters shall, not later than September 15th in the year in which they must make a division, file their report with the town clerk setting forth the descriptions of the districts so established and the names and addresses of the voters known to reside therein. A copy of their report shall be posted in the town hall for public inspection. The board of selectmen and the board of registrars of voters shall also prepare maps which graphically show the districts which they have established, and these maps shall be published in one or more newspapers having general circulation within the town within seven days following the filing of their report. Whenever the districts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of such districts.

Each district shall be represented in the representative town meeting by thirty elected town representatives.

Amended, 1992 Annual Town Meeting, Article 22; Chapter 134, Acts of 1992. Number of voting districts in first paragraph changed from 9 to a range from 6 to 9.

SECTION 2-4 ELECTION AND TERMS

At the first annual town election held following the establishment or revision of districts, all of the town representatives affected by such establishment or revision shall be elected by ballot by the voters of the several districts.

The first third to the nearest whole number of town representatives elected in the order of votes received shall serve three years; the second third to the nearest whole number shall serve two years; and the remaining third to the nearest whole number shall serve one year from the date of their election. In case of a tie vote affecting the division into thirds, the town representatives elected from the district shall determine the same by ballot. Thereafter as the terms of town representatives expire, candidates shall be elected for three year terms to fill expiring terms, and candidates shall be elected to fill expiring terms, and candidates shall be elected to fill the unexpired term of any vacancy then existing. In the event of a tie vote for the office of town representative, the town clerk shall within seven days of the election call all of the candidates for that office who are affected by such tie together at a convenient place, and under the supervision of the town clerk any such ties shall then and there be broken by ballots cast by the elected town representatives present.

SECTION 2-5 COMPENSATION

The town representatives shall serve without salary.

SECTION 2-6 PRESIDING OFFICER

A moderator, chosen in accordance with section 3-9, shall preside at all sessions of the representative town meeting, but he shall have no vote unless the members present and voting are equally divided. He shall at the first session of the representative town meeting following each annual town election appoint, subject to the approval of the representative

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town meeting, from among the elected town representatives a deputy moderator to serve in the event of his absence or disability. In case of absence or disability of the moderator and the deputy moderator the representative town meeting shall elect from among its own membership a temporary moderator to act during the said absence or disability. The moderator shall perform such other duties as may from time to time be assigned to the office of moderator by by-law, rule or other vote of the representative town meeting.

SECTION 2-7 GENERAL POWERS AND DUTIES

All powers of the town shall be vested in the representative town meeting, except as otherwise provided by law or by this charter. The representative town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town.

SECTION 2-8 VACANCIES; FILLING OF VACANCIES

- (a) **Vacancy** — The office of town representative member shall become vacant upon death, resignation or removal from office in any manner authorized by law. No office of town representative shall be considered vacant unless (1) a letter of resignation has been filed with the clerk of the meeting by the member, or (2) the town clerk has issued a certificate that the incumbent has died or has removed from the town, or (3) the representative town meeting has voted to declare the office vacant.
- (b) **Filling of Vacancies** — A vacancy in the representative town meeting membership shall be filled for the remainder of the unexpired term, if any, at the next regular town election if such occurs within one-hundred twenty days following the date of (1) receipt of a letter of resignation, or (2) the issuance of a certificate by the town clerk, or (3) a representative town meeting vote to declare a vacancy. If no such election is to be held within one-hundred twenty days, the remaining members from the same district shall be called together by the district chairman and shall by a majority vote of those present and voting elect a qualified person to fill the vacancy, to serve until the next regular town election, at which time the remainder of the term, if any, shall be filled by official ballot. Notice of such election by the remaining members of the district shall forthwith be filed with the town clerk.

SECTION 2-9 CLERK OF THE MEETING

The town clerk or his designee shall serve as clerk of the representative town meeting. The clerk shall give notice of all meetings to the members and to the public, keep the journal of its proceedings and perform such other duties as may be assigned by the charter, by by-law or by other vote of the representative town meeting.

SECTION 2-10 PROCEDURES

- (a) **Procedure for Submission of Warrant Articles** — The board of selectmen shall at all times receive all petitions which are addressed to it and which request the insertion of subjects in a warrant for a town meeting and are filed by: (1) any individual elected town officer, including a town representative; (2) any appointed multiple member body, acting by a majority of its members; (3) any ten voters; (4) any other person or agency who may be authorized by by-law. The original copy of each petition filed hereunder shall be retained by the board of selectmen until at least ninety days following the expiration of the town meeting at which the said petition is acted upon.
- (b) **Warrants** — All matters which are received by the board of selectmen under (a) above

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shall be placed on warrants issued by the board of selectmen at such convenient times as they may determine and as otherwise provided by the charter or by by-law. The original copy of all warrants for town meetings shall be kept in the office of the clerk of the meeting in a record book maintained for that purpose. A copy of the warrants shall be posted on the town bulletin boards, and copies shall be mailed forthwith to the place of residence of the moderator, all town representatives and such other persons as may be designated by by-law. Additional copies of all warrants shall be kept available for distribution by the town clerk.

- (c) **Committees** — The representative town meeting may, by by-law, provide for the establishment of standing committees. Except for a finance committee, on which no town representative shall serve, other committees may consist of any combination of town representatives and other voters as may be provided by said by-law. When proposed articles are received by the board of selectmen, copies thereof shall be forwarded forthwith by them to an appropriate standing committee for study and report. All warrants for town meetings shall include a notation of the standing committee to which each article has been assigned by the selectmen. All articles which would require the expenditure of town funds shall, before enactment, be referred to a finance committee for its recommendation. For the purposes of this section the planning board, elected under the provisions of section 3-10, shall be considered a standing committee on planning and zoning, and all articles which relate to planning, zoning, subdivision control and any other matters relating to land use shall, before enactment, be referred to that committee for a report. Such other standing committees as the representative town meeting deems expedient shall also be created, and the said standing committees shall be assigned by the selectmen all articles the subject matter of which comes under their jurisdiction for a report and recommendation. All standing committees shall conduct open public hearings on matters assigned to them to provide the public with the opportunity to discuss their views concerning such matters.
- (d) **Quorum** — At every session of the Town Meeting, the Town Clerk shall have attendance taken at the doors for the purpose of ascertaining the names and the number of Town Representatives present; all attendance records shall be posted upon the Town bulletin boards and published in the Annual Town Report.

One hundred seventy town representatives shall constitute a quorum for the conduct of all business to come before the representative town meeting, but a smaller number may adjourn from time to time.

- (e) **Rules and Journal** — The representative town meeting shall determine its own rules and order of business unless otherwise provided by the charter or by by-law, and shall provide for keeping a journal of its proceedings. This journal shall be a public record kept available in a place readily accessible to the public. A certified copy shall be kept available in the library.
- (f) **Voting** — Voting shall be by voice vote and the moderator shall declare the result of each vote taken. When the result of a voice vote is declared by the moderator, if seven or more town representatives shall doubt the vote as announced by immediately standing, the moderator shall verify the voice vote by taking a standing vote. When the result of a standing vote is declared by the moderator, if fifteen or more town representatives shall doubt the standing vote by immediately standing, the moderator shall verify the standing vote by taking a roll call vote. The moderator may, in his discretion, direct that any vote be taken by a call of the roll. The representative town meeting shall not for any reason declare itself in executive session or attempt to prohibit the public from attendance at any of its proceedings.
- (g) **Citizen Participation** — Any voter or taxpayer of the town shall have a right to speak at representative town meeting sessions subject to such rules as may from time to time be adopted.

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- (h) **District Organization** — The town representatives from each district shall, within ten days following each town election, organize by the election from among their own members of a chairman, vice-chairman and a clerk, to serve for a term of one year, and shall file a notice of such organization with the town clerk. If no notice of organization is received by the town clerk for a district within ten days following a town election, such clerk shall immediately call a meeting of the town representatives from such districts as have failed to organize for the purpose of such organization.

Amended, 1980 Annual Town Meeting, Article 50; town vote March 21, 1981. Subsection (d) roll call changed to attendance taken at the doors.

SECTION 2-11 BY-LAWS

- (a) **Time of Taking Effect** — Not sooner than fourteen days after they are approved by the representative town meeting, proposed by-laws shall be transmitted to the attorney general of the commonwealth for his review as provided by chapter 40, section 32, and will become effective, if not denied by that officer, in accordance with the provisions of that statute.
- (b) **Codes of Technical Regulations** — The representative town meeting may adopt any standard code of technical regulations in whole or in part by reference thereto in an adopting by-law; provided, however, that one or more copies of the proposed code shall be available in the office of the town clerk and published as otherwise provided by law. The adopting by-law shall not be construed as to include changes or revisions made by the drafters of the said code subsequent to the representative town meeting vote to adopt the code.

SECTION 2-12 AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS

Every town officer, or in the case of a multiple member body, a designated representative of such multiple member body, or a representative of each department shall attend all sessions of the town meeting, unless deterred by illness or other reasonable cause, for the purpose of providing the meeting with information pertinent to matters appearing in the warrant.

If any person described above is so deterred, he shall designate a deputy to attend in his place.

If any person required to attend the sessions of the town meeting under this section is not a voter, he shall, notwithstanding, be entitled to speak in order to provide the town meeting with information on pertinent warrant articles.

Elected officials of the town, as defined in section 3-1, and the chairman of the Finance Committee, when attending sessions of the town meeting shall have all of the rights and privileges of town representatives except the right to vote.

SECTION 2-13 REFERENDUM PETITIONS

No final vote of any representative town meeting session passing or rejecting a measure under any article in the warrant, except a vote to adjourn, an authorization to borrow money in anticipation of taxes, an authorization to pay debts and obligations of the town, and appropriation of funds necessary to implement a written agreement executed under collective bargaining or the budget of the town as a whole, or a vote declared by preamble to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town and which is passed by a two-thirds vote of the town representatives present and voting, shall be operative until fourteen days after the adoption of such vote.

If within the said fourteen days, a petition signed by not less than five per cent of the voters of

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the town, containing their names and addresses as they appear on the list of voters, is filed in the office of the board of selectmen requesting that the question or questions involved in any such vote be submitted to the voters of the town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided. Within fourteen days following the filing and including the time for certification by the board of registrars of a referendum petition, the board of selectmen shall call a special election which shall be held within fourteen days after issuing the call; provided, however, that if a regular or special election is to be held not more than thirty days following the date the petition is filed, they may provide that the question or questions involved be presented to the voters at the same election.

All votes shall be taken by official ballots, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the voters shall so vote.

The question so submitted shall be stated on the ballot in substantially the same language and form in which they were stated when presented by the moderator to the representative town meeting as appears from the records of said meeting.

This election shall be held on a Saturday, unless it is to be held in conjunction with another election, and the polls shall open not later than seven o'clock in the forenoon and shall be closed not earlier than eight o'clock in the evening.

If a petition is not filed within fourteen days of a final vote of the representative town meeting, the vote shall then become effective.

ARTICLE 3
Elected Officials

SECTION 3-1 GENERAL PROVISIONS

- (a) **Elective Offices** — The offices to be filled by the voters shall be a board of selectmen, a moderator, a school committee, a planning board, a board of assessors, a board of library trustees, a town clerk, a board of health, a recreation commission, a board of commissioners of trust funds, a housing authority and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise.
- (b) **Eligibility** — Any voter shall be eligible to hold any elective town office, but no elected town official shall simultaneously hold any other elected town office or be appointed to any town office other than as an ex-officio member of a multiple member body.
- (c) **Election** — The regular annual election of town officers shall be held annually on such date as may from time to time be fixed in the by-laws of the town.
- (d) **Compensation** — Elected town officials shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- (e) **Coordination** — Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen or of the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.
- (f) **Vacancies** — If a vacancy occurs in any elected multiple member body listed in paragraph (a), other than a vacancy in the Board of Selectmen, otherwise than by expiration of term, the unexpired terms shall be filled by appointment by the Board of Selectmen and the remainder of the members of the elected multiple member body until the next annual election, at which time such office shall be filled, by election, for the remainder of the unexpired term; provided, however, that if notice of a vacancy is filed with the Town Clerk more than one hundred twenty (120) days prior to the annual town election, the Selectmen may call for a special election to be held within forty-five (45) days after such filing to fill the unexpired term.

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Subsection (e) replaced executive secretary with town administrator.

Amended Annual Town Meeting of April 13, 1998, Article Twenty-Two; Subsection (f) added.

Amended Special Town Meeting of November 5, 2001; Chapter 20 of the Acts of 2002; referendum vote of March 16, 2002. Words “a treasurer, a collector” struck out of subsection (a)

SECTION 3-2 BOARD OF SELECTMEN

- (a) **Composition, Term of Office** — There shall be a board of selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties in General** — The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of 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, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

- (c) **Licensing Authority** — The board of selectmen shall be a licensing board for the town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.
- (d) **Appointments** — The board of selectmen shall appoint: a town administrator; constables, registrars of voters and other election officers, but not the town clerk; the members of the board of appeals, conservation commission, historic district commission, industrial development finance authority, if any, and other members of multiple member bodies the functions of which do not involve direct operating responsibilities but are primarily policy making or advisory in nature and other individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional or district authorities.
- (e) **Investigations** — The board of selectmen may investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. Copies of the full text of the report of the results of any such investigation shall be placed on file in the office of the board of selectmen, the office of the town clerk and in the town library and a report summarizing the results of such investigation shall be printed in the next annual town report.

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Section 3-2 replaced; duties changed to policy making agency; licensing authority made explicit; appointments limited.

SECTION 3-3 SCHOOL COMMITTEE

- (a) **Composition, Term of Office** — There shall be a school committee which shall consist of seven members. The term of office of a school committee member shall be for three years. The terms of office of school committee members shall be so arranged that as nearly an equal number of terms as is possible shall expire each year.
- (b) **Powers and Duties** — The school committee shall have general charge and superintendence of the public schools and for this purpose shall have all of the powers and duties which are given to school committees under the constitution and laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-4 BOARD OF ASSESSORS

- (a) **Composition, Term of Office** — There shall be a board of assessors which shall consist of three members. The term of office of an assessor shall be for three years. The terms of office of assessors shall be so arranged that one term shall expire each year.
- (b) **Powers and Duties** — The board of assessors shall annually make a fair cash valuation of all property, both real and personal, within the town, and it shall have all of the powers and duties which are given to boards of assessors under the constitution and laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-5 TOWN CLERK

- (a) **Term of Office** — There shall be a town clerk. The term of office of the town clerk shall be for three years.
- (b) **Powers and Duties** — The town clerk shall be the keeper of vital statistics of the town and the custodian of the town seal and all public records, shall administer the oaths of office to all town officers who apply to him therefor, be the clerk of the town meeting and perform such duties with regard to elections and other matters as may be provided by law. The town clerk shall have all of the powers and duties which are given to town clerks under the constitution and laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-6 struck out. Amended Special Town Meeting of November 5, 2001; Chapter 20 of the Acts of 2002; referendum vote of March 16, 2002.

SECTION 3-7 BOARD OF HEALTH

- (a) **Composition, Term of Office** — There shall be a board of health which shall consist of three members. The term of office of a board of health member shall be for three years. The terms of office of board of health members shall be so arranged that the term of one member shall expire each year.
- (b) **Powers and Duties** — The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health, and shall have all of the powers and duties which are given to boards of health under the constitution and laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-8 BOARD OF LIBRARY TRUSTEES

- (a) **Composition, Term of Office** — There shall be a board of library trustees which shall consist of five members. The terms of office of library trustees shall be for three years so arranged that as nearly an equal number of terms as is possible shall expire each year.
- (b) **Powers and Duties** — The board of library trustees shall have general charge of the care and management of town libraries, and of all property of the town relating thereto. The board of library trustees shall have all of the powers and duties which are given to library trustees under the constitution and laws of the commonwealth and shall have such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-9 MODERATOR

- (a) **Term of Office** — There shall be a moderator. The term of office of the moderator shall be for three years.
- (b) **Powers and Duties** — The moderator shall preside and regulate the procedure at all sessions of the town meeting, and shall have all of the powers and duties which are given to moderators under the constitution and laws of the commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-10 PLANNING BOARD

- (a) **Composition, Term of Office** — There shall be a planning board which shall consist of five members. The term of office of a planning board member shall be for five years. The terms of office of planning board members shall be so arranged that as nearly an equal number of terms as is possible shall expire each year.
- (b) **Powers and Duties** — The planning board shall make studies and prepare plans concerning the resources, possibilities and needs of the town. It shall prepare and may from time to time amend and perfect a comprehensive plan which shall set forth in graphic and textual form information concerning the present development of the town and parts thereof. Such comprehensive plan shall include recommendations of the planning board concerning the future development (including physical, economic, and environmental aspects) of the entire town and parts thereof.

The planning board shall annually report to the town giving information regarding the condition of the town and any plans or proposals known to it affecting the resources, possibilities and needs of the town, and shall specify amendments that the planning board has made during the past year in the comprehensive plan.

The planning board shall have all of the other powers and duties which are given to planning boards under the constitution and laws of the commonwealth, and shall have such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-11 PARKS AND RECREATION COMMISSION

- (a) **Composition, Term of Office** — There shall be a parks and recreation commission which shall consist of five members, elected at large. The term of office of commission members shall be for three years. The term of office of commission members shall be so arranged that as nearly an equal number as is possible shall expire each year.
- (b) **Powers and Duties** — The commission shall conduct and promote recreation, play, sport, physical education and other programs to meet the leisure time needs of the community and shall have all powers, duties and trusts which are conferred or imposed on park commissions and recreation commissions under the constitution and laws of the commonwealth. The commission shall consider the needs of all age groups in the development of programs. The commission shall have such additional powers and duties as may be authorized by the charter, by-law or by other vote of the town meeting.
- (c) **Powers and Duties** — The parks and recreation commission may appoint a director of parks and recreation. Said director shall be appointed annually by the commission for a term of one year and until qualification by a successor and may be removed by the commission at any time when, in the judgment of the commission, the public interest so requires; and any vacancy for any cause may be filled by appointment by the commission of the remainder of the unexpired term.

Amended by deleting former Section 3-11 and replacing with current section; 1997 Annual Town Meeting, Article 28; Chapter 412 of the Acts of 1998, December 18, 1998. Incorporated the provisions of Chapter 617 of the Acts of 1974 to give the recreation commission the powers of a parks commission.

SECTION 3-12 struck out. Amended Special Town Meeting of November 5, 2001; Chapter 20 of the Acts of 2002; referendum vote of March 16, 2002.

SECTION 3-13 COMMISSIONERS OF TRUST FUNDS

- (a) **Composition, Term of Office** — There shall be a board of commissioners of trust funds consisting of five members. The term of office of commissioners of trust funds members shall be for three years, so arranged that as nearly an equal number of terms as is possible shall expire each year.
- (b) **Powers and Duties** — The commissioners of trust funds shall, so far as consistent with the terms of the trusts, manage and control all funds left, given, bequeathed or devised to the town, and distribute the income in accordance with the terms of the respective trusts. The board shall keep a record of its doings, and at the close of each financial year shall make a report to the town, showing the total amount of the funds, and their investments, receipts and disbursements on account of the same, setting forth in detail the sources of the receipts and purposes of the expenditures. The commissioners of trust funds shall have all of the other powers and duties which commissioners of trust funds may have under the laws of the commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-14 HOUSING AUTHORITY

- (a) **Composition, Term of Office** — There shall be a housing authority which shall consist of five members. Four of the members shall be chosen by ballot and the fifth member shall be a resident of the town appointed by the commonwealth commissioner of community affairs or as otherwise provided by law. The term of office of a housing authority member shall be for five years, so arranged that the term of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** — The housing authority shall have all of the powers and duties which are given to housing authorities under the constitution and laws of the commonwealth, and shall have such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

SECTION 3-15 RECALL OF ELECTED OFFICIALS

- (a) **Who can be Recalled** — Any holder of an elective town office, as defined in section 3-1 (a), with more than six months remaining of the term for which elected, may be recalled therefrom by the voters as herein provided.
- (b) **Recall Petition** — Any two hundred fifty voters may file with the town clerk an affidavit bearing the name of the officer sought to be recalled and a statement of the grounds for recall. An affidavit shall contain the names of at least twenty-five voters from each district into which the town is divided. If, within three days following such submission said affidavits are found by the registrars of voters to be sufficient and valid, and, if on said date the candidate whose recall is sought has at least six months remaining of the term for which elected, the town clerk shall forthwith make available to the first ten voters making the affidavit copies of petition blanks demanding such recall, printed forms of which shall be kept available. When issued the blanks shall contain the signature and official seal of the town clerk and may be completed by printing or typewriting. They shall be dated, shall be addressed to the selectmen and shall contain the names of the ten persons first named on the said affidavit, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of town clerk. The recall petition shall be returned and filed with the town clerk within twenty-one days following the date they are issued and shall have been signed by at least one thousand two hundred and fifty voters, not more than twenty-five percent of which shall be voters in any one

district into which the town is divided. In signing such petitions voters shall add to their signatures the street and number, if any, of their residences.

The town clerk shall within twenty-four hours of receipt submit the petition to the registrars of voters in the town, and the registrars shall forthwith, but in no event more than five days after receipt, certify thereon the number of signatures which are the names of voters.

(c) **Selectmen's Action on Receiving Petition** — If the petition shall be found and certified by the registrars of voters to be sufficient they shall submit the same with their certificate to the board of selectmen without delay, and the board of selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by it not less than sixty days nor more than seventy-five days after the date of the registrars' certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(d) **Nomination of Candidates** — The officer whose recall is sought may be a candidate at the recall election, and unless such officer has resigned the office or requests otherwise in writing, the town clerk shall place the officer's name on the official ballots without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(e) **Incumbent Holds Office Until Election** — The incumbent shall continue to perform the duties of the office until the recall election. If not then recalled, such person shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. If recalled, such person shall be deemed removed.

(f) **Recall Election** — Ballots used in a recall election shall contain the names of all candidates nominated as hereinbefore provided, arranged as provided in section 6-12 (c). The candidate receiving the highest number of votes shall be declared elected. If the incumbent receives the highest number of votes, the incumbent shall be deemed not recalled. If a person other than the incumbent receives the highest number of votes, the incumbent shall be deemed recalled; in such case the person receiving the highest number of votes shall, upon qualification, serve for the balance of the unexpired term. If such successor shall fail to qualify within five days after receiving notification of election, the office shall be deemed to be vacant and shall be filled in the manner provided in section 6-13; provided, however, that if fewer than three thousand voters participate at the election, no votes need be counted and the election shall be deemed to have determined that the incumbent should not be recalled.

(g) **Repeat of Recall Petition** — No recall petition shall be filed against an officer within six months after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

(h) **Appointment of Person Recalled** — No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against them, shall be appointed to any town office within two years after such recall or such resignation. Resignation at any time after a recall affidavit has been certified by the board of registrars of voters as being valid shall be deemed to be while recall proceedings were pending.

Amended, Annual Town Meeting of April 10, 1995, Article Fifty-Two; Chapter 9 of the Acts of 1996; town vote March 16, 1996. Section 3-15 added.

ARTICLE 4

Town Administrator

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Article 4 replaced by current article; created position of town administrator in place of former position of executive secretary.

SECTION 4-1 APPOINTMENT; QUALIFICATION; TERM

The board of selectmen shall appoint the town administrator to serve for a definite term of not more than five years and shall fix the compensation for such person, annually, within the amount appropriated by the town. The town administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The town administrator shall be a person qualified by education, training and previous experience to perform the duties of the office. A town administrator need not be a resident of the town of Dedham or of the commonwealth at the time of appointment, but, unless the board of selectmen shall, by a majority of its members extend such time or waive such requirement, said administrator shall establish a residence within the town of Dedham within twelve months following his appointment. The town administrator shall not have served in any elected office in the town government for at least twelve months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate. The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor be actively engaged in any other business or occupation during such service, unless such action is approved in advance and in writing by the board of selectmen. The board of selectmen shall provide for an annual review of the job performance of the town administrator which shall, at least in summary form, be a public record.

SECTION 4-2 POWERS AND DUTIES

The town administrator shall be the chief administrative officer of the town, directly responsible to the board of selectmen for the administration of all town affairs for which the office of town administrator is given responsibility by or under this charter. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of town administrator is given authority, responsibility or control by this charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise.
- (b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, members of boards and commissions and officers, who report directly to the town administrator. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless, within that period, the board of selectmen by a vote of at least three of its members shall vote to reject such appointment, or, has sooner voted to affirm it. Copies of the notices of all such appointments shall be posted on the town bulletin board when submitted to the board of selectmen.
- (c) To be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining

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- agreements entered into by the town. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department.
- (d) To fix the compensation of all appointed officers and employees within the limits established by appropriations.
 - (e) To attend all regular and special meetings of the board of selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings. To keep the board of selectmen fully advised concerning the status of all matters which have been referred to the office of the town administrator by the board of selectmen by providing to its members for review at each regular meeting of the board of selectmen a full and complete summary of all activity conducted by the office of the town administrator since the last meeting of the board of selectmen.
 - (f) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the board of selectmen, but not less frequently than quarterly, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.
 - (g) To keep the board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town administrator may deem necessary or expedient.
 - (h) To have full jurisdiction over the rental and use of all town facilities and property except property under the control of the school committee, or the conservation commission. The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control by this charter, by by-law, by vote of the town or otherwise.
 - (i) To prepare and present, in the manner provided in Article 5A, an annual operating budget for the town and a proposed capital outlay program for the five fiscal years next ensuing.
 - (j) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee.
 - (k) To negotiate all contracts involving any subject within the jurisdiction of the office of town administrator, including contracts with town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment. All contracts shall be subject to ratification and execution by the board of selectmen.
 - (l) To be responsible for purchasing all supplies, material and equipment for all departments and activities of the town. The town administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency. The town administrator shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any town agency.
 - (m) To see that all of the provisions of the general laws, of this charter, town by-laws and other votes of the town meeting, and votes of the board of selectmen which require enforcement by the town administrator or officers subject to the direction and supervision of the town administrator are faithfully executed, performed or otherwise carried out.
 - (n) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency.
 - (o) To attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the town administrator exercises any

supervision.

- (p) To create, reorganize, expand, consolidate or abolish, in the manner provided in article 5, town agencies serving under the supervision of the town administrator, in whole or in part, and provide for reassignment of powers, duties, functions and responsibilities with and among such agencies so created or existing, notwithstanding any specific designation of a town agency or any specific assignment of powers, duties, functions and responsibilities within this charter. For purposes of article 5 of this charter, functions assigned by this charter to appointed town agencies under the supervision of the town administrator may be assigned to any other agency under the supervision of the town administrator or to any board, commission, committee, department, position or office of any such agency in the manner provided in said article 5.
- (q) To coordinate the activities of all town agencies serving under the office of town administrator and the office of board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For the purpose of effecting coordination and cooperation among all agencies of the town, the town administrator shall have authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, to submit such reports of their doings and summaries of actions taken as may be deemed to be necessary or desirable to have available for the purpose of such coordination.
- (r) To perform any other duties as are required to be performed by the town administrator by by-laws, administrative code, votes of the town meeting, or votes of the board of selectmen, or otherwise.
- (s) To appoint the director of finance.
- (t) To issue warrants for the payment of town funds. The town administrator's signature on warrants shall be sufficient authorization for payment of them by the treasurer-collector, provided the bills, drafts, orders and payrolls have been properly submitted and have been examined and approved by the director of finance. In the absence of the town administrator, warrants may be approved and signed by the person designated by the town administrator pursuant to Section 4-4(a) or by at least three members of the board of selectmen. In the event of a vacancy in the office of the Town Administrator, warrants may be approved and signed by the person or persons designated by the board of selectmen pursuant to Section 4-4(b) or by at least three members of the board of selectmen.

Amended Special Town Meeting of November 5, 2001; Chapter 20 of the Acts of 2002; referendum vote of March 16, 2002. Subsection (s) added.

Amended Annual Town Meeting of May 19, 2008; Chapter 121 of the Acts of 2009

Amended Special Town Meeting of November 15, 2010; adding section 4-2(t)

SECTION 4-3 DELEGATION OF AUTHORITY

The town administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of town administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town administrator.

SECTION 4-4 ACTING TOWN ADMINISTRATOR

- (a) **Temporary Absence** — By letter filed with the town clerk, the town administrator shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town administrator during a temporary absence. During a temporary absence the board of selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified town administrative officer

or employee to serve until the town administrator shall return.

- (b) **Vacancy** — Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen in the manner provided in section 4-1, however, pending such regular appointment the board of selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen but shall not exceed the compensation paid to the most recent incumbent of the office of town administrator.
- (c) **Powers and Duties** — The powers of a temporary or acting town administrator, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.

SECTION 4-5 REMOVAL AND SUSPENSION

The board of selectmen by the affirmative votes of three or more members may terminate and remove, or suspend, the town administrator from office in accordance with the following procedure.

- (a) The board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of at least three of its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town administrator for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town administrator forthwith.
- (b) Within five days after receipt of the preliminary resolution, the town administrator may request a public hearing by filing a written request for such hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than thirty days after the request is filed nor earlier than twenty days. The town administrator may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided that said statement is received at the board of selectmen office more than forty-eight hours in advance of the public hearing.
- (c) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative votes of three of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the town administrator, if the town administrator has not requested a public hearing; or, within ten days following the close of the public hearing if the town administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the town administrator shall, at the expiration of said time, forthwith resume the duties of the office. The town administrator shall continue to receive a salary until the effective date of a final resolution of removal. The action of the board of selectmen in suspending or removing the town administrator shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the board of selectmen.

ARTICLE 5

Administrative Organization

SECTION 5-1 DIRECTOR OF FINANCE

- (a) Appointment, Term of Office – There shall be a director of finance appointed by the town administrator with the consent of the board of selectmen for a definite term of not more than 3 years per term. The director of finance shall be a person qualified by education, training and previous experience to perform the duties of the office. A director of finance may be removed from office in accordance with the procedures established in section 6-15.
- (b) Salary – In establishing the annual salary for the director of finance the town administrator shall take into account both the quality of the applicant or incumbent and the economic forces of the human resources market.
- (c) Powers and Duties – In addition to all of the powers and duties conferred and imposed by law upon town accountants and town comptrollers, the director of finance shall have the following powers and duties:
 - (1) The director of finance shall be responsible for coordinating and directing all aspects of the town's financial practices and procedures consistent with Massachusetts General Laws, shall oversee the functions of the treasurer-collector, and shall have oversight of all accounting, treasury, collection, and risk management functions of the town.
 - (2) The director of finance shall be responsible to assure that all financial transactions of the town are in accordance with all requirements of federal, state, county and local law and all rules and regulations relating thereto.
 - (3) The director of finance shall be responsible to assure that all financial resources of the town are adequately safeguarded and utilized.
 - (4) The director of finance shall be responsible for both short term and long term financial planning for the town.
 - (5) The director of finance shall be an ex-officio member of every multiple member body of the town which is in any way concerned or involved with financial planning, policies or practices, specifically including the finance committee or any other committee established to advise the town meeting with respect to appropriations to be made. The director of finance may designate another to attend any meeting of any such multiple member body to represent the views of the director of finance.
 - (6) The director of finance shall appoint, with the consent of the town administrator, a treasurer-collector. The treasurer-collector shall be a person qualified by education, training and previous experience to perform the duties of the office. Subject to the supervision of the director of finance, the treasurer-collector shall receive and take charge of all funds belonging to the town, shall collect all accounts due to the town and shall have all of the powers and duties which treasurers and collectors may have under the constitution and laws of the commonwealth. The treasurer-collector may also exercise such additional powers and duties as may from time to time be assigned to that office by charter, by-law or other vote of the town meeting. A treasurer-collector may be removed from office in accordance with the procedures established in section 6-15. The functions assigned by this charter to the treasurer-collector may be separated and assigned to a separate treasurer and a separate collector by the town meeting, in the manner provided by subsection (a) of section 5-3, or by the town administrator, in the manner provided by subsection (b) of said section 5-3.
 - (8) The director of finance shall oversee the automated data processing and information systems and procurements.

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- (d) Acting Director of Finance – In the event of a vacancy in the office, or the temporary absence of the director of finance due to illness or other cause, the town administrator may appoint an acting director of finance to serve for not more than 10 days. If a vacancy will exist for more than 10 days, the consent of the board of selectmen shall be required for any such temporary appointment.
- (e) Bond – The director of finance shall give bond to the town with a surety company authorized to transact business in commonwealth as surety, for the faithful performance of the duties of said office. The premium for such bond shall be paid by the town.

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Section 5-1 replaced; comptroller to be appointed by town administrator; term changed to initial three years; duties expanded; bond required.

Amended, Annual Town Meeting of April 14, 1997, Article Twenty–Seven; town vote March 21, 1998. Subparagraph (c) (1) amended to remove data processing from responsibilities of comptroller.

Amended Special Town Meeting of November 5, 2001; Chapter 20 of the Acts of 2002; referendum vote of March 16, 2002. Section 5-1 replaced; office of finance director established and defined.

Amended Annual Town Meeting of May 19, 2008; Chapter 121 of the Acts of 2009

SECTION 5-2 (NONE)

Repealed, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995.

SECTION 5-3 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 methods provided in this article.

- (a) **By-Laws** — Subject only to express prohibitions in a general law 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, 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 assigned to any other town agency, unless this charter specifically so provides. Pursuant to subsection (p) of section 4-2, functions assigned by this charter to appointed town agencies under the supervision of the town administrator may be assigned to any other appointed agency under the supervision of the town administrator or to any board, commission, committee, department, position or office of any such agency by by-law.
- (b) **Administrative Code** — The town administrator, after consultation with the board of selectmen, may from time to time prepare and submit to the annual town meeting, plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the town administrator prepares such a plan the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than fourteen 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 start of the next fiscal year following the date of adjournment of the town meeting at which the proposal is submitted unless the town meeting shall, by a majority vote, vote to disapprove the plan. The town meeting may vote only to approve or to disapprove the plan and may not vote to amend or

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to alter it.

The town administrator may, through the administrative code, and subject only to express prohibitions in a General Law or this charter, reorganize, consolidate or abolish any town agency, in whole or in part, establish such new town agencies as is deemed necessary to the same extent as is provided in section 5-3 (a), above, for by-laws, and 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; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless this charter specifically so provides.

Pursuant to subsection (p) of section 4-2, functions assigned by this charter to appointed town agencies under the supervision of the town administrator may be assigned to any other appointed agency under the supervision of the town administrator or to any board, commission, committee, department, position or office of any such agency in the manner provided herein.

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Section 5-3 added.

Amended Annual Town Meeting of May 19, 2008; Chapter 121 of the Acts of 2009

SECTION 5-4 PUBLICATION OF ADMINISTRATIVE CODE AND STAFFING PLAN

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to the by-laws of the town of Dedham. The personnel staffing plan, prepared in conformity with section 4-2 (c), shall be published annually in the town report.

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Section 5-4 added.

SECTION 5-5 MERIT PRINCIPLE

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

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Section 5-5 added.

ARTICLE 5A

FINANCE AND FISCAL PROCEDURES

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Article 5A added.

SECTION 5A-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 General Law.

SECTION 5A-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 where a public hearing will be held by the school committee 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** — The budget, as adopted by the school committee, shall be submitted to the town administrator, within the time fixed by by-law, before the date the town administrator is required to submit a proposed town budget to the finance committee to enable the town administrator to consider the effect of the school department's requested appropriation upon the total town operating budget, which is required to be submitted under this article.

SECTION 5A-3 SUBMISSION OF BUDGET AND BUDGET MESSAGE

Within the time fixed by by-law, before the annual town meeting is to convene, the town administrator, after consultation with the board of selectmen, shall submit to the finance committee a proposed, balanced, operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town administrator 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. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

SECTION 5A-4 BUDGET MESSAGE

The budget message of the town administrator shall explain the budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate 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 deems desirable or the board of selectmen may reasonably require.

SECTION 5A-5 THE BUDGET

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by General Law, by this charter, or by by-law, it shall be in the form which the town administrator deems desirable or the board of selectmen may require. In the presentation of the budget, the town administrator shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. 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 expenditures 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 position in terms of work programs, and the method of financing such expenditures;

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- (b) proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and
- (c) estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

SECTION 5A-6 ACTION ON THE BUDGET

- (a) **Public Hearing** — Forthwith upon its receipt of the proposed operating budget the finance committee shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.
- (b) **Review** — The finance 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 committee may require the town administrator, 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.
- (c) **Action by Town Meeting** — The finance committee shall file a report containing its recommendations for the action to be taken on each line item in the proposed operating budget as submitted by the town administrator, which report shall be available as provided in sections 5 and 6 of Chapter II of the Revised By-laws of the Town of Dedham. When the proposed operating budget for the ensuing fiscal year is before the town meeting for action the prevailing motion shall be: “Shall the operating budget be adopted in the amounts as recommended by the finance committee?”

SECTION 5A-7 CAPITAL IMPROVEMENT PROGRAM

The town administrator shall submit a capital improvement program to the board of selectmen and the finance committee at least one hundred and fifty days before the start of each fiscal year. Said program shall be based on material prepared by the capital improvement committee established by by-law, if any, including:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (d) 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 with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

SECTION 5A-8 APPROVAL OF WARRANTS

The Town Administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared and signed by the director of finance in accordance with the provisions of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the

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treasurer-collector. In the absence of the town administrator, warrants may be approved and signed by the person designated by the town administrator pursuant to Section 4-4(a) or by at least three members of the board of selectmen. In the event of a vacancy in that office, warrants may be approved and signed by the person or persons designated by the board of selectmen pursuant to Section 4-4(b) or by at least three members of the board of selectmen, as set forth in section 4-2(t);

SECTION 5A-9 AUDITS

The board of selectmen shall annually provide for an independent audit of all financial books and records of the town, or, whenever it deems an audit of the whole town or of any particular town agency, to be necessary.

Audits of the town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the town.

Amended Special Town Meeting of November 15, 2010 by with new section 5A-8.

ARTICLE 6

General Provisions

SECTION 6-1 CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX of the amendments to the constitution and any legislation enacted to implement the said amendment.

SECTION 6-2 SEVERABILITY

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

SECTION 6-3 SPECIFIC PROVISIONS SHALL PREVAIL

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

SECTION 6-4 REFERENCES TO GENERAL LAWS

All references to the general laws 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.

SECTION 6-5 COMPUTATIONS OF TIME

In computing time under the charter, if seven days or less, “days” shall refer to secular days and shall not include Sundays or legal holidays. If more than seven days, every day shall be counted.

SECTION 6-6 NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender shall include the feminine gender.

SECTION 6-7 DEFINITIONS

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

- (a) **Charter** — the word “charter” shall mean this charter and any amendments to it made through any of the methods provided under article LXXXIX of the amendments to the state constitution.
- (b) **Library** — The word “library” shall mean the Dedham Public Library and any branch or branches which may be established thereof.

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- (c) **Majority Vote** — The words “majority vote” shall mean a majority of those present and voting; provided that a quorum of the body is present.
- (d) **Multiple Member Body** — The words “multiple member body” shall mean any board, commission or committee consisting of two or more persons whether elected or appointed.
- (e) **Town** — the word “town” shall mean the Town of Dedham.
- (f) **Town Agency** — the words “town agency” shall mean any board, commission, committee, department or office of the town government.
- (g) **Town Bulletin Boards** — the words “town bulletin boards” shall mean the bulletin boards on which official town notices are posted, one of which shall be located in the town hall, one of which shall be located in the libraries, and those at such other locations within the town as the board of selectmen may from time to time designate.
- (h) **Voters** — the word “voters” shall mean registered voters of the Town of Dedham.

SECTION 6-8 RULES AND REGULATIONS

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk and made available for review by any person who requests such information. Such rules and regulations shall not become effective until ten days following the date they are so filed.

SECTION 6-9 RE-ENACTMENT AND PUBLICATION OF BY-LAWS

At intervals of not more than five years, proposed revisions or recodifications of the by-laws of the town shall be presented to the town meeting for re-enactment. Such revisions or recodifications shall be prepared by a special by-law review committee appointed by the board of selectmen for that purpose, which shall conduct its review under the supervision of the town counsel or, if the board of selectmen shall so direct, by special counsel appointed for that purpose. Such committee shall be appointed immediately following the adjournment of the annual town meeting in the year preceding the year in which their report is to be filed.

Within eight months following their appointment, the committee shall cause to be published in a newspaper having general circulation within the town (1) a report summarizing their recommendations and noting the times and places within the town where complete copies of their report are available for inspection by the public and (2) the date, time and place not less than two weeks following such publication when a public hearing will be held by the committee on the preliminary report.

Subsequent to their enactment by the town meeting, copies of all by-laws shall be forwarded to the attorney-general of the commonwealth for his review and approval, and they shall be otherwise published all as required by the general laws. Copies of the revised by-laws shall be made available for public distribution.

In each year between such re-enactments and publications there shall be published an annual supplement which contains all by-laws and amendments to by-laws which have been adopted in the previous year.

SECTION 6-10 PROCEDURES

- (a) **Meetings** — All multiple member bodies of the town, whether elected or appointed or otherwise constituted, shall meet regularly at such times and places within the town as they may prescribe. Special meetings of any multiple member body shall be held on the call of

the respective chairman, or by one-third of the members thereof by suitably written notice delivered to the residence or place of business of each member at least twenty-four hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin boards. Special meetings of any multiple member body shall also be called within one week following the date of the filing with the town clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as otherwise authorized by law, all meetings of all multiple member bodies shall be open and public. However, the multiple member body may recess, for the purpose of discussing in a closed or executive session limited to its own membership, any matter which would tend to defame or prejudice the character or reputation of any person, which would affect the public security, or which might have a direct fiscal effect on the town, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action of the matter is not taken until the multiple member body has come back into formal session.

- (b) **Agendas** — At least twenty-four hours before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before it at the meeting shall be posted on the town bulletin boards. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts by separate vote a resolution declaring that an emergency exists, and that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.
- (c) **Rules and Journal** — Each multiple member body shall determine its own rules and order of business unless otherwise provided by the charter or by-law, and shall provide for keeping a journal of its proceedings. These rules and journal shall be a public record kept available in a place convenient to the public at all reasonable times, and certified copies shall be kept available in the library.
- (d) **Voting** — Except on procedural matters, all votes of all multiple member bodies shall be taken by voice or roll call vote the result of which shall be recorded in the journal; provided, however, that if the vote is unanimous only that fact need be recorded.
- (e) **Quorum** — A majority of the members of the multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.

SECTION 6-11 COMMITTEES; APPOINTING AUTHORITY, IN GENERAL

Whenever, whether under the provisions of a town meeting vote or by by-law, a multiple member body is to be established the primary purpose of which is to perform an administrative or executive function, notwithstanding the provisions of any such vote to the contrary, the members of such committee shall be appointed by the board of selectmen. Whenever, whether under the provisions of a town meeting vote, or a by-law, a multiple member body is to be established the primary purpose of which is to perform a legislative function, notwithstanding any provision in such vote to the contrary the members of such multiple member body shall be appointed by the moderator. Nothing in this section shall be construed to prevent the town meeting, by vote or by by-law, to provide that a multiple member body shall include, as a portion of its membership, certain persons to serve ex-officio, provided that such authority is not used to defeat the clear purpose of this provision.

SECTION 6-12 ELECTIONS

- (a) **Annual Town Election** — The election of town officers and referenda questions shall be acted upon and determined by the voters on official ballots without party or other designation on the date fixed in the by-laws of the town.
- (b) **Nomination of Candidates** — The number of signatures of voters required to place the name of a candidate for any office other than that of town representative on the official ballot for use at any town election shall be not less than fifty signatures of voters.
- (c) **Ballot Position** — The order in which names of candidates including the office of town representative appear on the ballot for each office in any town election shall be determined by a drawing by lot conducted by the town clerk. Each candidate shall have an opportunity to be present in person or be represented by a representative at the drawing.

SECTION 6-13 NOTICE OF VACANCIES

Whenever a vacancy occurs in any town office or town employment, or as a member of any multiple member body, except for positions covered under the civil service law of the commonwealth, whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the board of selectmen or other appointing authority shall cause public notice of the vacancy to be posted on the town bulletin boards. No permanent appointment to fill such a position shall be effective until at least fourteen days have elapsed following such posting. Any person who desires to be considered for appointment to the position may, within ten days following the date the notice is posted, file with the board of selectmen or other appointing authority a statement which sets forth in clear and specific terms the qualifications which he holds for the position.

SECTION 6-14 APPOINTMENTS AND REMOVALS

Except as otherwise provided in this charter, the town administrator shall appoint, subject to the consent of the board of selectmen, all persons categorized as heads of departments. Except as may otherwise be required by the civil service law, appointments made by the town administrator shall be for periods not to exceed five years. The town administrator may suspend or remove any person appointed by the town administrator in accordance with the procedure established in section 6-15. The decision of the town administrator in suspending or removing a department head shall be final.

All persons categorized as department heads shall, subject to the consent of the town administrator, appoint all assistants, subordinates and other employees of the department for which such person is responsible. The department head may suspend or remove any assistant, subordinate or other employee of the department for which such person is responsible in accordance with the procedures established in section 6-15. The decision of the department head to suspend or remove any assistant, subordinate or other employee shall be subject to review by the town administrator. A person for whom a department head has determined that suspension or removal is appropriate may seek review of such determination by the town administrator by filing a petition for review in the office of the town administrator, in writing, within ten days following receipt of notice of such determination. The review by the town administrator shall follow the procedures established in section 6-15. The decision of the town administrator shall be final.

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Section 6-14 added.

SECTION 6-15 REMOVALS AND SUSPENSIONS

Any appointed town officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term “good cause” shall include, but not be limited to incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed, by said appointing authority, to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure provided.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.
- (b) Within five days following delivery of such notice, the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel and shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.
- (c) Between one and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

Amended, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. Section 6-15 added.

ARTICLE 7

Transitional Provisions

SECTION 7-1 CONTINUATION OF EXISTING LAWS

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

SECTION 7-2 CONTINUATION OF GOVERNMENT

All town agencies shall continue to perform their duties until re-appointed or re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

SECTION 7-3 CONTINUATION OF PERSONNEL

Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform his duties until provision shall have been made in accordance with the 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 7-4 TIME OF TAKING EFFECT

The charter shall become fully effective upon its approval by the voters except as provided in this section:

- (a) Not more than forty-five days after the election at which the charter is adopted, the moderator shall appoint a special committee of seven members to review the existing by-laws of the town and to make a report with recommendations to the town meeting in the year following the year in which the charter is adopted, in accordance with the publication, hearing and reporting requirements established in section 6-8.
- (b) Not later than September 15 in the year in which the charter is adopted, the board of selectmen and the board of registrars of voters shall prepare and publish a preliminary report concerning a proposed division of the town into nine districts as required by section 2-4. Not later than October 15 of the said year, the board of selectmen and the board of registrars of voters shall conduct a public hearing on the said preliminary proposal. The final report of the board of selectmen and board of registrars of voters providing for nine districts shall be filed not later than November 15 in the year in which the charter is adopted.
- (c) The establishment of the nine districts as provided in (b) above shall be effective for the purposes of the annual town election in the year following the year in which the charter is adopted. The said election shall be held on the last Saturday of March in the year following the year in which the charter is adopted.
- (d) At the annual town election in the year following the year in which the charter is adopted, two hundred and seventy town representatives shall be elected in accordance with the procedures provided in section 2-4, thirty to be elected from each of the nine districts. Each candidate for the office of town representative shall file nomination papers signed by ten

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- voters of the district as provided in section 2-2(b). Candidates for the office of town representative who are serving as town meeting members at the time the said election is held shall have an asterisk (*) printed beside their name on the official election ballot. The order of names on the ballot shall be as provided in section 6-11(c).
- (e) Except as otherwise provided above, all other provisions of article 2 shall be effective upon the commencement of the annual town meeting for the transaction of business in the year following the year in which the charter is adopted. The annual town meeting in said year shall be held on the second Monday of May.
 - (f) The vote taken under article twenty-nine of the 1967 annual town meeting warrant which extended the term of office for members of the board of selectmen from one to three years, and the vote taken under article four of the warrant for a special town meeting on April 18, 1972 increasing the composition of the board of selectmen from three members to five members are hereby ratified and confirmed, and all acts and things done or performed by the board of selectmen during such time are hereby ratified, confirmed and validated.
 - (g) Immediately following the adjournment **sine die** of the annual town meeting in the year following the year in which the charter is adopted, the terms of office of all incumbent members of the finance committee shall be terminated. The moderator shall thereupon appoint a new finance committee which shall be composed of one member from each district and two members at-large; provided, however, that no one district shall have no more than two members serving on the said committee. In making his appointments to the new finance committee, the moderator shall give due regard to the place of residence of the incumbent members of the finance committee and the length of the then remaining term. He shall appoint the members of the committee for such terms as will cause as nearly an equal number of terms as is possible to expire each year. The provisions of this section shall supersede the provisions of any existing by-law at the time the charter is adopted, but it may be amended, repealed or revised by a by-law adopted in lieu of it.
 - (h) At the annual town election held in the year following the year in which the charter is adopted, the terms of office of all incumbent members of the board of library trustees shall be terminated. At the said election five members shall be elected as a board of library trustees; the two candidates who receive the highest number of votes for the office shall serve for terms of three years, the two candidates who receive the next highest number of votes shall serve for a term of two years, and the fifth candidate elected shall serve for a term of one year.
 - (i) Nothing contained herein shall be construed as to render invalid the tenure of office granted to the incumbent Town Clerk John T. Carey under General Laws Chapter 41, section 19B.
 - (j) The term of office of the moderator shall be increased to three years at the annual town election following the election at which this charter is adopted.
 - (k) At the annual election of town officers in the year following the year in which this charter is adopted, commissioners of trust funds shall be elected in accordance with the provisions of section 3-13. The candidate who receives the highest number of votes shall serve a three year term, the two candidates who receive the next highest number of votes shall serve a two year term and the two candidates elected with the fewest number of votes shall serve a one year term of office. Upon the qualification of the said commissioners, the so-called Elizabeth Fuller Capen Trustees shall be abolished, and their duties and those of all others in the management of trust funds left to the town shall be assumed by the said Commissioners of Trust Funds. Nothing in this charter shall be construed to prevent persons holding office as Trustees of the Elizabeth Fuller Capen Fund from being candidates for the office of Commissioner of Trust Funds.
 - (l) The elected constables holding such office at the time this charter is adopted shall continue

to serve for the balance of the term for which they were elected, but, their successors shall be appointed by the board of selectmen.

SECTION 7-5 BUILDING, PLANNING AND CONSTRUCTION COMMITTEE

Until such time as the following provision may be amended, repealed or revised by a by-law adopted in lieu of it, a building, planning and construction committee is established as follows:

- (a) **Composition, Mode of Appointment, Term of Office** — There shall be a building, planning and construction committee which shall consist of seven members appointed by the board of selectmen. The committee shall have among its members one member of the planning board, a registered professional engineer or architect, a practicing attorney, a person employed in the construction industry or a related trade or occupation and three other persons. The terms of office of members of the committee shall be for three years so arranged that as nearly an equal number of terms as is possible shall expire each year.
- (b) **Powers and Duties** — The building, planning and construction committee shall be responsible for surveying the growth of the town, the needs of the community and the physical condition of all existing town buildings and facilities. The committee shall meet with the various town agencies from time to time to determine the need for additions or renovations to any existing buildings or facilities or for the construction of new buildings or facilities for the town. The committee may report at any town meeting, regular or special, its recommendations with regard to these matters. Whenever any such construction is authorized by the town meeting the building, planning and construction committee shall be responsible for the supervision of all work relating thereto including site planning, preliminary architects drawings, final plans and the supervision of all construction.

SECTION 7-6 DISPOSITION OF SPECIAL ACTS

- (a) **Partial Repeal of Certain Special Acts** — The following special acts, insofar as they confer power upon the town of Dedham which the town would not otherwise hold under the charter, general laws or the constitution, are retained; otherwise, they are hereby repealed, it being the explicit intention of this paragraph that portions of any special acts retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that powers so conferred are to be exercised in accordance with the charter:

Chapter two hundred and seventy of the acts of eighteen hundred and ninety-seven; chapter three hundred and forty-three of the acts of nineteen hundred; chapter fifty-two of the acts of nineteen hundred and twenty-one; chapter thirteen of the acts of nineteen hundred and thirty-two; chapter fifty-one of the acts of nineteen hundred and thirty-seven; chapter four hundred and forty-six of the acts of nineteen hundred and fifty-six; chapter sixty-four of the acts of nineteen hundred and fifty-seven; chapter sixty-five of the acts of nineteen hundred and fifty-seven.

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

Chapter one hundred and two of the acts of eighteen hundred and thirty-eight; chapter one hundred and sixty-eight of the acts of eighteen hundred and sixty-six; chapter thirty of the acts of eighteen hundred and eighty-six; chapter one hundred and fifty-six of the acts of eighteen hundred and eighty-nine; chapter seventy-four of the acts of eighteen hundred and ninety-five; chapter one hundred and twenty-eight of the acts of nineteen hundred and ten;

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chapter one hundred and thirty-five of the acts of nineteen hundred and thirteen; chapter two hundred and ninety-two of the acts of nineteen hundred and twenty-five; chapter three hundred and thirty-five of the acts of nineteen hundred and twenty-six; chapter three hundred and fifty-eight of the acts of nineteen hundred and twenty-six; chapter forty-six of the acts of nineteen hundred and twenty-eight; chapter two hundred and seventy of the acts of nineteen hundred and twenty-nine; chapter eight of the acts of nineteen hundred and thirty; chapter two hundred and eleven of the acts of nineteen hundred and thirty-three; chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-five; chapter ninety-six of the acts of nineteen hundred and forty-three; chapter eighteen of the acts of nineteen hundred and forty-five; chapter ninety-one of the acts of nineteen hundred and forty-seven; chapter ninety of the acts of nineteen hundred and forty-seven; chapter four hundred and nineteen of the acts of nineteen hundred and forty-eight; chapter forty-five of the acts of nineteen hundred and forty-nine; chapter fifty-eight of the acts of nineteen hundred and fifty; chapter one hundred and thirty-five of the acts of nineteen hundred and fifty; chapter ninety-one of the acts of nineteen hundred and fifty-one; chapter twenty of the acts of nineteen hundred and fifty-two; chapter four hundred and ninety-four of the acts of nineteen hundred and fifty-four; chapter seven hundred and ten of the acts of nineteen hundred and fifty-five; chapter one hundred and nineteen of the acts of nineteen hundred and fifty-six; chapter sixty-four of the acts of nineteen hundred and fifty-eight; chapter eighty of the acts of nineteen hundred and fifty-nine; chapter two hundred and fifty-five of the acts of nineteen hundred and sixty; chapter two hundred and thirty-nine of the acts of nineteen hundred and sixty-four; chapter two hundred and twenty six of the acts of nineteen hundred and sixty-five; chapter six of the acts of nineteen hundred and sixty-six; chapter seventeen of the acts of nineteen hundred and sixty-six; chapter three hundred and fifty of the acts of nineteen hundred and seventy; chapter two hundred and thirty-eight of the acts of nineteen hundred and seventy-one; chapter three hundred and ninety-four of the acts of nineteen hundred and seventy-two.

(c) **Special Acts Specifically Retained** — The following special acts are hereby recognized, confirmed and retained:

An act of the general court of the Colony of Massachusetts Bay, enacted September 8, sixteen hundred and thirty-six; chapter thirty-eight of the acts of nineteen hundred and twenty-two; chapter nine of the acts of nineteen hundred and twenty-four; chapter two hundred and fifteen of the acts of nineteen hundred and thirty-four; chapter twenty-nine of the acts of nineteen hundred and thirty-five; chapter three of the acts of nineteen hundred and thirty-six.

TRANSITIONAL PROVISIONS OF 1995

Section 8 of Chapter 177 of the Acts of 1994 provided for the following transitional rules and procedures:

SECTION 8. The provisions of sections one to seven, inclusive, shall take effect upon their adoption by the voters of the town of Dedham except as hereinafter provided:

- (a) Until such time as the town meeting may act, by by-law, to establish a higher minimum salary, and to provide a range within which the first candidates for the office of town administrator may be recruited, the salary range for the position is hereby declared to be not less than fifty-five thousand nor more than seventy-five thousand dollars per year.
- (b) Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the town administrator, in addition to the qualifications as stated in section 4-1, shall have the following specific qualifications,
 - (1) hold at least an earned bachelor degree in public administration or a closely related field from a recognized, accredited college or university, and ten years experience as a public administrator, the most recent three years of which shall have been as a chief administrative officer; or,
 - (2) hold an earned bachelor degree in any field and an earned master degree in public administration; from a recognized, accredited college or university, and five years experience as a public administrator, the most recent three years of which shall have been as a chief administrative officer.

The term “chief administrative officer” shall mean a person who has had major responsibilities in a municipality, under any title, in most, if not all, of the following areas: general supervision and management of all administrative agencies of a city or town, but not including schools; direct involvement in the formulation of budget proposals for all municipal offices and agencies and the administration of the budget throughout the fiscal year; purchasing; and personnel administration.

- (c) The position of executive secretary, established by article 4 of the Dedham Home Rule Charter of 1974 is hereby abolished effective upon the assumption of office by the first town administrator appointed pursuant to the provisions of the revised charter, provided, however, the incumbent of said office may be continued in town service for a period of up to ninety days following such assumption of office for the purpose of providing transitional assistance to the first town administrator. While it is the intention of this provision and subsection (b), above, that there be a widespread, diligent search for candidates for the office of town administrator and that the incumbent executive secretary is not automatically to be continued in office as the town administrator, nothing contained in this document shall be construed in any way as to prevent the incumbent of said office from applying for, or from being considered as a candidate to fill, such position, provided such person possess all other qualifications.
- (d) Forthwith following the election at which these charter amendments are accepted, a special committee of seven members shall be appointed by the board of selectmen to revise the by-laws of the town in order to fully implement the provisions of these charter amendments. Said committee shall submit a report and recommendations to the town meeting for adoption by a warrant article at a session of the town meeting held not later than the year following the year in which these charter amendments are accepted. At least one member of said committee shall have been a member of the charter commission of 1993-94.
- (e) Notwithstanding any provision of this charter to the contrary, it is not expected that the first person to serve as town administrator shall forthwith upon appointment begin at once to

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perform all of the duties and exercise all of the powers, duties and responsibilities assigned by this charter to the office of town administrator. It is recognized that in the best long-range interest of the town of Dedham, that such assumption must be gradual and on a phased-in basis.

- (f) The provisions of section 5A-2 and section 5A-6 of the charter shall not become effective until the year following the year in which these amendments to the charter are adopted.
- (g) Until such time as the following time periods may be changed, by by-law, for the purpose of charter section 5A-2 (b) and charter section 5A-3, the following shall apply: The town administrator shall submit a proposed town operating budget to the finance committee not less than sixty days prior to the date on which the town meeting is to convene in its annual meeting. The school committee shall submit its proposed operating budget to the town administrator at least seventy-five days prior to the date on which the town meeting is to convene in its annual meeting.
- (h) Until such time as the following provision may be amended, repealed or revised in accordance with the procedures in Article 5, a department of public works is hereby established as follows:

Department of Public Works

- (1) **Establishment, Scope** — There shall be a department of public works responsible for the performance of all public works related activities of the town. The department of public works shall assume all of the duties and responsibilities related to public works activities which prior to the adoption of these charter revisions were performed under section 5-2 of the 1974 home rule charter.
- (2) **Commissioner of Public Works** — The department of public works shall be under the direct control and supervision of a commissioner of public works who shall be appointed by and who shall be responsible to the town administrator. The commissioner of public works shall serve for an indefinite term. The commissioner of public works shall be a person especially fitted by education, experience and training to perform the duties of said office. The commissioner of public works shall be responsible for the supervision and coordination of all activities of the department of public works in accordance with state statutes, town by-laws, administrative code and rules and regulations.
- (3) **Policy Formulation** — The board of selectmen, acting through the town administrator, shall be responsible for the overall supervision of the department of public works and for the establishment of priorities and policies to govern the operation of the department. The board of selectmen shall establish and set the fees or charges for all services provided by the department of public works.

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TABLE OF GENERAL LAWS REFERENCED

Mass. Constitution Article LXXXIX.....25, 25
M.G.L. Chapter 40, section 32.....6
M.G.L. Chapter 41, section 19B.....31

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TABLE OF SECTION 7-6(a) — SPECIAL ACTS PARTIALLY REPEALED

<u>YEAR</u>	<u>CHAPTER</u>	
		1932 13
		1937 51
		1956 446
1897	270	1957 64
1900	343	1957 65
1921	52	

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TABLE OF SECTION 7-6(b) – SPECIAL ACTS WHOLLY REPEALED

<u>YEAR</u>	<u>CHAPTER</u>	
		1947 90
		1948 419
1838	102	1949 45
1866	168	1950 58
1886	30	1950 135
1889	156	1951 91
1895	74	1952 20
1910	128	1954 494
1913	135	1955 710
1925	292	1956 119
1926	335	1958 64
1926	358	1959 80
1928	46	1960 255
1929	270	1964 239
1930	8	1965 226
1933	211	1966 6
1935	325	1966 17
1943	96	1970 350
1945	18	1971 238
1947	91	1972 394

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TABLE OF SECTION 7-6(c) – SPECIAL ACTS RETAINED

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1636 Act of 9/8

1922 38

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1934 215

1935 29

1936 3