



# Dedham Public Library

Massachusetts

Dr. Mary Ann Tricarico  
Director  
Dedham Public Library  
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Tracy Driscoll, Chair  
Rachel Tuerck  
Cecilia Emery Butler  
Brad Bauer  
Monika Wilkinson

## DPL TRUSTEES MEETING MINUTES

**SEPTEMBER 23, 2013 MAIN LIBRARY, 9:15 AM**

<b>MEETING CALLED BY</b>	DPL Trustees
<b>TYPE OF MEETING</b>	Special Meeting
<b>CHAIRMAN</b>	Tracy Driscoll
<b>SECRETARY</b>	Cecilia Emery Butler
<b>ATTENDEES</b>	Brad Bauer, Cecilia Emery Butler, Dr. Tricarico, Rachel Tuerck, Tracy Driscoll, Monika Wilkinson
<b>PUBLIC ATTENDEES</b>	Mike Chalifoux

The September 23, 2013 special meeting of the Library Board of Trustees was called to order at 9:15 am by Chairperson Tracy Driscoll.

1. **PUBLIC INPUT:** Mr. Chalifoux made the comment that if we wanted to add additional parking on Norfolk Street we would have to put it in the Capital Improvements, and it would cost \$25,000.
2. **Minutes of Sept. 16, 2013:** Br. Bauer made the following suggestions to correct the minutes, page 2 after MGL change “with” to “which”, and on page 4 Financial Report change “Mr. Bauer” to “Trustees”. Dr. Tricarico made the comment that we have received all the information; it has not been compiled into a single report. Mr. Bauer made the motion to accept the minutes of 9-16-13 with the corrections. Ms. Driscoll 2<sup>nd</sup>, all present voted for approval.

3. **Discussion regarding Charter:** Mr. Bauer stated that the Board needs to make two decisions, do we want the Town Administrator to appoint the Library Director, and do we want the Library Director to report to the Town Administrator. Ms. Emery Butler made the statement The Charter that we had received had clerical, non-substantive and minor revisions. Ms. Driscoll stated that some of these things are already happening, the Town Administrator does not do the hiring and contract. The Board has less power in the wording. Do we want to take a poll on how each member feels? Mr. Bauer said if we switch the language like in Dr. Tricarico's contract, she would report to the Library Board of Trustees and then to the Town Administrator. There are occasions when the Trustees have to step forward. A former Library Director made the statement to the Trustee Board that the Town Administrator told her to do something. Ms. Tuerck made the statement have the Town Administrator oversee day to day and the Board of Trustees have the policy making decisions and according to the MBLC, they would also have the right of disapproval of an appointment of a new Director. Ms. Driscoll said that in the future the Town Administrator may not renew the contract because he has someone in mind for the job. Ms. Wilkinson said that part of our job is to give the Library Director the ability to be innovative and have creative energy and make the changes that are necessary. Mr. Bauer said that our goal will be to convince the public to leave the library the way it is, we need to model ourselves after the School Committee. Ms. Driscoll stated that some communities made these changes and have switched back to what we are currently doing. Ms. Tuerck made the statement that Winthrop, Canton, Sharon and Scituate have made these Charter changes all have, Town Administrators and Board of Selectmen. Mr. Bauer suggested we need to write a substitute motion to Fin Com, and convince Fin Com as to why they should support the change. We don't want this because of this, this and this. Ms. Wilkinson commented how are we to convince the public why we are different from Parks and Rec. We need to be concise on why we want the changes. Ms. Driscoll said the Library is set up under State Law, and by making these changes are we really making the Town better. Dr. Tricarico asked whether her contract would still be valid with the changes. Ms. Wilkinson asked will the Charter supersede Dr. Tricarico contract. Mr. Bauer referring to Article Nine of the Special Town Meeting for Nov. 18, 2013 that the Town Administrator would not use the same process as the Library Board of Trustees used when hiring Dr. Tricarico. Ms. Driscoll then stated that the Town Administrator is on the collective bargaining teams but he usually doesn't attend until the talk is about money. Mr. Bauer asked when was the Town Administrator last in the Library? Dr. Tricarico does attend the Directors meetings at Town Hall. Ms. Driscoll said that when it comes to the perspective of money, there are certain issues that the Town Administrator does not understand. Mr. Bauer said that we must continue to defend the budget. Ms. Driscoll suggested that we start by looking at other communities and see if the Library Director is a direct report to the Town Administrator. We may need to call other Directors and Library Trustees and inquire. Dr. Tricarico asked do we have a list of communities that have changed the reporting of the Library Director from the Trustees to the Town Administrator. Ms. Driscoll stated that fewer than 100 communities have the Library Director report to the Town Administrator and most of them are cities. Sandwich has changed from the Town Administrator back to the Library Board of Trustees. Ms. Tuerck said that in Maynard the School Dept. and Library are outside of collective bargaining control. Ms. Wilkinson referring to the Charter changes said minor changes are all lumped

together. Mr. Bauer then replied the Charter will be changed after the voters of Dedham approve it with a vote. Ms. Driscoll added far fewer communities have the Library Director reporting to the Town Administrator, how will the Town Administrator do an evaluation on the Library Director. Mr. Bauer then said the Library is the best unit in the community that is doing its job. Dr. Tricarico then added that only four Libraries have increased circulation numbers and Dedham is one. Ms. Driscoll stated it is easier for 5 people to fire someone than one. We need to correct the language so we can retain the system that we have now, and not make the changes that are suggested by the Charter Commission. Mr. Bauer wants to make sure that the Trustees continue to be the appointing authority. Ms. Driscoll then asked who checked the references for the candidates for the Director's position? Ms. Emery Butler replied that members of the selection committee checked references and also checked local newspapers for articles on the Library. Ms. Wilkinson said we do not have much time. We have two things that we need to do, research other communities and advocate for the Library. Ms. Driscoll said we need to divvy up the responsibilities, and a timeline. Ms. Baker suggested that we could use Ms. Goldberg to assist in writing the language that we would need for a new motion. Ms. Emery Butler suggested that all of this be done quickly and brought to Fin Com. Mr. Bauer made the suggestion from the Town Warrant, Article 9 Section 4-2(b) after School Committee add Library Board of Trustees, then we do not have to remove appointing authority. Ms. Driscoll then asked when is Mini? Ms. Emery Butler replied Nov. 4<sup>th</sup>. Dr. Tricarico then stated that in the Warrant, Article Nine Section 4-2(c) it states that "The Administrator shall supervise and direct all appointed department heads, directors, principal duties etc." Mr. Bauer then added we need to defend why the Library Director should be in a different position than the other Directors. Dr. Tricarico stated the Library is authorized by State Law and regulated by the MBLC and a precedent has been established on 2/3 of the communities in the State of Massachusetts. Ms. Driscoll then said what is our next step. She will email Mr. Howell to find out the Fin Com meeting dates. Ms. Tuerck added we should meet with Ms. Goldberg to discuss our two issues regarding language of the Charter. We set three tentative dates that we are free Wed. 9-25- 2013 evening, Thursday, 9-26-2013 evening, and / or Fri. 9-27 morning. Ms. Driscoll then made a call to Ms. Baker and left a message. The communities that we decided to look at are Needham, Norwood, Westwood, Walpole, Wakefield, Stoneham, Milton and Canton. The questions that we decided to look for answers to are population of community, what officials are elected, open Town Meeting or representative, the organizational chart of who reports to whom? In particular Library Director, Board of Health Director, Parks & Rec Director, and Town Planner. Mr. Bauer offered to take Norwood and Westwood. Ms. Driscoll offered to take Walpole and Canton. Ms. Wilkinson offered to take Wakefield and Stoneham. Ms. Tuerck offered to do Needham and Milton. Ms. Driscoll then stated she will post a meeting for Wednesday night. Ms. Wilkinson then stated do we envision calling the communities Town Halls. Mr. Bauer addressed Dr. Tricarico do you feel comfortable with the process. Dr. Tricarico then added I don't understand why they want this change. All the Library Directors that she knows report to their Library Board of Trustees, they do consult with the Town Administrator. The Library Board of Trustees do the hiring and evaluation. Ms. Tuerck then said there is a cost related to volunteer hours. Dr. Tricarico said that there will be a coffee reception on Friday morning for Mr. Flynn's retirement.

Ms. Driscoll then suggested that the Trustees should give Mr. Flynn a gift, a gift card was decided upon. Ms. Wilkinson made the motion to adjourn at 11:37 am, Ms. Driscoll 2<sup>nd</sup>, all present voted for approval.

Respectfully submitted,

Cecilia Emery Butler

**Attachments:**

**Agenda**

**Charter under consideration**

**Town Warrant for Special Town Meeting Nov. 18, 2013**

**Appendix Page 23 Dedham Annual Town Meeting 2013**

**Charter Language**

**Future Meetings:**

**Oct. 17 Thursday 7:00 pm Endicott**

**Nov. 4 Monday 9:15 am Main History Room**

**Dec. 9 Monday 9:15 am Main History Room.**

**HOME RULE CHARTER**  
**OF THE TOWN OF**  
**DEDHAM, MASSACHUSETTS**

**ARTICLE 1**  
**INCORPORATION; SHORT TITLE; FORM OF GOVERNMENT; POWERS**

**Section 1-1. Incorporation**

The inhabitants of the Town of Dedham, Massachusetts, 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 General Laws of the Commonwealth of Massachusetts, it is the intent and the purpose of the voters of Dedham, through the adoption of this Charter, to secure for the Town all powers it is possible to secure under the Constitution and General Laws of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

**Section 1-5. Construction**

(a) Town Powers - The powers of the Town under this 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.

(b) References to Constitution and General Laws - All references to the Constitution and General Laws contained in this Charter refer to the Constitution and 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 Constitution and General Laws enacted subsequent to the adoption of this Charter. Citations to provisions of the General Laws shall, to the extent applicable, be to the pertinent chapter and section in the form of the following example: "G.L. c.40, §32."

(c) 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.

(d) Severability - The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held

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invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

(e) Specific Provisions Shall Prevail - To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

**Section 1-6. Inter-Governmental Relations**

Subject to express requirements of the Constitution and General Laws, 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.

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**Section 1.7. Definitions**

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this 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 Constitution.

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(b) Days - Except as otherwise specifically provided herein, use of the word "days" in connection with a period of less than 7 days, shall mean business days, and when referring to a period of seven days or more shall mean calendar days; and provided further that if the last day for action falls on a Saturday, Sunday or legal holiday, the deadline shall, unless otherwise addressed by law, move forward to the next occurring business day.

(c) District - The word "District" shall mean a precinct of the Town, as established by the Board of Selectmen in accordance with G.L. c.54, §6.

(d) Library - The word "Library" shall mean the Dedham Public Library and any branch or branches that may be established thereof.

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(e) Majority Vote - The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present.

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(f) 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.

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(g) Officer - The word "officer" shall mean shall mean a person who in the exercise of the powers or duties of their position exercises some portion of the sovereign authority of the Town, including but not limited to any elected official, elected or appointed member of a multiple member body established by this Charter, the by-laws, or the General Laws, or other person having charge of an office or department of the Town.

(h) Town - the word "town" shall mean the Town of Dedham.

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(i) Town Agency - The words "Town Agency" shall mean any board, commission, committee, department or office of the Town government.

- (j) 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 Library, and those at such other locations within the Town as the Board of Selectmen may from time to time designate. In addition, the words "Town Bulletin Boards" shall mean the Town's official website; provided, however, that unless otherwise required by the General Laws to be posted on the Town's website, failure to so post on the website shall not impair the legality or validity of the actions taken by the Town or others in connection with the subject matter of notices required to be posted thereon, including the posting of a warrant for any Town Meeting.
- (k) Voters - The word "voters" shall mean registered voters of the Town of Dedham.

**ARTICLE 2  
REPRESENTATIVE TOWN MEETING**

**Section 2-1. Composition, Annual and Special Meetings**

- (a) 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 at annual and special Town Meetings.
- (b) The Representative Town Meeting shall meet at the spring annual Town Meeting in the last four months of the fiscal year, on a date set by by-law. There shall also be a fall annual Town Meeting held on a date to be determined by the Board of Selectmen in the last three months of the calendar year, which meeting shall be an "annual town meeting" for purposes of the General Laws; provided, however, that the Board of Selectmen may, at its discretion, cancel said fall annual Town Meeting no later than September 15 in any year, so long as no more than 10 articles have been submitted under Section 2-9(a) for inclusion on the warrant at said fall annual Town Meeting and notice of the Board of Selectmen's action with regard to such Town Meeting shall be posted on the Town Bulletin Boards. The Board of Selectmen's decision as to whether to hold a fall annual Town Meeting shall not affect the discretion of the Board of Selectmen to call for a special Town Meeting from time to time.
- (c) Special Town Meetings may be called by the Board of Selectmen, pursuant to G.L. c.39, §10 as it may be amended from time to time or other applicable provision of law, at such times as said board shall deem appropriate.

**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 and Warrant Committee established under Section 2-9(c)(1)(i) and as a Town Representative.

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(b) Nomination of Candidates for Town Representative - Any incumbent elected Town Representative may become a candidate for re-election by filing written notice thereof with the Town Clerk not later than 56 days prior to the date of the next regular annual election. In addition, nomination of candidates for the office of Town Representative may 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 submitted to the Registrars of Voters no later than 49 days prior to the date of the next regular annual election, who shall check each name on the nomination papers 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. Said papers shall then be filed with the Town Clerk no later than 35 days preceding the date of election.

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.

(c) Removal of Town Representative from Town or District - 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 annual 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. A person so removed from office may be elected as a Town Representative from the new District in which he then resides at the same election. An elected Town Representative who is removed from the District from which the Town Representative was elected solely as a result of the establishment or revision of Districts shall be entitled to use the words, "Candidate for Re-election" after the Town Representative's name on the ballot, even if, by so doing, the number of candidates for re-election listed on the ballot in that District exceeds the number of Town Representatives to be elected.

**Section 2-3. Election and Terms**

(a) Establishment or Revision of Districts and Tie Votes - At the first regular annual election held following the establishment or revision of Districts made in accordance with G.L. c.54, §6, all of the Town Representatives in each District whose boundaries are affected by said establishment or revision, shall be elected by official ballot by the voters that District.

In each such District, 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

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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. ¶

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The term "District" for purposes of this charter shall mean "precinct", as established by the board of selectmen in accordance with the provisions of G.L. c.54, §6. ¶

**SECTION 2-4. ELECTION AND TERMS**

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division into thirds, the Town Representatives elected from the District shall determine the same by written ballot in accordance with the procedures set out in Section 2-3(c).

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(b) Three-Year Terms - Upon the expiration of the terms of Town Representatives elected after the establishment or revision of Districts, and in all other cases as the terms of Town Representatives expire, candidates shall be elected for three year terms to fill expiring terms and candidates shall also be elected to fill the unexpired term of any vacancy then existing.

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(c) Tie Votes Generally - In the event of a tie vote for the office of town representative, other than under the provisions of the first paragraph of Section 2-3(a), the Town Clerk shall within 17 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 or his designee, any such ties shall then and there be broken by written ballots cast by the elected Town Representatives present from that District.

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**Section 2-4. Compensation**

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The Town Representatives shall serve without salary.

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**Section 2-5. Presiding Officer**

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A Moderator, chosen in accordance with Section 3-8, shall preside at all sessions of Town Meeting, but he shall have no vote unless the Town Representatives present and voting are equally divided. He shall, at the first Town Meeting following each regular annual election, appoint, subject to the approval of the Representative Town Meeting, from among the 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.

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**Section 2-6. General Powers and Duties**

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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.

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**Section 2-7. Vacancies; Filling of Vacancies**

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(a) Vacancy - The office of a Town Representative, shall become vacant upon his death, resignation or removal from office in any manner authorized by law or otherwise in accordance with law. No office of Town Representative shall be considered vacant unless: (1) a letter of resignation has been filed with the Town Clerk by such person; or (2) the Town Clerk has issued a certificate that such person has died or has removed from the Town or that the position has otherwise become vacant.

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(b) Filling of Vacancies - A vacancy in the office of a Town Representative, shall be filled for the remainder of the unexpired term, if any, at the next regular annual election if such

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occurs within 120 days following the date the vacancy is established in the manner described in Section 2-7(a). If no such election is to be held within 120 days, the remaining Town Representatives from the same District shall be called together by the District Chairman no later than one month prior to the next Town Meeting or forthwith following the creation of a vacancy as described in Section 2-7(a) should the vacancy arise thereafter and shall, by a majority vote of those present and voting, elect by written ballot a qualified person to fill the vacancy, to serve until the next regular annual election, at which time the remainder of the term, if any, shall be filled by official ballot. Notice of such election by the remaining Town Representatives of the District shall forthwith be filed with the Town Clerk.

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**Section 2-8. Clerk of the Town Meeting**

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The Town Clerk or his designee shall serve as Clerk of the Town Meeting. The Clerk shall give notice of all Town Meetings to the Town Representatives and to the public, keep the record of its proceedings and perform such other duties as may be assigned by this Charter, by by-law or by other vote of the Representative Town Meeting.

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**Section 2-9. Procedures**

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(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 Board of Selectmen shall retain the original copy of each petition filed hereunder until at least 90 days following the expiration of the Town Meeting at which the said petition is acted upon.

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Comment [A1]: This section has been reorganized, but includes existing concepts except as noted.

(b) Warrants - All matters which are received by the Board of Selectmen under Section 2-9(a), shall be placed on warrants issued by the Board of Selectmen at such convenient times as it may determine and as otherwise provided by this Charter or by by-law. The original copy of all warrants for Town Meetings shall be kept in the office of the Town Clerk in a record book maintained for that purpose. A copy of the warrants shall be posted on the Town Bulletin Boards, and, unless otherwise addressed by by-law, by mailing a copy of the warrant forthwith to the place of residence of the Moderator, all Town Representatives and such other persons as may be designated by by-law. The Town Clerk shall keep additional copies of all warrants available for distribution.

Deleted: 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.¶  
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(c) Committees

(1) Standing Committees.

i. Finance and Warrant Committee - The Finance and Warrant Committee, on which no Town Representative shall serve, shall consist of nine members appointed by the Moderator for three year terms, so arranged that the term of office of three members shall expire each year. The duties of the Finance and Warrant Committee shall include those listed under Section 2-9(c)(2) and Article 5A.

ii. Standing Committee on Planning and Zoning - The Planning Board, elected under Section 3-8, shall be considered the Standing Committee on Planning and Zoning.

iii. Committee of Precinct Chairs - The Committee of Precinct Chairs shall be comprised of the Town Representatives elected as chair in each District of the Town in accordance with Section 2-9(h). Such committee shall, as may be requested by the Representative Town Meeting from time to time, or on its own initiative, and in consultation with the Moderator, review the rules, procedures and conduct of Town Meetings and make recommendations with respect thereto to the Board of Selectmen and the Representative Town Meeting.

Comment [A2]: This section is new.

iv. The Representative Town Meeting may, by vote or by-law, create such additional standing committees as it deems necessary or desirable, which may consist of any combination of Town Representatives and other voters as may be provided by said vote or by-law.

v. Application of Open Meeting Law and Administrative Procedures - All meetings of standing committees created under this Section 2-9(c) shall be subject to the provisions of the Open Meeting Law, G.L. c.30A, §§18-25, as it may be amended from time to time, and the provisions of Article 6.

Comment [A3]: This section is new.

(2) Referral of Articles to Committee - When articles are generated or received by the Board of Selectmen, copies thereof shall be forwarded forthwith by it to an appropriate standing committee for study and report, which study and report shall be considered at least once at a public hearing at which the public is provided with the opportunity to share their views concerning such matters. All warrants for Town Meetings shall include a notation of the standing committee to which each article has been assigned by the Board of Selectmen.

Notwithstanding the previous paragraph, however, all articles that would require the expenditure of Town funds, and all other articles, shall, before enactment, be referred to the Finance and Warrant Committee for its report and recommendation, which recommendation shall be the main motion before the Representative Town Meeting, except as otherwise provided in the remainder of this paragraph. All articles which relate to planning, zoning, subdivision control and any other matters relating to land use shall, before enactment, also be referred to the Planning Board, in its capacity as a standing committee, for study and report. When the adoption or amendment of a zoning by-law is before the Representative Town Meeting, the Planning Board's recommendation shall be the main motion before the Representative Town Meeting; provided further that prior to enactment the Finance and Warrant Committee shall also provide its recommendation with respect to such adoption or amendment.

(d) Quorum - At every session of 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.

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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.

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(e) Rules and Record of Proceedings - The Representative Town Meeting shall determine its own rules and order of business unless otherwise provided by this Charter or by law, and shall provide for keeping a record of its proceedings. The Town Clerk shall certify such record to be true and accurate and such record shall be a public record readily accessible to the public. A certified copy shall be kept available in the Library.

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(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 Moderator declares the result of a standing vote, if 15 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 of the Town Representatives present. Notwithstanding the provisions of this Section 2-9(f), however, the Representative Town Meeting may, by by-law, allow a different method for counting votes of Town Representatives present at a Town Meeting, such as by electronic means. The Representative Town Meeting shall not for any reason declare itself in executive session or attempt to prohibit the public from attending any of its proceedings.

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(g) Citizen Participation - Any voter or taxpayer of the Town shall have a right to speak at Town Meetings subject to such rules as may from time to time be adopted by by-law or by a vote of the Representative Town Meeting.

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(h) District Organization - The Town Representatives from each District shall, within 17 days following each regular annual election, organize by the election by written ballot 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. Such organizational meeting shall take place on a date determined by the Chair of the Committee of Precinct Chairs established under Section 2-9(c)(1)(iii), in consultation with the Town Clerk, prior to making nomination papers available for the regular annual election. Notice of the date of said organizational meeting thereof shall be posted on the Town Bulletin Boards and the Town Clerk shall provide written notice to all persons seeking election to the office of Town Representative who have complied with the requirements of Section 2-2(b) of the time, date and place of the organizational meeting. If the Town Clerk receives no notice of organization for a District within 17 days following a regular annual election, the Town Clerk shall immediately call a meeting of the Town Representatives from such Districts as have failed to organize for the purpose of such organization.

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**Section 2-10. By-Laws**

(a) Time of Taking Effect - Not sooner than 14 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 G.L. c.40, §32, and will

Deleted: Amended, 1980 Annual Town Meeting, Article 50; town vote March 21, 1981. Subsection (d) roll call changed to attendance taken at the doors. ¶ [22]

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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 subsequent to the Representative Town Meeting vote to adopt the code.

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**Section 2-11. Availability of Town Officials at Town Meetings**

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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 Representative Town Meeting with information pertinent to matters appearing in the warrant.

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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 Town Meetings under this Section 2-11 is not a voter, he shall, notwithstanding, be entitled to speak in order to provide the Representative Town Meeting with information on pertinent warrant articles.

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Elected officials of the Town, as defined in Section 3-1, and the Chairman of the Finance and Warrant Committee, when attending sessions of the Town Meetings shall have all of the rights and privileges of Town Representatives except the right to vote.

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**Section 2-12. Referendum Petitions**

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No final vote of any Representative Town Meeting approving 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 14 days after dissolution of the Town Meeting.

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If within the said 14 days, a petition signed by not less than five per cent of the voters of the Town eligible to vote as of the date of the Town Meeting at which the final vote occurred, 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 14 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 forthwith and no sooner than 35 days after issuing the call; provided, however, that if a regular or special election is to be held not more than 60 days following the date the petition is filed, the Board of Selectmen may provide that the question or questions involved be presented to the voters at the same election.

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All votes shall be taken by official ballots, and the voter 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 20% of the voters eligible to vote in the election do vote in said election.

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The question so submitted shall be stated on the ballot in substantially the same language and form in which it was stated when presented by the Moderator to the Representative Town Meeting as appears from the records of said Town Meeting, similar to the following: "Shall the voters of the Town confirm the action taken by the Representative Town Meeting at the Town Meeting held on [insert date] to [insert here the question as stated when presented by the Moderator]? A brief summary of the measure drafted by Town Counsel shall appear below the question.

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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 7:00 a.m. and shall be closed not earlier than 8:00 p.m.

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If a petition conforming to the requirements of this Section 2-12 is not filed within 14 days of the dissolution of the Town Meeting, the vote shall then become effective.

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### 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, inter-local agreement or otherwise.

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(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; provided, however, that this provision shall not be interpreted as a restriction on the number of multiple member bodies on which an elected Town official may serve by virtue of his office, so long as service on the body or bodies would terminate if the person no longer held his elected position.

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(c) Annual Election - The regular annual election of Town officers, and consideration of such questions as may be authorized by law to appear on said ballot, shall be determined by the voters on official ballots without party or other designation, and shall be held on such date as may from time to time be fixed in the by-laws of the Town.

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(d) Compensation - Elected town officials shall receive for their services such compensation as may annually be provided for that purpose by appropriation.

(e) Nomination of Candidates - The signatures of fifty registered voters of the Town shall be required to place on the ballot for election the name of a candidate for any office other than Town Representative.

(f) 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 or be represented by a representative at the drawing.

(g) Coordination - Notwithstanding their election by the voters, the Town officers named in Section 3-1(a) 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.

(h) Vacancies

(1) Vacancy - An office of any elected multiple member body listed in Section 3-1(a) shall become vacant upon the death, resignation or removal from office in any manner authorized by this Charter or the General Laws or otherwise in accordance with law. No such office shall be considered vacant unless: (1) a letter of resignation has been filed with the Town Clerk by such person; or (2) the Town Clerk has issued a certificate that such person has died or has removed from the Town or that the office has otherwise become vacant.

(2) Filling of Vacancies - If a vacancy occurs otherwise than by expiration of term in any elected multiple member body listed in Section 3-1(a), other than a vacancy in the Board of Selectmen, 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 regular annual election, at which time such office shall be filled, by election, for the remainder of the unexpired term; provided, however, that if the date the vacancy established in the manner described in Section 3-1(i)(1) is more than 120 days prior to the regular annual election, the Board of Selectmen may call for a special election to be held no earlier than 64 days from the date of its call therefor to fill the unexpired term.

(i) Application of other Provisions of Charter to Powers and Duties - Notwithstanding any provision of this Charter or of the General Laws to the contrary, the powers and duties of multiple member bodies elected under Article 3 shall be subject to the applicable provisions of Article 4 and Article 6.

**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

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- Comment [A4]:** The purpose of this section and a similar provision in Section 6-3(c) was intended to place readers and officials on notice that there are provisions in Charter that affect the authority of such elected and appointed officials as compared to state law.
- Deleted: 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) . ¶
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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.

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Comment [A5]: Note, this section is not needed to be included herein if the provisions of Section 6-7 are included.

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(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, and other members of multiple member bodies as set forth in state law, or whose appointment authority is not otherwise specified by this Charter or vote of the Representative Town Meeting, as well as other individuals who are to serve as representatives of the Town to the governing or advisory bodies of area, regional or district authorities; provided, however, that nothing herein should be interpreted to prohibit the Board of Selectmen, Town Administrator or Moderator from appointing such multiple member bodies as they deem appropriate to advise them on matters within their jurisdiction.

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(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, A summary of the results of any such investigation shall be placed on file in the offices of the Board of Selectmen and Town Clerk and in the Library and shall be printed in the next Annual Town Report.

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**Section 3-3. School Committee**

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

(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.

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(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 General Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

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**Section 3-4. Board of Assessors**

(a) Composition, Term of Office - There shall be a Board of Assessors that 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.

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(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 General Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

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**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.

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(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 General Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

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**Section 3-6. Board of Health**

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(a) Composition, Term of Office - There shall be a Board of Health that 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.

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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. . ¶ (... [47]

(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 that are given to boards of health under the Constitution and General Laws, and such additional powers and duties as may be authorized by the charter, by by-law or by other vote of the Representative Town Meeting.

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**Section 3-7. Board of Library Trustees**

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(a) Composition, Term of Office - There shall be a Board of Library Trustees that 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.

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(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 that are given to library trustees under the Constitution and General Laws and shall have such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

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**Section 3-8. Moderator**

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(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 Town Meetings, appoint the Finance and Warrant Committee established by Section 2-9(c)(1)(i), such committees as may be authorized by the Representative Town Meeting, and such other committees created by the Moderator from time to time solely to advise the

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Moderator on matters within the Moderator's jurisdiction, 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 3-9. Planning Board**

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(a) Composition, Term of Office - There shall be a Planning Board that 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.

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(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 a comprehensive plan that 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. Such plan may be amended from time to time, and shall be formally reviewed and updated no less than once every ten years.

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The Planning Board shall review proposed zoning by-laws and amendments thereto in accordance with the requirements of G.L. c.40A, §5, as it may be amended from time to time, and have all of the other powers and duties which are given to planning boards under the Constitution and General Laws, and shall have such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

Deleted: 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. ¶  
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**Section 3-10. Parks and Recreation Commission**

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(a) Composition, Term of Office - There shall be a Parks and Recreation Commission that shall consist of five members, elected at large. The term of office of Parks and Recreation Commission members shall be for three years. The term of office of Parks and Recreation Commission members shall be so arranged that as nearly an equal number as is possible shall expire each year.

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(b) Powers and Duties - The Parks and Recreation 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 that are conferred or imposed on park commissions and recreation commissions under the Constitution and General Laws. The Parks and Recreation Commission shall consider the needs of all age groups in the development of programs. The Parks and Recreation Commission shall have such additional powers and duties as may be authorized by this Charter, by-law or by other vote of the Representative Town Meeting.

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(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

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requires; and any vacancy for any cause may be filled by appointment by the Commission of the remainder of the unexpired term.

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**Section 3-11. Commissioners of Trust Funds**

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(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.

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(b) Powers and Duties - The Board of 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 actions, 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 Board of Commissioners of Trust Funds shall have all of the other powers and duties that commissioners of trust funds may have under the General Laws and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

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**Section 3-12. Housing Authority**

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(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.

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(b) Powers and Duties - The Housing Authority shall have all of the powers and duties that are given to housing authorities under the Constitution and General Laws, and shall have such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting.

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**Section 3-13. Recall of Elected Officials**

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(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.

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(b) Recall Petition

(1) Affidavit - Any 250 voters may file with the Town Clerk an affidavit signed under the penalties of perjury bearing the name and office of the officer sought to be recalled and a statement of the grounds for recall. An affidavit shall contain the names of at least 25 voters from each District into which the Town is divided, and shall specify thereon who shall be considered the "lead petitioner" and who shall be understood to be the "first ten voters" signing the affidavit for purposes of the recall process. If, within three days following such submission, said affidavits are found by the Board of Registrars of

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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 and without delay make available to the first ten voters making the affidavit, at his office, copies of petition blanks demanding such recall, printed forms of which shall be kept available.

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(2) Petition Form - When issued, the petition blanks shall contain a facsimile of the signature of the Town Clerk and official seal of the Town. The petition blanks shall be dated, shall be addressed to the Selectmen and shall contain the names of the first ten voters on the affidavit filed under the provisions of Section 3-13(b)(1), the name and office of the person whose recall is sought, the grounds for recall as stated in said affidavit and shall demand the election of a successor to the said office. No copies of petition blanks shall be made by the first ten signers or others circulating petitions for signatures. A copy of the petition blank shall be entered in a record book to be kept in the office of Town Clerk.

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(3) Petition Signature Requirements - The recall petitions shall be returned and filed with the Town Clerk within 21 days following the date they are made available in the Clerk's office and shall have been signed by at least 10 percent of the voters eligible to vote as of the most recent regular annual election, not more than 25 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.

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The Town Clerk shall within one day of receipt, submit the petition to the Board of Registrars of Voters, and the said Registrars shall forthwith, but in no event more than five days after receipt, certify thereon the number of signatures that are the names of voters.

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(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 meet forthwith at a properly posted meeting in accordance with the Open Meeting Law to 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 after written notice has been provided, forthwith order an election to be held on a date fixed by it not less than 60 days nor more than 75 days from the date the Board of Selectmen calls for said election; provided, however, that if any other Town election is to occur within 90 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 and the question of recall may appear on the ballot at that 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 3-13.

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(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

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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 3-13.

(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 3-13. If recalled, such person shall be deemed removed.

(f) Recall Election - Ballots used in a recall election shall include the following propositions in the order specified:

For the recall of (name), (office)

Against the recall of (name), (office)

Below the propositions shall be listed the names of all candidates nominated as hereinbefore provided, arranged as provided in Section 3-1(e), with such instructions as shall aid the voter. If the number of votes in favor of the recall is in the majority, then the officer shall be deemed recalled, the votes cast for each of the candidates counted and the candidate receiving the highest number of votes declared elected for the remainder of the unexpired term. If the number of votes against the recall is in the majority, the incumbent shall not have been recalled, and the votes for candidates shall not be counted. If such successor shall fail to qualify within 14 days after receiving notification of election, the office shall be deemed to be vacant and shall be filled in the manner provided in Section 3-1(i). Notwithstanding any other provision of this paragraph, however, if fewer than 20% of the voters eligible to vote in said recall election participate at such election, no votes need be counted and the election shall be deemed not to have recalled the incumbent.

(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 him, 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.

#### ARTICLE 4 TOWN ADMINISTRATOR

##### 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 Representative Town Meeting. The Town Administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Town

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*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. . ¶*

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Administrator shall be a person qualified by education, training and previous experience to perform the duties of the office. The Town Administrator shall not have served in any elected office in the Town government for at least twelve months prior to appointment. The Representative Town Meeting 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 the Board of Selectmen approves such action in advance and in writing. The Board of Selectmen shall provide for an annual review of the job performance of the Town Administrator that shall, in summary form, be a public record.

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#### 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:

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(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 the Representative Town Meeting, by vote of the Board of Selectmen, or otherwise.

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(b) (1) To appoint for periods not in excess of five years, 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, 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.

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(2) To suspend or remove, any person appointed by the Town Administrator under Section 4-2(b)(1) in accordance with the provisions of Section 6-6. The decision of the Town Administrator in suspending or removing any person appointed by the Town Administrator shall be final.

(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-laws and collective bargaining 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.

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(d) To fix the compensation of all appointed officers and employees within the limits established by appropriations of the Representative Town Meeting.

- (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. Deleted: b...ard of Ss...lectmen, unless (... [75])
- (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, a full report of all Town administrative operations during the period reported on, which report shall be made available to the public. Deleted: t...wn are kept and to render as (... [76])
- (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 the Representative Town Meeting as the Town Administrator may deem necessary or desirable. Deleted: b...ard of Ss...lectmen fully adv (... [77])
- (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 Representative Town Meeting or otherwise. Deleted: t...wn facilities and property exc (... [78])
- (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. Deleted: t (... [79])
- (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. Deleted: t...wn, both real and personal, is (... [79])
- (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 such contracts shall be subject to ratification and execution by the Board of Selectmen. Deleted: t...wn Aa...ministrator, includin (... [80])
- (l) To serve as the chief procurement officer for purposes of G.L. c.30B and be responsible for purchasing all supplies, material and equipment for all departments and activities of the Town, including execution of contracts therefor. 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 that have been declared surplus by any Town Agency. Deleted: t...wn Aa...ency. ...he Tt...wn (... [81])
- (m) To see that all of the provisions of the General Laws, of this Charter, Town By-laws and other votes of the Representative 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. Deleted: g...neral LL...ws, of this Cc...art (... [82])

- (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 persons recognized by the Moderator 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 said Article 5, 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 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 the Town By-laws, Administrative Organization Plan, votes of the Representative Town Meeting, or votes of the Board of Selectmen, or otherwise.

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### 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.

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### 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 returns.
- (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

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administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed six months but one renewal may be voted by the Board of Selectmen not to exceed a second six 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.

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- (c) Powers and Duties - The powers of a Temporary or Acting Town Administrator under Sections 4-4(a) and 4-4(b) shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to a Town office or employment but not to make permanent appointments or designations.

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**Section 4-5. Removal and Suspension**

The Board of Selectmen by the affirmative votes of three or more members may terminate, remove, or suspend the Town Administrator from office; further conditions applicable to termination, removal and suspension may be addressed by the terms of any contract between the Board of Selectmen and the Town Administrator.

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**ARTICLE 5  
ADMINISTRATIVE ORGANIZATION**

**Section 5-1. Department of Finance**

- (a) Department and Director - There shall be a Department of Finance under the direction of a Director of Finance, who shall be appointed and may be removed by the Town Administrator in accordance with the provisions of Section 4-2(b). Said Director of Finance shall give bond to the Town, at the expense of, and in a form satisfactory to, said Town.

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- (b) Powers and Duties of Director of Finance - 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: coordinate and direct all aspects of the Town's financial practices and procedures consistent with the General Laws; oversee the functions of the Treasurer-Collector, and have oversight of all accounting, treasury, collection, and risk management functions of the Town, and related automated data processing, information systems and procurements; engage in short and long term financial planning, and serve as an ex-officio member, with a voice but no vote, of every multiple member body of the Town involved with financial planning, policies or practices, including the Finance and Warrant Committee.

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- (c) Appointment of Treasurer-Collector and other Departmental Positions - The Director of Finance shall have authority to make other departmental appointments under the provisions of Section 6-5, including appointment of a Treasurer-Collector. Said Treasurer-Collector shall have all of the powers and duties that treasurers and collectors may have under the Constitution and General Laws, and any other powers and duties assigned to that office by this Charter, by-law or other vote of the Representative Town Meeting. With the approval of the Board of Selectmen and Town Administrator, the Director of Finance may separate

the responsibilities of the Treasurer-Collector and assign the same to a separate Treasurer and a separate Collector.

- (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 for such limited time as is necessary to fill the position permanently under Sections 4-2(b) and 6-5.

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**Section 5-2. 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 5.

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Repealed, Special Town Meeting of May 23, 1994, Article One; Chapter 177 of the Acts of 1994; town vote March 18, 1995. ¶ [97]

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- (a) By-Laws - Subject only to express prohibitions in the General Laws or the provisions of this Charter, the Representative 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 desirable, 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 Section 4-2(p), functions assigned by this Charter to appointed Town Agencies under the supervision of the Town Administrator may by by-law be assigned to any other appointed Town Agency under the supervision of the Town Administrator or to any board, commission, committee, department, position or office of any such agency.

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- (b) Administrative Organization Plan - The Town Administrator, after consultation with the Board of Selectmen, may from time to time prepare and submit to an annual Representative Town Meeting, plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the Town.

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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 14 days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Representative 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 Representative Town Meeting at which the proposal is submitted unless the Representative Town Meeting shall, by a majority vote, vote to disapprove the plan. The Representative Town Meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

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The Town Administrator may, through the Administrative Organization Plan, 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 or desirable to the same extent as is provided in Section 5-2(a), 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

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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.

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**Section 5-3. Publication of Administrative Organization Plan and Staffing Plan**

The Town by-laws, Administrative Organization Plan and any amendments thereto, as well as the personnel staffing plan, shall be posted on the Town website and paper copies thereof shall be made available in the office of the Town Clerk.

Deleted: 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. 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.

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**ARTICLE 5A  
FINANCE AND FISCAL PROCEDURES**

**Section 5A-1. Budget Cycle**

The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June, unless another period is required by the General Laws. The Town Administrator shall establish a budget calendar, consistent with any requirements in this Charter and by-laws, setting forth key deadlines for action. Following presentation of the same to the Board of Selectmen, the Town Administrator shall provide notice thereof to all Town department heads, directors, boards, committees and officials.

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**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 information as to the times and places, to include, at a minimum, the School website and Superintendent's office, where copies of the Committee's proposed budget message and draft budget may be reviewed and or requested, and such information shall include the date, time and place of the public hearing thereon. The budget message shall outline proposed financial policies of the School Department 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, and include such other material as the Superintendent and School Committee deem desirable or the Town Administrator or Board of Selectmen may reasonably require. 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, no later than two weeks prior to the date on which the Town Administrator is required to submit a proposed Town budget to the

Finance and Warrant 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 5A.

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**Section 5A-3. Submission of Budget and Budget Message**

Before the spring annual Town Meeting is to convene, the Town Administrator, shall, no later than one week prior to the date on which the Town Administrator will submit the proposed budget and budget message to the Board of Selectmen for its review, cause to be published in a local newspaper information as to the times and places, to include, at a minimum, the Town website and the Town Administrator's office, where copies of the Town Administrator's proposed budget and budget message may be reviewed and/or requested, and such information shall include the date, time and place of the public hearing thereon. After consultation with the Board of Selectmen, the Town Administrator shall submit to the Finance and Warrant Committee a proposed, balanced, operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents.

**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.

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**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;
- (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.

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**Section 5A-6. Action on the Budget**

- (a) Public Hearing - Forthwith upon its receipt of the proposed operating budget the Finance and Warrant 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. Deleted: f...nance and Warrant Cc ... [109]
  
- (b) Review - The Finance and Warrant Committee shall consider, in open public meetings, the detailed expenditures proposed for each Town Agency and may confer with representatives of each such Agency in connection with its review and consideration. The Finance and Warrant Committee may require the Town Administrator, or any other Town Agency, to furnish it with such additional information as it may deem necessary or desirable to assist it in its review and consideration of the proposed operating budget. Deleted: f...nance and Warrant Cc...mn ... [110]
  
- (c) Action by the Representative Town Meeting - The Finance and Warrant 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 on the Town website and in the offices of the Town Administrator and Town Clerk. The Finance and Warrant Committee's recommendation on the proposed operating budget for the ensuing fiscal year shall be presented as the main motion to the Representative Town Meeting. Deleted: f...nance and Warrant Cc...mn ... [111]

**Section 5A-7. Capital Improvement Program**

- The Town Administrator shall submit a capital improvement program to the Board of Selectmen and the Finance and Warrant Committee within the time fixed by by-law. 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. Deleted: t...wn Aa...ministrator shall su ... [112]
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**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 and shall be sufficient authority to authorize payment by the Treasurer-Collector or, as may be applicable, Town Treasurer, but the Board of Selectmen alone Deleted: t...wn Aa...ministrator shall be ... [114]

shall approve all warrants prepared and signed by the Director of Finance in the event of the absence of the Town Administrator or a vacancy in the office of Town Administrator.

**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 books of the whole Town or of any particular Town Agency, to be necessary or desirable.

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.

**ARTICLE 6  
ADMINISTRATIVE PROVISIONS**

**Section 6-1. 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 6-2. 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 open and accessible to the public within the Town as they may prescribe, and otherwise as consistent with the provisions of the Open Meeting Law, G.L. c.30A, §§18-25 as it may be amended from time to time. Special meetings of any multiple member body shall be held on the call of the respective chairman, 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, or called by the chairman 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. For purposes of the Open Meeting Law, if a special meeting is called by one-third of the members of a public body or as a result of a petition, the topics listed on said meeting notice or petition, shall be deemed to be the list of topics reasonably anticipated by the chair of such body. Except as otherwise authorized by the Open Meeting Law, all meetings of all multiple member bodies shall be conducted in open session.

(b) Meeting Notices - No action taken on a matter not included in the posted meeting notice, 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. The Town shall also, subject to funding and administrative or technological constraints, post notices of all meetings on the Town's website as soon as possible after the official notices of such meetings are posted; provided, however, that, unless otherwise required by the General Laws to be posted on the Town's website, failure

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- Deleted: Amended Chapter 121 of the Acts of 2009; "treasurer" changed to "treasurer-collector." ¶
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- Deleted: 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
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to so post shall not invalidate the meeting to which the notice relates, or otherwise affect action taken thereat or in reliance thereon.

(c) Rules and Minutes - Each multiple member body shall determine its own rules and order of business unless otherwise provided by this Charter or by-law, and shall provide for keeping minutes of its proceedings. These rules and minutes 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 minutes; 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.

(f) Public Participation – Each multiple member body shall include on the notice for each meeting an item for a public participation period of such duration and subject to such rules as the body shall adopt, during which members of the public shall have the opportunity to address the body concerning matters within its jurisdiction.

**Section 6-3. Appointed Multiple-Member Bodies**

(a) Appointing Authority, In General - Except as may otherwise be specified by this Charter, whenever, whether under the provisions of a vote of the Representative Town Meeting or by by-law, a multiple member body is to be established, the Representative Town Meeting shall designate the appropriate appointing authority therefor. In the absence of such designation, it shall be presumed that the Board of Selectmen shall make such appointment in accordance with the provisions of Section 3-2(d).

(b) Vacancies - Vacancies arising on an appointed multiple member body other than by expiration of appointed term shall be filled for the remainder of the unexpired term in the same manner as the original appointment, subject to the requirements of Section 6-4.

(c) Powers and Duties – The officers and multiple member bodies appointed by the Board of Selectmen, Town Administrator or Moderator under Section 3-2(d), by the Moderator under Section 3-8(b), as established by the Representative Town Meeting under Section 2-9(c), or as specified by the Representative Town Meeting consistent with the provisions of Section 6-3(a) shall have all the powers and duties provided to such officers and bodies under the Constitution and General Laws, and such additional powers and duties as may be authorized by this Charter, by by-law or by other vote of the Representative Town Meeting; provided, however that notwithstanding any provision of this Charter or of the General Laws to the contrary, the powers and duties of multiple member bodies appointed thereunder shall be subject to the applicable provisions of Article 6 and Article 4.

**Section 6-4. Notice of Vacancies**

Whenever a vacancy occurs in any Town office or Town employment, or on any multiple member body, except for positions covered under the civil service laws of the Commonwealth,

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Deleted: 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.

Deleted: 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

Comment [A6]: Similar to the provisions of Section 3-1(i), the purpose of this language would be place readers of this Charter and members of appointed multiple member bodies on not ... [119]

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whether by reason of death, resignation, expiration of a fixed term for which a person has been appointed, or otherwise, the 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, or such later date as set forth in the posting, 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.

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**Section 6-5. Appointments by Department Heads**

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 procedures established pursuant to the provisions of Section 6-6. The decision 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 be consistent with the provisions of Section 6-6. The decision of the Town Administrator shall be final.

Deleted: 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 ... [121]

Deleted: 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 head ... [122]

**Section 6-6. Removals and Suspensions**

Any appointed Town officer, member of a multiple member body or employee of the Town, not subject to the state civil service laws of the Commonwealth, collective bargaining agreement or contract to the contrary, and whether appointed for a fixed or indefinite term, shall be subject to suspension, termination or removal by the appointing authority for cause, in accordance with a procedure set forth in the Town's Personnel By-laws, if any, or otherwise as said appointing authority, with the approval of the Town Administrator, determines is in the best interests of the Town.

Deleted: 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. ¶

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Nothing in this Section 6-6 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.

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**Section 6-7. Role of Multiple Member Bodies**

Nothing in this Charter shall be construed to authorize any individual member of an elected or appointed multiple-member body, nor a majority of members of such body, to become involved in the day-to-day operation and administration of any Town Agency, including appointment and supervision of department heads and staff, except as otherwise provided herein. Instead, day-to-day operations shall be subject to oversight by the Town Administrator under Section 4-2, and department heads under Sections 6-5 and 6-6. It is the intention of this provision to affirmatively establish that such bodies shall act only through the adoption of broad policy guidelines that are to be implemented by officers and employees serving under such body.

Deleted: ¶ 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. ¶

**Section 6-8. Report of Multiple Member Bodies**

Each elected and appointed multiple member body shall report annually to the Town, prior to the spring annual Town Meeting, giving information regarding the status of those matters under its jurisdiction, including any relevant plans or proposals known to it affecting the resources, possibilities and needs of the Town, and, in the case of any such multiple member body required to prepare or maintain plans or studies, an indication of the same and any amendments made thereto during the past year.

**ARTICLE 7**

**REVIEW AND CHANGES OF CHARTER AND BY-LAWS**

**Section 7-1. 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 Amendments.

**Section 7-2. Periodic Review of Charter and By-Laws**

The Board of Selectmen shall appoint a special committee of no less than five voters in each year ending in "0" to review this Charter and in each year ending in "5" to review the Town by-laws. Such committees shall make recommendations concerning possible revision or recodification as they deem appropriate, and shall present the same, accompanied by a statement as to the reasons therefor, in a report to the Board of Selectmen.

Within 8-10 months following appointment, each such committee shall prepare a preliminary report summarizing its recommendations as of that time, and shall schedule a public hearing in connection therewith to be held no earlier than two weeks after the date notice of the availability of such report is published in a newspaper of general circulation in the Town. Said notice shall include information as to times and places, which shall include at a minimum the Town's website and the Town Clerk's office, where copies of the report may be reviewed or requested, and include the date, time and place of the public hearing thereon.

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**ARTICLE 8**

**TRANSITIONAL PROVISIONS**

**Section 8-1. 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 or is amended 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.

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**Section 8-2. Continuation of Government**

Following adoption or amendment of this Charter, 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.

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**Section 8-3. Continuation of Personnel**

Following adoption or amendment of this Charter, to the extent that any provision affects a particular appointed Town office, position or employment, the Town shall, subject to appropriation and the continued existence of such office, position or employment, retain the same and continue to perform the duties thereof until provision shall have been made for the performance of those duties by another person or agency, unless sooner removed in accordance with this Charter, applicable collective bargaining agreement, employment contract, by-law or otherwise; 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. Subject to appropriation, and in accord with the provisions of any contracts or applicable collective bargaining agreements, all such persons shall be retained in a capacity as similar to the capacity they were serving at the time this Charter was adopted or amended as is practical, and any reduction in the personnel needs of the Town shall be accomplished through a policy of attrition unless specific provision is otherwise made.

**Section 8-4. 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 this 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 this Charter:

- (1) Chapter 270 of the Acts of 1897 (“An Act to Authorize the Town of Dedham to Construct a System of Sewerage and to Provide for the Payment of the Cost Thereof”);
- (2) Chapter 343 of the Acts of 1900 (“An Act relative to the Construction of a System of Sewage by the Town of Dedham”);
- (3) Chapter 52 of the Acts of 1921 (“An Act relative to the Sewage System of the Town of Dedham”);
- (4) Chapter 13 of the Acts of 1932 (“An Act relative to the Payment of the Cost of Construction of Particular Sewers and Connecting Drains in the Town of Dedham”);
- (5) Chapter 51 of the Acts of 1937 (“An Act Authorizing the Town of Dedham to use Stone Park, so called, for playground and Athletic Field Purposes”);
- (6) Chapter 446 of the Acts of 1956 (“An Act Authorizing the Town of Dedham to Borrow Money Outside the Debt Limit for Improving Wigwam Brook and Certain Meadow Land”);
- (7) Chapter 64 of the Acts of 1957 (“An Act Authorizing the Town of Dedham to use Certain Park Land for School Purposes”); and
- (8) Chapter 65 of the Acts of 1957 (“An Act Authorizing the Town of Dedham to use Certain Park Land for Municipal Purposes”).

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**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 shall be filed with the board of selectmen and the board of registrars of voters not later than October 15 of the said year. ¶

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Deleted: charter shall be construed to prevent persons holding office as Trustees of the E ( ... [127]

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

(1) Chapter 102 of the Acts of 1838; (2) Chapter 168 of the Acts of 1866; (3) Chapter 30 of the Acts of 1886; (4) Chapter 156 of the Acts of 1889; (5) Chapter 74 of the Acts of 1895; (6) Chapter 128 of the Acts of 1910; (7) Chapter 135 of the Acts of 1913; (8) Chapter 9 of the Acts of 1924; (9) Chapter 292 of the Acts of 1925; (10) Chapter 335 of the Acts of 1926; (11) Chapter 358 of the Acts of 1926; (12) Chapter 46 of the Acts of 1928; (13) Chapter 270 of the Acts of 1929; (14) Chapter 8 of the Acts of 1930; (15) Chapter 211 of the Acts of 1933; (16) Chapter 215 of the Acts of 1934; (17) Chapter 29 of the Acts of 1935; (18) Chapter 325 of the Acts of 1935; (19) Chapter 3 of the Acts of 1936; (20) Chapter 96 of the Acts of 1943; (21) Chapter 18 of the Acts of 1945; (22) Chapter 91 of the Acts of 1947; (23) Chapter 90 of the Acts of 1947; (24) Chapter 417 of the Acts of 1948; (25) Chapter 45 of the Acts of 1949; (26) Chapter 58 of the Acts of 1950; (27) Chapter 135 of the Acts of 1950; (28) Chapter 91 of the Acts of 1951; (29) Chapter 20 of the Acts of 1952; (30) Chapter 494 of the Acts of 1954; (31) Chapter 710 of the Acts of 1955; (32) Chapter 119 of the Acts of 1956; (33) Chapter 64 of the Acts of 1958; (34) Chapter 80 of the Acts of 1959; (35) Chapter 255 of the Acts of 1960; (36) Chapter 239 of the Acts of 1964; (37) Chapter 226 of the Acts of 1965; (38) Chapter 6 of the Acts of 1966; (39) Chapter 17 of the Acts of 1966; (40) Chapter 350 of the Acts of 1970; (41) Chapter 238 of the Acts of 1971; and, (42) Chapter 394 of the Acts of 1972.

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

- (1) An Act of the General Court of the Colony of Massachusetts Bay, enacted September 8, 1636; and
- (2) Chapter 38 of the Acts of 1922 (“An Act Extending the Provisions of the Civil Service laws to the Chief of the Fire Department of the Town of Dedham”).

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Comment [A7]: This act and the next three highlighted were moved from Section 8-4(c).

Comment [A8]: See prior comment.

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

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*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.*

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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

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are available for examination by the public, and

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will be held by the school committee on the proposed budget. The school committee

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) 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**

**Page 26: [116] Deleted** **Author**

. 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

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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

**Page 26: [118] Deleted** **Author**

(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.

**Page 27: [119] Comment [A6]** **Author**

Similar to the provisions of Section 3-1(i), the purpose of this language would be place readers of this Charter and members of appointed multiple member bodies on notice of the authority of the Town Administrator under Article 4, and the requirements laid out in this Article 6.

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#### **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

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Except as otherwise provided in this charter, the town administrator shall appoint, subject to the consent of the board of selectmen, all

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All persons categorized as department heads

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All persons categorized as department heads

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All persons categorized as department heads

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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 voters of the district as provided in section 2-2(b). Candidates for the office of town representative who are

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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

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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

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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

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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.

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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.

**To either of the Constables of the Town of Dedham in said County: You are hereby required in the name of the Commonwealth aforesaid to notify and warn the inhabitants of said Town of Dedham qualified to vote in town affairs to meet at the Dedham High School Auditorium for the 2013 Special Town Meeting in said town on the third Monday in November (it being the eighteenth day of said month) AD 2013, at seven o'clock in the evening, then and there to act on the following articles, namely:**

**ARTICLE ONE:** *By the Board of Selectmen.* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation Schedule), or Schedule C (Fringe Benefits) of the Personnel Wage and Salary Administration Plan; to act upon the recommendations of the Town Administrator as to actions he deems advisable and necessary in order to maintain a fair and equitable pay level and compensation policy; to implement collective bargaining agreements for the following:

1. AFSCME, Local #362 (Library Staff Unit)
2. Dedham Police Patrolmen's Association
3. Dedham Police Association (Lieutenants & Sergeants)
4. Dedham Firefighter's Association
5. AFSCME, Local #362 (DPW-Unit A)
6. AFSCME, Local #362 (DPW-Unit B)
7. AFSCME, Local #362 (Town Hall)
8. AFSCME, Local #362 (Parks)
9. AFSCME, Local #362 (Civilian Dispatchers)

or take any other action relative thereto.

*Referred to Finance Committee for study and report.*

**ARTICLE TWO:** *By the Board of Selectmen.* To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for general municipal purposes, all or a portion of the land and improvements thereon, identified in Assessors' records as 180 Rustcraft Road and shown as Lot 1, Map 164, and further to raise and appropriate, transfer, or borrow a sum of money for the acquisition, renovation, reconstruction, and equipping of said real property, a portion of which sum may be used, as determined by the Board of Selectmen, to pay a deposit to secure the purchase; and to authorize the Board of Selectmen to apply for any grants or loans in connection herewith, to enter into all agreements, execute any and all documents, and take all action necessary to carry out this project, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE THREE:** *By the Board of Selectmen.* To see if the Town will vote to authorize the Board of Selectmen to seek special legislation to amend the Town Charter by making ministerial, clerical and minor substantive revisions thereto [reflecting certain recommendations of the Charter Review Advisory Committee] by:

- (1) Making ministerial and clerical amendments in four basic categories: general revisions throughout Charter related to grammar, capitalization, internal consistency; revisions to make the Charter easier to use, including amendments to particular sections, such as inserting headings and subsections and re-ordering existing provisions; revisions related to state law, and particularly election law and the Open Meeting Law; and revisions to reflect current practice, including in the Finance Department; and
- (2) Making minor substantive revisions, including but not limited to:
  - a. Establishing of requirements for posting materials on website;
  - b. Creating of a fall Annual Town Meeting;
  - c. Clarifying process for filling vacancies in Town Representative membership;

- d. Clarifying role of Town Meeting standing committees;
- e. Providing that the Planning Board's recommendation to Town Meeting is first motion on floor with respect to Zoning By-law adoption or amendment;
- f. Authorizing Town Meeting, by by-law, to authorize electronic voting at Town Meeting;
- g. Clarifying application of referendum procedure, including that it is applicable only to positive votes of Town Meeting and including form of question in Charter;
- h. Clarifying that Board of Selectmen will be the default authority for making appointments to multiple-member bodies, unless otherwise dictated by Town Meeting or formed by the Moderator or Town Administrator to advise them on matters within their respective jurisdiction;
- i. Updating recall provision, in particular makes clear that the vote on recall is a two-step process – first whether to recall, and then who should fill the vacancy;
- j. Clarifying authority of Town Administrator as Chief Procurement Officer;
- k. Deleting administrative procedure for removal but still requires affirmative votes of three Selectmen;
- l. Deleting administrative procedure applicable to removal of employees not covered by collective bargaining agreement or contract, but retains “cause” requirement;
- m. Requiring published written notice of school and town budget action, including where full budget is available and requires posting on website;
- n. Establishing mandatory public participation period at meetings of multiple member bodies, affirms policy-making nature of elected and appointed town boards;
- o. Requiring annual report of multiple member bodies with respect to matters that might require financial resources; and
- p. Requiring periodic review of charter and by-laws in alternating five-year intervals;

all as set forth in a document entitled “Proposed Charter Amendments – Article \_\_”, with text to be inserted underlined and text to be deleted shown in the margins, as on file in the office of the Town Clerk and available on the Town's website at <http://www.dedham-ma.gov>, and that while the Board of Selectmen shall hereby be authorized to determine the proper form of the bill prior to submission to the General Court, such bill shall include a so-called “voter acceptance” provision requiring that prior to taking effect any amendment approved hereunder and enacted by the General Court be presented to the voters of the entire Town at an election; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE FOUR:** *By the Board of Selectmen.* To see if the Town will vote, to the extent that the Town takes positive action under Article 3, to authorize the Board of Selectmen to seek special legislation to further amend the Town Charter, Article 3, Elected Officials, Section 3-5(a) by increasing the term of the elected Town Clerk from three to five years by deleting the word “three” and inserting in place thereof the word “five”, and further, that such longer term shall be implemented only upon the expiration of term of the incumbent holding office on the effective date of the Charter amendment provided hereunder, or on the date of such incumbent's sooner resignation, retirement or removal, and that while the Board of Selectmen shall hereby be authorized to determine the proper form of the bill prior to submission to the General Court, such bill shall include a so-called “voter acceptance” provision requiring that prior to taking effect any amendment approved hereunder and enacted by the General Court be presented to the voters of the entire Town at an election; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE FIVE:** *By the Board of Selectmen.* To see if the Town will vote, to the extent that the Town takes positive action under Article 3, to authorize the Board of Selectmen to seek special legislation to further amend the Town Charter, Article 3, Elected Officials, Section 3-1, General Provisions, by eliminating the stipend for elected officials by revising Section 3-1(d), entitled, "Compensation", to provide as follows:

Elected Town officials, other than the Town Clerk, shall serve without compensation, but shall, subject to appropriate, be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

And further that such prohibition shall be implemented with respect to any incumbent elected Town official holding office as of the effective date of the Charter amendment provided for hereunder only upon the expiration of their continuous term of service in said position, or sooner resignation, retirement or removal therefrom, and that while the Board of Selectmen shall hereby be authorized to determine the proper form of the bill prior to submission to the General Court, such bill shall include a so-called "voter acceptance" provision requiring that prior to taking effect any amendment approved hereunder and enacted by the General Court be presented to the voters of the entire Town at an election; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE SIX:** *By the Board of Selectmen.* To see if the Town will vote, to the extent that the Town takes positive action under Article 3, to authorize the Board of Selectmen to seek special legislation to further amend the Town Charter to impose limits on the number of terms an individual may serve on elected and appointed multiple member bodies, by revising Articles 3 and 6 as follows:

Section 3-1(b) - Insert at the end of such section the following new sentence:

Further, no person shall hold any one elective Town office, other than Town Clerk, Moderator or Town Representative, for more than four consecutive terms if elected to a position with a term of three years or three consecutive terms if elected to a position with a term of five years; provided, however, that for purposes of this Section 3-1(b) a person shall be deemed to have held office for a "term" if they are elected to serve for a period equivalent to more than one-half of the full term provided for by this Charter.

Section 3-2(d) – Insert at the end of said section the following new sentence:

Eligibility for appointments to the multiple member bodies identified hereunder shall be subject to the limitations set forth in Section 6-3(d), and such bodies shall be subject to the provisions of Article 6.

Section 6-3(d) – Insert new section as follows:

Limits on Eligibility for Appointment - No person shall serve as a member of any appointed multiple member body for more than four consecutive terms, provided, however, that if members of the multiple member body serve for terms of five years, no person shall serve as a member thereof for more than three consecutive terms. For purposes of this Section 6-3(d) a person shall be deemed to have served as a member of a multiple member body for a "term" if they are appointed to fill an unexpired term for a period equivalent to more than one-half of the original term of appointment.

And further that such term limits imposed on multiple member bodies as set out above shall apply only to appointment or election of an individual to office occurring after the effective date of the Charter amendment provided for hereunder, in that any prior elected or appointed terms shall not be considered in calculating consecutive terms of office, and that while the Board of Selectmen shall hereby be authorized to determine the

proper form of the bill prior to submission to the General Court, such bill shall include a so-called “voter acceptance” provision requiring that prior to taking effect any amendment approved hereunder and enacted by the General Court be presented to the voters of the entire Town at an election; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE SEVEN:** *By the Board of Selectmen.* To see if the Town will vote, to the extent that the Town takes positive action under Article 3, to authorize the Board of Selectmen to seek special legislation to further amend the Town Charter to limit the appointment of an individual to more than two multiple member bodies, either by inserting a new sentence at the end of Section 6-3(d) as set forth above as follows:

Further, no person shall serve simultaneously on more than two appointed multiple member bodies; provided, however, that this provision shall not be interpreted as a restriction on the number of additional multiple member bodies on which a person may serve by virtue of his office, so long as service on the additional body or bodies would cease upon termination of the appointment.

Or, if the previous Article is not approved, by revising the following sections of the Charter:

Section 3-2(d) – Insert at the end of said section the following new sentence:

Eligibility for appointments to the multiple member bodies identified hereunder shall be subject to the limitations set forth in Section 6-3(d), and such bodies shall be subject to the provisions of Article 6.

Section 6-3(d) – Insert new section as follows:

Limits on Eligibility for Appointment - No person shall serve simultaneously on more than two appointed multiple member bodies; provided, however, that this provision shall not be interpreted as a restriction on the number of additional multiple member bodies on which a person may serve by virtue of his office, so long as service on the additional body or bodies would cease upon termination of the appointment.

And further that such limits on service as set out above shall apply only to appointments to office occurring after the effective date of the Charter amendment provided for hereunder, in that any person holding serving on more than two appointed multiple member bodies as of the effective date of this amendment shall continue to serve in such capacity or capacities until the expiration of their appointed terms or earlier retirement, resignation or removal, and that while the Board of Selectmen shall hereby be authorized to determine the proper form of the bill prior to submission to the General Court, such bill shall include a so-called “voter acceptance” provision requiring that prior to taking effect any amendment approved hereunder and enacted by the General Court be presented to the voters of the entire Town at an election; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE EIGHT:** *By the Board of Selectmen.* To see if the Town will vote, to the extent that the Town takes positive action under Article 3, to authorize the Board of Selectmen to seek special legislation to further amend the Town Charter to change the manner of selection of the Board of Assessors from elected to appointed by making the following revisions:

Section 3-1(a) – Delete the words, “a Board of Assessors,”

Section 3-4, Board of Assessors – Delete the text and title of Section 3-4 in its entirety

Section 3-2(d), Board of Selectmen – Insert the words “Board of Assessors” (shown underlined, below) after the words “Board of Appeals” so that this section provides, in relevant part:

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, Board of Assessors, Conservation Commission, Historic District Commission...

And further that incumbent members of the Board of Assessors as of the effective date of the Charter amendment provided for hereunder shall continue to perform the duties of said office until the expiration of the term to which they were elected or appointed, or their sooner vacating of office, thereafter, the Board of Selectmen shall fill any vacancy on such board arising after the effective date of this amendment, whether by expiration of term or otherwise, by appointment in accordance with the Charter, and that while the Board of Selectmen shall hereby be authorized to determine the proper form of the bill prior to submission to the General Court, such bill shall include a so-called “voter acceptance” provision requiring that prior to taking effect any amendment approved hereunder and enacted by the General Court be presented to the voters of the entire Town at an election; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE NINE:** *By the Board of Selectmen.* To see if the Town will vote, to the extent that the Town takes positive action under Article 3, to authorize the Board of Selectmen to seek special legislation to further amend the Town Charter to make the Town Administrator the appointing authority for all department head-level positions, regardless of title, and further by providing that the Town Administrator shall supervise all positions so appointed with respect to day-to-day performance in accordance with personnel by-laws and policies, and if applicable, contracts or collective bargaining agreements, by making the following revisions:

Section 4-2(b) – delete the text thereof and revise to provide as follows:

(b) (1) To appoint for periods not in excess of five years, subject to the provisions of the civil service laws and of any collective bargaining agreements as may be applicable, all department heads, directors, principal deputies or principal agents of multiple member bodies other than those under the jurisdiction of the School Committee, and officers, and positions for which no other method of appointment is provided in this Charter; provided, however, that the Town Administrator shall consult with the appropriate elected or appointed multiple member body prior to hiring a department head, director, principal deputy or principal agent for a particular department. Subject to the provisions of the civil service laws and of any collective bargaining agreements as may be applicable, all appointments made hereunder shall be for employment “at will” provided they may be for periods not in excess of five years, and 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 Boards when submitted to the Board of Selectmen.

(2) To suspend or remove, any person appointed by the Town Administrator under Section 4-2(b)(1), provided, however, that if such person is the department head director, principal deputy or principal agent for a department for which policy is set by an elected or appointed multiple member body, the Town Administrator shall, except in circumstances in which the best interest

of the Town require immediate action, first consult with such body with respect to such suspension or removal. The decision of the Town Administrator in suspending or removing any person appointed by the Town Administrator shall be final.

Section 4-2(c) – Insert the following as a new subsection (c), and renumber the remaining sections of said Section 4-2 accordingly:

(c) The Town Administrator shall supervise and direct all appointed department heads, directors, principal deputies, and principal agents of elected and appointed multiple member bodies with respect to day-to-day performance, in a manner consistent with the Town's personnel by-laws and policies, and, if applicable, contracts or collective bargaining agreements, and shall, in connection therewith, provide for an annual review of such department heads, directors, principal deputies and principal agents with respect to day-to-day performance, either with or without the respective multiple member body.

Section 3-10(c), Parks and Recreation Commission, Powers and Duties – delete section in its entirety (which section authorizes Commission to appoint and remove Director of Parks and Recreation)

Section 6-7 – Delete in the first sentence the words, “except as otherwise provided herein”.

And that while the Board of Selectmen shall hereby be authorized to determine the proper form of the bill prior to submission to the General Court, such bill shall include a so-called “voter acceptance” provision requiring that prior to taking effect any amendment approved hereunder and enacted by the General Court be presented to the voters of the entire Town at an election; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE TEN:** *By the Board of Selectmen.* To see if the Town will vote, to the extent that the Town takes positive action under Article 3, to authorize the Board of Selectmen to seek special legislation to further amend the Town Charter by replacing in each instance it appears, the words, “Town Administrator” with the words, “Town Manager”, and to authorize the Board of Selectmen to determine the proper form of the bill prior to submission to the General Court, but that such bill shall include a so-called “voter acceptance” provision requiring that prior to taking effect any amendment approved hereunder and enacted by the General Court be presented to the voters of the entire Town at an election; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto.  
*Referred to Finance Committee for study and report.*

**ARTICLE ELEVEN:** *By the Town Administrator at the request of the Director of Finance:* To see what sum of money the Town will vote to raise, appropriate, or transfer from available funds for payment of outstanding bills of prior years, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE TWELVE:** *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2013 Annual Town Meeting (FY'14) or any other article thereof; or to take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE THIRTEEN:** *By the Town Administrator at the request of the Director of Finance.* To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums to one or more special purpose stabilization funds, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE FOURTEEN:** *By the School Committee.* To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Rehabilitation Committee for the development of a Feasibility Study and schematic design for a proposed renovation or reconstruction of the Early Childhood Education Center (the "ECEC") to be located at the Dexter Elementary School site at 1100 High Street in Dedham, Massachusetts or the reconstruction of the ECEC facility to house both the ECEC and an Elementary School to be located either at the Dexter site at 1100 High Street, Dedham, MA , or the Greenlodge School, at 191 Greenlodge Street, Dedham, MA , or at the Oakdale School at 147 Cedar Street, Dedham, MA, or at the Riverdale School at 143 Needham Street, Dedham, MA for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE FIFTEEN:** *By Attorney and Town Meeting Representative Peter A. Zahka, II on behalf of M.S. Walker Company.* To see if the Town will vote to amend the Dedham Zoning By-Law as follows:

1. In Section 10 (Definitions), delete the words "and alcoholic beverages" as the same appear in the definition of "Warehouse."
2. In Principal Use Category H.5 of Table 1 (Principal Use Regulation) delete the words "(excluding alcoholic beverages)."

or take any other action relative thereto.

*Referred to Planning Board and Finance Committee for study and report.*

**ARTICLE SIXTEEN:** *By the By-Law Review Committee.* To see if the Town will vote to amend the Town of Dedham General By-laws by:

- (1) Making non-substantive, ministerial amendments to the General By-laws for the purpose of recodifying the General By-laws to create a more uniform presentation, organized topical structure, reader-friendly format to aid searches and convenient format for inserting future amendments, including renumbered outline format, insertion of headings and subheadings, providing for consistency with Charter and General Laws and internally with regard to spelling and use of various words, and updating references to existing Town offices and bodies; and
- (2) Making certain minor substantive changes to help effectuate the goals of the By-law Recodification, including but not limited to:
  - a. Authorizing the Town Clerk to insert or correct by-law numbering under specific conditions;
  - b. Locating all enforcement language in a single section, and deletes repetitive enforcement language appearing throughout by-laws, establishing a general fine schedule applicable to all, but preserving particular fines where they appear;
  - c. Establishing a local resolution process for matters enforced through non-criminal disposition to encourage resolution of the by-law violation, rather than simply imposing a fine;
  - d. Removing the lists of fees from By-laws, where Town has adopted G.L. c.40, §22F allowing fees to be set by persons providing services, but retaining the fees currently in effect until

amended in accordance with the by-law; imposing requirement for a public hearing and a two-week “waiting period” before fees may be imposed; requiring list of fees to be posted in Clerk’s office and also in office imposing fee;

- e. Removing the Personnel, Wage and Salary Administration Plan from the by-laws, but leaving them in place as a separate document; and
- f. Bringing the Dog By-law into accord with revisions to state Animal Control Laws,

all as set forth in a document entitled, “By-law Recodification – November 18, 2013 Presentation Draft”, showing text to be inserted underlined and text to be deleted in the margins, on file in the office of the Town Clerk and available on the Town’s website at <http://www.dedham-ma.gov>, or take any other action relative thereto. *Referred to By-Law Review Committee and Finance Committee for study and report.*

**ARTICLE SEVENTEEN:** *By the Town Administrator.* To see if the Town will vote to authorize, pursuant to Chapter Five, Section 5 of the Revised By-Laws of the Town of Dedham, the execution of a contract for the curbside collection and transportation of household waste, leaf and yard waste and recyclables, for a term not to exceed five (5) years, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE EIGHTEEN:** *By the Board of Selectmen.* To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, for general municipal purposes, the land and improvements thereon located at 600 High Street and shown as Parcel 78 on Assessors' Map 92, including any interest not already held by the Town by way of its deed from James Foord recorded in 1866 with the Norfolk Registry of Deeds in Lib. 343, Fol. 124, and further to raise and appropriate, transfer, or borrow a sum of money for the acquisition of such interest in real property; and to authorize the Board of Selectmen to enter into all agreements, execute any and all documents, and take all action necessary to carry out this acquisition, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE NINETEEN:** *By the Board of Selectmen.* To see if the Town will vote to accept the alteration of the layout of High Street, a public way in the Town, as ordered by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 82, Section 17, to include within the layout the parcel of land shown as the "Layout Alteration Area About 4443 Sq. Ft." on a plan of land entitled: "Layout Alteration Plan for High Street, Prepared for Town of Dedham, Dedham, MA, Norfolk County", dated August 29, 2012, prepared by Beta Group Inc., a copy of which has been placed on file with the Town Clerk, and further, pursuant to Massachusetts General Laws, Chapter 40, Section 15A, to transfer from the Board of Selectmen for the purposes for which it is presently held, to the Board of Selectmen for public way purposes, the care, custody, management and control of said parcel of land; or take any other action relative thereto.  
*Referred to Finance Committee for study and report.*

Hereof fail not but make return of this Warrant with our doings thereon unto the Town Clerk on or before said day and time.

Given under our hands and seal of the Town of Dedham this 10<sup>th</sup> day of September, 2013.

**BOARD OF SELECTMEN**

**Michael L. Butler, Chairman**

**James A. MacDonald, Vice-Chairman**

**Carmen E. Dello Iacono**

**Sarah E. MacDonald**

**Paul A. Reynolds**

**A true copy, attest:**

**Anthony F. Zollo, Jr.**

**By virtue of this Warrant, I have notified and warned the inhabitants of the Town of Dedham aforesaid to meet at the time and place and for the purposes specified in said Warrant by posting true and attested copies thereof in one or more public places not less than fourteen days at least before the date of the said meeting, and by causing a true and attested copy thereof to be published once, not less than fourteen days before the said meeting in the Dedham Times, a newspaper having a general circulation in said Town of Dedham.**

**Anthony F. Zollo, Jr.**

**Constable, Town of Dedham**

**Dated at Dedham, Massachusetts, the 10<sup>th</sup> day of September, AD 2013.**

## Charter Language

(alphabetical order by town)

### **East Long Meadow-General Bylaws**

#### 4.030 Board of Selectmen

(A) The Board of Selectmen shall have the general direction and management of the Town in matters not otherwise provided for by law, or vote of the Town. The Board of Selectmen shall have the authority to prosecute, defend, and to comprise all litigation to which the town is a party.

(B) The Selectmen shall make, from time to time, such rules and regulations for the government, management and disposition of the Police and Fire Departments or other departments under their control as they may deem expedient.

#### 4.110 Board of Library Trustees

(A) The Board of Library Trustees shall consist of six members whose terms shall be three years each, two elected annually.

(B) The Board of Library Trustees shall appoint a Library Director to supervise the operation of the library.

(C) The Board of Library Trustees shall annually on or about the 15th day of January, prepare or cause to be prepared a report in writing covering clearly and concisely the work of its department for the preceding year, to be submitted to the Board of Selectmen for inclusion in the Annual Town Report.

### **Mashpee**

#### SECTION 3-5: BOARD OF LIBRARY TRUSTEES

(a) **Composition, Term of Office** - There shall be a board of trustees of the public library consisting of seven members, elected for terms of three years each, so arranged that as nearly an equal a number of terms as is possible shall expire each year.

(b) **Powers and Duties** - The board of trustees of the public library shall have the custody and management of the library and reading rooms and of all property of the town devoted to library purposes. All funds raised or appropriated by the town for the support and maintenance of the library shall be expended under the direction of said board. All funds which the town may receive by gift, by bequest, or otherwise for library purposes, shall be administered under the direction of said board in accordance with the terms of such gift, bequest or otherwise.

### **Maynard** (this is duty of town administrator)

To negotiate, on behalf of the board of selectmen, all contracts and collective bargaining agreements involving any subject within the jurisdiction of the office of the town administrator,

including contracts with town employees, except employees of the school department and library employees outside collective bargaining control, involving wages, hours and other terms and conditions of employment. All such contracts and agreements shall be subject to the approval of the board of selectmen.

### **Scituate**

#### Section 3-6 - Board of Library Trustees: Composition, Term of Office; Powers and Duties

(a) Composition, Term of Office - There shall be a board of library trustees consisting of six members nominated and elected by the voters. Two of these members shall be elected each year for terms of three years.

(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 town administrator shall be responsible for purchasing all supplies, materials and equipment for all departments and activities of the town, excluding food for schools and instructional materials and equipment, or library books and related materials, unless specifically requested to do so by the school committee or the board of library trustees as applicable.

**Sharon** (trustees are mentioned throughout the charter, this is the part about personnel)  
To be responsible for 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 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 public library and the school department.]

### **Swampscott**

#### Library Trustees

##### SECTION 13-1: Composition, Term of Office

There shall be an elected board of library trustees consisting of three members, for terms of three years each, so arranged so that the term of office of one member shall expire each year. In addition, the board of library trustees may advise the library department, when warranted, on all other matters.

##### SECTION 13-2: Powers and Duties

The library trustees shall have all the powers and duties given to a board of library trustees under the constitution and general laws of the Commonwealth, and such addition of powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

#### SECTION 13-3: Appointment of Head Librarian

The head librarian shall be appointed in the following manner: The elected board of library trustees shall serve as a screening committee. The board of library trustees shall review all applications received by it, screen all such applications by checking and verifying work records and other credentials of the applicants. The board of library trustees shall recommend not less than two applicants to the town administrator for appointment. The town administrator shall recommend and the board of selectmen shall appoint from among the applicants recommended by the library trustees the position of head librarian.

#### **Wellfleet**

5-4-1 The Town Administrator shall appoint and, except as may otherwise be provided by General Law, this Charter, Personnel Bylaw, or Collective Bargaining Agreements, may suspend or remove:

- (a) all secretarial and clerical personnel in the Selectmen's office;
  - (b) other part-time secretarial and clerical employees, in consultation with the elected Town officials to whom said employees are assigned;
  - (c) all employees of the Department of Public Works;
  - (d) all employees of appointed Town multi-member bodies;
  - (e) all inspectors;
  - (f) all other full-time, part-time or seasonal employees, except those of the Library Trustees, Police Department, Fire Department and the School Committee.
- All such appointments shall be subject to disapproval by majority vote of the Board

#### **Winthrop**

##### SECTION 5-3: BOARD OF TRUSTEES OF THE PUBLIC LIBRARY

(a) Composition – There shall be a board of trustees of the public library which shall consist of six persons elected for terms of four years each, so arranged that three such terms shall expire at each biennial town election.

(b) Trustees of the Public Library, Chair - As soon as practicable after the trustees of the public library-elect have been qualified following each biennial town election, as provided in section 9-8, the said trustees shall organize by electing one of its members to serve as chair of the trustees of the public library and another one of its members to serve as the vice chair of the trustees of the public library until the next town election. The chair of the trustees of the public library shall preside at all meetings of the trustees

of the public library, regulate its proceedings and shall decide all questions of order. The chair of the trustees of the public library shall appoint all members of all committees of the trustees of the public library, whether special or standing. The chair of the trustees of the public library shall have the same powers to vote upon all measures coming before the trustees of the public library as any other member of the trustees of the public library. The chair of the trustees of the public library shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the trustees of the public library. The vice chair of the trustees of the public library shall serve as chair during the absence or disability of the chair.

(c) Powers and Duties - The board of trustees of the public library shall be responsible for the management of the library and reading rooms and of all property of the town devoted to library purposes. All funds raised or appropriated by the town for the support and maintenance of the library shall be expended under the direction of the said board, subject to the provisions of this charter. All funds or other property which the town may receive by gift or bequest, or otherwise, for library purposes shall be administered by the said board in accordance with the terms of such gift, bequest or otherwise, subject to the provisions of this charter

The board of trustees of the public library shall in all matters of general municipal policy and procedures be subject to policy directives designed to achieve uniformity and better administrative control as may from time to time be issued by the town manager.

Responsibility for the ordinary maintenance of library buildings and grounds may be transferred to a central municipal maintenance department by ordinance adopted by the town council.

The board of trustees of the public library shall, subject to appropriations, have the following specific powers and duties:

- 1) To elect, subject to the approval of the town manager, a director of the library who shall be charged with the day to-day administration of the library system, subject to policy directives adopted by the library trustees;
- 2) To make all reasonable rules and regulations for the operation and management of the library system and for the conduct of its own business and affairs as may be deemed necessary or desirable.

The director of the library shall, subject to the approval of the town manager, appoint and remove all other officers and employees of the library.



# Dedham Annual Town Meeting 2013

## Appendix 5: Municipal Data Comparison

Population	
Shrewsbury	35,608
Natick	33,006
Needham	28,886
Norwood	28,602
N.Andover	28,352
Saugus	26,628
Marshfield	25,132
Wakefield	24,932
<b>Dedham</b>	<b>24,729</b>
Walpole	24,070
Stoneham	21,437
Westwood	14,618

Per Capita Income	
Needham	44,549
Westwood	41,553
Natick	36,358
N.Andover	34,335
Walpole	32,117
Shrewsbury	31,570
Wakefield	30,369
Marshfield	28,768
<b>Dedham</b>	<b>28,199</b>
Norwood	27,720
Stoneham	27,599
Saugus	25,524

EQV Per Capita	2010	2009	% Chg
Needham	267,619	266,227	-0.5%
Westwood	263,032	268,318	2.0%
Natick	215,776	220,233	2.0%
Marshfield	186,175	188,000	1.0%
<b>Dedham</b>	<b>177,988</b>	<b>177,299</b>	<b>-0.4%</b>
Walpole	168,195	172,561	2.5%
Norwood	165,444	166,275	0.5%
Wakefield	161,580	159,868	-1.1%
N.Andover	157,320	160,681	2.1%
Stoneham	153,420	152,545	-0.6%
Saugus	150,358	143,267	-4.9%
Shrewsbury	142,223	149,068	4.6%

FY12 Levy	
Needham	96,246,451
Natick	86,455,318
<b>Dedham</b>	<b>74,481,698</b>
N.Andover	60,626,358
Norwood	57,489,721
Westwood	56,060,374
Wakefield	53,029,210
Shrewsbury	53,008,985
Walpole	52,602,379
Saugus	51,195,431
Marshfield	49,468,854
Stoneham	39,842,835

FY12 New Growth	
Norwood	1,784,669
Needham	1,649,930
<b>Dedham</b>	<b>955,587</b>
Natick	846,384
Wakefield	752,781
N.Andover	737,583
Walpole	607,341
Shrewsbury	603,407
Saugus	495,976
Marshfield	495,141
Westwood	453,976
Stoneham	279,658

Levy % of Revenues	FY11	FY10	% Chg
Westwood	77.5	76.9	0.8%
<b>Dedham</b>	<b>76.0</b>	<b>75.1</b>	<b>1.3%</b>
Needham	70.4	69.9	0.7%
N.Andover	67.0	65.3	2.6%
Natick	66.0	66.7	-1.1%
Wakefield	65.6	65.3	0.4%
Walpole	65.3	65.9	-0.9%
Saugus	64.8	64.1	1.0%
Stoneham	59.6	60.6	-1.6%
Marshfield	58.4	56.5	3.4%
Shrewsbury	50.8	51.4	-1.1%
Norwood	37.2	35.3	5.5%

Most Recent Free Cash	
Natick	5,899,906
Shrewsbury	5,845,970
Needham	3,380,269
Walpole	2,692,668
<b>Dedham</b>	<b>2,372,866</b>
Wakefield	1,623,667
Marshfield	1,223,910
Norwood	1,078,711
Westwood	985,616
N.Andover	690,952
Stoneham	241,028
Saugus	(416,666)

Most Recent Stabilization	
Needham	4,665,095
<b>Dedham</b>	<b>4,193,528</b>
Norwood	4,016,459
Natick	2,730,062
N.Andover	2,222,033
Marshfield	1,990,645
Stoneham	1,741,890
Walpole	1,349,897
Wakefield	1,246,525
Westwood	1,216,019
Saugus	521,311
Shrewsbury	182,966

Net State Aid	FY12	FY11	% Chg
Shrewsbury	19,691,506	19,918,207	-1.1%
Marshfield	15,205,573	15,252,829	-0.3%
Natick	9,434,111	9,439,615	-0.1%
Walpole	8,492,885	8,491,390	0.0%
Norwood	7,948,496	8,003,305	-0.7%
Needham	7,028,769	7,146,702	-1.7%
Wakefield	6,640,461	6,752,884	-1.7%
N.Andover	6,464,260	6,276,829	3.0%
Stoneham	5,617,782	5,720,891	-1.8%
Saugus	5,589,781	5,714,644	-2.2%
<b>Dedham</b>	<b>4,391,595</b>	<b>4,298,154</b>	<b>2.2%</b>
Westwood	4,021,118	4,027,016	-0.1%