

**TOWN OF WAREHAM
HOME RULE CHARTER
2022**

Edited and Re-Formatted including Summary of Articles and Table of Contents

SUMMARY OF ARTICLES

ARTICLE 1 Incorporation: Division of Powers: Powers of The Town

This Article assures that the Town of Wareham will be allowed to exercise every power it is possible for a town to have, without being required to go to the state legislature to seek special legislation. It includes definitions used throughout the Charter.

ARTICLE 2 Legislative Branch

This Article asserts the Open Town Meeting as the legislative arm of the Town government. It describes the mechanics of calling and running a Town Meeting, and circulation of Town Meeting Warrants. It further describes those committees whose primary purpose is to perform a legislative function: Finance Committee, Planning Board, and Capital Planning Committee, and describes the selection process for members.

ARTICLE 3 Elected Officers

This Article lists those offices to be filled by elected individuals and Boards and defines the terms of office and the powers and duties of each. It also includes the role of the Town Clerk, no longer elected, but appointed as of this Charter. Furthermore, this Article includes term of office and the powers and duties of the Board of Road Commissioners which is also a non-elected Board.

ARTICLE 4 Town Administrator

This Article describes the appointment, qualifications, term of office, as well as the powers and duties of the Town Administrator. It also describes the function of an Acting Town Administrator. The Article further outlines the removal or suspension of a Town Administrator.

ARTICLE 5 Fiscal Procedures

This Article describes the Town's fiscal year, , the budget submissions of the School Committee and the Town. It further describes the submissions of the proposed budget and the Capital Improvement Program, and how information is disseminated to the public before the Town Meeting.

ARTICLE 6 Administrative Organization

This Article describes the method by which the Town may, through the Town Meeting, vote to modify the administrative structure, in order to provide services and programs in a more efficient or effective manner.

ARTICLE 7 General Provisions

This Article contains a number of technical provisions, and it also defines removals and suspensions of personnel, as well as the recall of any elected official. It also includes procedures governing multiple-member bodies, and guidelines for the use of gender-neutral language in the Charter.

ARTICLE 8 Transitional Provisions

This Article provides for the continuation of all existing general laws, special laws, by-laws, rules, and regulations pertaining to the Town during any time of transition.

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		The Commonwealth of Massachusetts	
		Enacted: December 29, 2022	

ARTICLE 1
INCORPORATION AND POWERS OF THE TOWN

Section 1 – 1 Incorporation

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

Section 1 – 2 Short Title

This document shall be known and may be cited as the Wareham Home Rule Charter. For the purposes of this document, it shall be referred to as “the Charter.”

Section 1 – 3 Division of Powers

The administration of all the fiscal, prudential, and municipal affairs of the Town shall be vested in an executive branch headed by a Select Board. The legislative powers of the Town shall be exercised by an Open Town Meeting.

Section 1 – 4 Powers of the Town: Intent of the Voters

It is the intent and the purpose of the voters of the Town of Wareham, through the adoption of this Charter, to secure for the Town all of the powers possible to secure under the constitution and laws of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1 – 5 Interpretation of Powers

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of any particular power shall not limit in any way the general powers of the Town as stated in Section 1 to 4 inclusive.

Section 1 – 6 Intergovernmental Relations

The Town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Section 1 – 7 Definitions

Charter – this Charter and any amendments to it made through any of the methods provided under Article LXXIX of the Amendments to the Constitution of the Commonwealth.

Days – (i) business days, not including Saturdays, Sundays, and legal holidays, when the time set is less than 7 days; or (ii) every day, including Saturdays, Sundays, and legal holidays, when the time set is 7 days or more.

Department Head – the head of a department or section, the supervisor.

Emergency – a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

Facilities – a piece of Town property that has been improved with a fixture.

Fixture – an improvement that is attached to the ground.

general laws – when lower case, laws that apply alike to all cities and towns, to all towns, or to a class of municipalities of which the Town of Wareham is a member.

General Laws – when capitalized, the General Laws of the Commonwealth as they exist at the time this Charter is adopted and are intended to include all applicable amendments and revisions or to the corresponding chapters and sections of any recodification or rearrangement of statutes adopted subsequent to the adoption of this Charter.

Majority vote – a majority of those present and voting; provided however, that a quorum of the body is present.

Media – a means of communicating information to as wide a variety of people as possible which may include newspapers, bulletin boards, radio and television, and the internet.

Multiple-member body – a body consisting of not less than 2 persons, whether elected, appointed, or otherwise constituted.

Town – the Town of Wareham.

Policy – the general principles by which a government is guided in its management of public affairs; provided however, that as applied to law, ordinance, by-law, Town Charter, or rule of law, “policy” shall denote a general purpose or tendency considered as directed to the welfare or prosperity of the commonwealth or community.

Qualify – to take an oath of office.

Voters – persons registered to vote in the Town of Wareham.

ARTICLE 2

LEGISLATIVE BRANCH

Section 2 – 1 Town Meeting

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

Section 2 – 2 Presiding Officer

A Town Moderator, chosen as provided in Section 3-4, shall preside at all Town Meetings, regulate the proceedings, decide all questions of order, and make public declarations of all votes. In the event of the absence or the disability of the Town Moderator, the duties shall fall to the Deputy Town Moderator, and if that individual is unable to serve, thereafter to the Town Clerk. The individual shall call the meeting to order and shall preside until a temporary Town Moderator is chosen, as prescribed in section 14 of chapter 39 of the General Laws.

Section 2 – 3 Time of Meeting

The Town Meeting shall meet not less than twice in each calendar year. The first such meeting, which shall be construed to be the Annual Town Meeting, shall be held during the month of April, at a time fixed by by-law, and shall primarily be concerned with the determination of all matters that have a fiscal effect on the Town including, but not limited to, the adoption of an annual operating budget covering all Town agencies.

The second such meeting, which shall be the Annual Fall Town Meeting, shall be held on the fourth Monday of October.

The Select Board may call additional Town Meetings, at other times to act on the legislative business of the Town in an orderly and expeditious manner by the issuance of warrants.

Section 2 – 4 Town Meeting Warrants

(a) In General

Every Town Meeting shall be called by a warrant issued by the Select Board that shall state the time and place of the meeting, and by separate articles, the subjects that are to be acted upon.

(b) Initiation of Warrant Articles

Warrant articles shall be initiated as provided for by state law, including, but not limited to, section 10 of chapter 39 of the General Laws.

(c) Warrants

After voting to open any Spring or Fall Annual Town Meeting warrant, the Select Board, within the ensuing 24 hours, shall post notice of such vote on the Town's principal bulletin board and on the Town's website.

The notice shall identify the opening and closing dates of the warrant and shall identify the place or places where citizen-petitioned articles may be submitted. No Spring or Fall Annual Town Meeting warrant may close until such notice has been posted for not less than 10 calendar days.

Subsequent to the posted warrant opening and closing dates, the Select Board may vote to reopen and close the warrant in order to receive additional warrant articles.

(d) Circulation of Warrant

Annual and Special Town Meeting warrants shall be posted on the principal Town bulletin board, posted on the Town's website, and posted as may be further set out in the by-laws.

(e) Delivery of Warrant

Not later than the second Monday in March for the Spring Annual Town Meeting and the final Monday in September for the Fall annual Town Meeting, the Select Board shall deliver the warrant to the Finance Committee and Moderator.

Copies of the warrant for any Special Town Meeting shall be delivered to the Finance Committee and Moderator not less than 21 calendar days before the commencement date of such meeting.

Section 2 – 5 Committees

(a) Appointment to Committees

Unless noted elsewhere in the Charter, members of any committee established with the primary purpose to perform a legislative function shall be appointed by the Town Moderator. The Town shall have the authority, by direct vote, to determine that certain members of particular committees shall serve by virtue of another office that they hold. This authority shall not be used to defeat the clear intent of this provision.

The following committees shall be permanent committees of the Town:

1. Finance Committee

Appointing Authority – The Appointing Authority shall consist of the Town Moderator, who shall serve as chair of the Appointing Authority, the chair of the Select Board, and the chair of the Finance Committee.

Membership – The number of members, the term of office, and further conditions of appointment and service shall be provided by by-law.

Duties – The duties of the Finance Committee shall be to:

- (i) review and study all articles contained in the warrant for an upcoming Town Meeting;
- (ii) at a time fixed by by-law and prior to Town Meeting, report its recommendations on each article in the warrant in a manner determined by by-law; and
- (iii) for any articles in the warrant that would require raising of funds by borrowing, except in the case of tax anticipation notes as provided in section 4 of chapter 44 of the General Laws, hold a public hearing on each such warrant article; provided however, that the Committee may choose to hold other public hearings for Town Meeting warrant articles.

2. Planning Board

Appointing Authority – The Appointing Authority shall consist of the Town Moderator, who shall serve as chair of the Appointing Authority, the chair of the Select Board, and the chair of the Planning Board. The Town may, by by-law, provide other conditions regarding appointments to the Planning Board.

Membership – The Board shall consist of 5 members, each of whom shall serve for a term of office of 3 years. The appointments shall be arranged so that the term of a nearly equal number of members shall expire each year, as possible.

Duties – The duties of the Planning Board shall be to:

- (i) review and study all articles in the Town Meeting warrant that relate to land use, land regulation, land development, planning, zoning, subdivision control, and similar and related matters.

- (ii) at a time fixed by by-law and prior to Town Meeting, report its recommendations on each article in the warrant in a manner determined by by-law; and
- (iii) hold other powers, duties, and responsibilities as provided by general laws, by by-law, or by other Town Meeting vote.

3. Capital Planning Committee

Appointments – The Capital Planning Committee shall consist of the following 7 members: the Finance Director and the Town Administrator who shall serve by the virtue of their offices; a member who shall be appointed by the Planning Board from their membership; a member who shall be appointed by the Finance Committee from their membership; and 3 members who shall be appointed by the Appointing Authority, that shall consist of the Town Moderator, who shall serve as chair of the Appointing Authority, the chair of the Select Board, and the chair of the Finance Committee. The Town may, by by-law, provide for other conditions regarding these appointments.

Membership – Members from the Finance committee and the Planning Board shall each serve for a term of at least 1 year. The remaining members shall serve 3-year terms. The appointments shall be arranged, as possible, so that the term of a nearly equal number of members shall expire each year.

Duties – The duties of the Capital Planning Committee shall be to:

- (i) review and study all articles in the Town Meeting warrant that relate to capital expenditures, as that term may be defined by by-law from time to time;
- (ii) at a time fixed by by-law and prior to Town Meeting, report its recommendations on each article in the warrant in a manner as may be determined by by-law; and
- (iii) develop a capital improvements program as provided in Section 5-7.

Section 2 – 6 Availability of Town Officials

All department heads shall attend the sessions of each Town Meeting for the purpose of providing the Town Meeting with information pertinent to warrant articles. If any such person is deterred by illness or other reasonable cause, that person shall designate a deputy to attend in their place. If someone required to attend the Town Meeting sessions under this section is not a resident of the Town, they shall, notwithstanding, be entitled to speak to provide the Town Meeting with information on matters pertinent to their responsibilities. The Town Moderator shall call a roll call at each Town Meeting session.

Section 2 – 7 Clerk of the Meeting

The Town Clerk shall be the Clerk of the Town Meeting. The Clerk shall give notice of all adjourned sessions of any Town Meeting, in the manner determined by by-law, keep the journal of its proceedings, and perform such other duties as may be provided by general law, by Charter, by by-law, or by other Town Meeting vote.

Section 2 – 8 Rules of Procedure

The Town Meeting shall, by by-law, adopt and may from time to time, amend and revise rules to govern the conduct of Town Meeting sessions.

ARTICLE 3

ELECTED OFFICERS

Section 3 – 1 General Provisions

(a) Elective Offices

The offices to be filled by voters shall be a Select Board, a School Committee, a Town Moderator, a Deputy Moderator, a Board of Assessors, a Board of Sewer Commissioners, a Housing Authority, and such other members of regional authorities or districts as may be established by statute, intergovernmental agreement or otherwise.

(b) Eligibility

Any voter shall be eligible to hold any elective Town office.

(c) Town Election

The annual election for Town officers and for determination of other questions by ballot shall be held on such date as may be fixed by by-law.

(d) Nomination Procedure

The number of signatures of voters required to place the name of a candidate for any Town office on the official ballot for use at any Town election shall be not less than 50.

(e) Compensation

Elected Town officers shall receive for their services such compensation as may annually be provided for that purpose by appropriation.

(f) Appointments to Certain Positions

No elected official shall be eligible for appointment to any municipal position of employment while holding office. No former elected official shall be eligible for appointment to a municipal position of employment until 30 days from the termination of elected service. This section shall not apply if such appointment has first been approved by an annual meeting of the Town.

Section 3 – 2 Select Board

(a) Composition, Term of Office

There shall be a Select Board consisting of 5 members elected for 3-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The office of Select Board member shall be construed to be part-time.

(b) Powers and Duties

The executive powers of the Town shall be vested in the Select Board. The Select Board shall have all of the executive powers given to Select Boards or boards of selectmen by general law or otherwise. The Select Board shall serve as the chief policy making agency of the Town, responsible for the establishment of policy directives and guidelines to be followed by all Town agencies serving under it. No individual member of the Select Board, nor a majority of it, shall at any time, attempt to issue orders, instructions, commands, or mandates to Town employees involved in the administration of the affairs of the Town. The Select Board shall at all times act by majority through the Town Administrator or the established policy directives and guidelines.

(c) Appointing Powers

The Select Board shall appoint the Town Administrator, the Registrar of Voters, the Board of Health, and the members of all other multiple-member bodies for whom no other method of selection is provided by the Charter.

(d) Licensing Authority

The Select Board shall be the license board of the Town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and impose restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

Section 3 – 3 School Committee

(a) Composition, Term of Office

There shall be a School Committee consisting of 5 members elected for 3-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

(b) Powers and Duties

The School Committee shall have all of the powers and duties School Committees are given under general laws and such additional powers and duties as may be authorized by this Charter, by by-law, or by other Town Meeting vote. The powers of the School Committee shall include, but not be limited to:

- (i) appointing a Superintendent of the Schools and all other officers and employees as prescribed by law;
- (ii) fixing the compensation of School Department employees, define their duties, and make rules concerning their employment status, including holding the power to discharge the Superintendent; and
- (iii) making all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the Town.

Section 3 – 4 Town Moderator

(a) Term of Office

There shall be a Town Moderator and a Deputy Town Moderator, each elected for a 3-year term.

(b) Powers and Duties

The Town Moderator, as provided in Section 2-2 shall preside and regulate the proceedings at all Town Meetings and shall have all of the powers and duties given to town moderators by general laws and such additional powers and duties as may be provided by Charter, by by-law, or by other Town Meeting vote. In the Town Moderator's absence, the Deputy Town Moderator shall have the powers and perform the duties of the Town Moderator.

Section 3 – 5 Board of Assessors

(a) Composition, Term of Office

There shall be a Board of Assessors consisting of 5 members elected for 3-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

(b) Powers and duties

The Board of Assessors shall have the following powers and duties:

- (i) to implement the policies and guidelines as issued by the Department of Revenue, including the fair cash valuation of all of the estate, both real and personal, subject to taxation within the Town;

- (ii) to determine the annual tax rate and submit required information to the Commonwealth in concert with the Finance Director or persons designated by the Commonwealth;
- (iii) to hear and decide all applications for the abatement of such taxes; and
- (iv) all of the other powers and duties that are given to boards of assessors by general laws and such other powers, duties, and responsibilities as may be provided by Charter, by by-law, or by other Town Meeting vote.

(c) Director of Assessment

The Town Administrator shall appoint a Director of Assessment. An appointment by the Town Administrator shall become effective on the fifteenth day on which notice of the appointment is filed with the Board of Assessors, unless the Board of Assessors shall, within said period, by a majority vote of the full Board, vote to reject any such appointment or has sooner voted to affirm it.

The Director of Assessment shall be a person of proven professional ability, especially fitted by education, training, and previous experience in municipal assessment and taxation to perform the duties of the office.

The Director of Assessment shall be responsible to the Town Administrator for the day-to-day operations of the Assessing Department and shall be responsible for the efficient administration of all functions of that Department.

The Director of Assessment shall perform or supervise the fair cash valuation of all real estate and personal property and shall perform such other duties as the Board of Assessors should require from time to time.

The Director of Assessment shall keep the Board of Assessors fully informed as to the condition of the Assessing Department and matters relating to assessment, valuation, taxation, and abatement. The Director of Assessment of Assessment shall implement votes of the Board of Assessors that require action.

(d) Notwithstanding any other provision of the Charter, the Town Administrator shall appoint all other employees of the Assessing Department.

Section 3 – 6 Town Clerk

(a) Term of Office

A Town Clerk shall be appointed by the Town Administrator for a term of 3 years.

(b) Powers and Duties

The Town Clerk shall:

- (i) be the keeper of vital statistics for the Town;
- (ii) be the custodian of the Town seal and all records of the Town;
- (iii) administer the oath of the office to all Town officers, elected or appointed;
- (iv) issue such licenses and permits as are required by law to be issued by town clerks;
- (v) supervise and manage the conduct of all elections, and matters relating thereto;
- (vi) be the Clerk of the Town Meeting, keep its records, and in the absence of the Town Moderator, serve as the temporary presiding officer.

The Town Clerk shall have all of the other powers and duties that are given to town clerks by general laws and such other powers, duties, and responsibilities as may be provided by Charter, by by-law, or by other Town Meeting vote.

Section 3 – 7 Board of Sewer Commissioners

(a) Composition, Term of Office

There shall be a Board of Sewer Commissioners consisting of 5 uncompensated members, with no group health or insurance benefits, who shall be elected to 3-year terms, so arranged that the terms of as nearly an equal number of members as possible shall expire each year. Not less than 3 commissioners shall be sewer users, and at least 1 commissioner shall be a non-sewer user.

(b) Powers and Duties

The Board of Sewer Commissioners shall:

- (i) make careful studies of the resources, possibilities, and needs of the Town related to the availability of sanitary sewers, and for the maintenance of a sanitary sewer system;
- (ii) develop a comprehensive or master plan for a town-wide system of sanitary sewers that shall include, in graphic and textual form, policies to govern the future growth and development of the entire Town;
- (iii) in conjunction with other land use bodies, assist in developing a long-range strategic plan for guiding Town growth and development;

- (iv) provide oversight of the Sewer Enterprise Fund;
- (v) set rates and charges for the use of the sanitary sewer system;
- (vi) hold the responsibility for the appointment of the Sewer Superintendent pursuant to subsection (d);
- and
- (vii) provide advice to the Select Board relating to the intergovernmental agreements concerning sanitary sewers.

(c) Appointments

Upon an opening on the Board for that there is no candidate, that position shall be filled by the Select Board and the existing members of the Board of Sewer Commissioners. The person appointed to the opening shall serve in that position until the next election.

(d) Sewer Superintendent

The appointment of a Sewer Superintendent shall be made by the Town Administrator and shall become effective 15 days after notice of the appointment has been filed with the Board of Sewer Commissioners, unless the Board of Sewer Commissioners shall, within that period and by a majority vote of all of its members, reject the appointment, or if the Board of Sewer Commissioners has earlier voted to affirm.

The Sewer Superintendent shall be responsible for the efficient technical administration of the sewer system and facilities, and for implementing votes of the Sewer Commissioners that are within the Commission's jurisdiction. Except as expressly provided in this Charter, the Board of Sewer Commissioners shall not have control over personnel matters.

(e) The Town Administrator shall have the authority to appoint and remove, subject to the civil service law, if applicable, all Sewer Department subordinates and employees.

(f) Annually, by January 5, the Board of Sewer Commissioners shall provide a detailed and balanced budget for the sewer system and the Sewer Enterprise Fund to the Town Administrator.

(g) The removal of the Sewer Superintendent shall be governed by Section 7-9.

Section 3 – 8 Wareham Housing Authority

(a) Composition, Term of Office

There shall be a Housing authority consisting of 5 members. Four of these members shall be chosen by ballot, and the fifth member shall be a Town resident appointed in the manner provided by law. Housing Authority members shall serve for terms of 5 years, so arranged that one term of office shall expire each year.

(b) Powers and Duties

The Housing Authority shall have all of the powers and duties given to housing authorities by general laws and such additional powers and duties as may be authorized by Charter, by by-law, or by other Town Meeting vote.

Section 3 – 9 Board of Road Commissioners

(a) Composition, Term of Office

There shall be a Board of Road Commissioners consisting of 7 voting members: 3 ex officio members, the Chief of Police, the Town Planner, and the Director of Public Maintenance, and 4 members appointed by the Select Board according to the merit principle, whose terms shall be 2 years each, with 2 of the appointee positions expiring each year.

(b) Powers and Duties

The Board of Road Commissioners shall act in accordance with the powers enumerated in Chapter 40, Massachusetts General Laws, Section 22 and, as such, shall conduct a periodic review of public ways and shall make rules and orders for all traffic policies, including: speed limits, traffic control signs, regulation of heavy commercial vehicles, traffic and parking regulations, penalties, and repeals. Insofar as these rules and orders are the same as the regulations, rules, and orders now in force in the Wareham Municipal Traffic Code, they shall be deemed to be a continuation thereof. The Board shall, furthermore, assume the responsibility of street marking, and house numbering as determined by the revised 10-26-2009 By-Laws of the Town of Wareham, Division III, Article I.

ARTICLE 4
TOWN ADMINISTRATOR

Section 4 – 1 Town Administrator

(a) Appointment

The Select Board, with the agreement of 4 of its members, shall hire a Town Administrator. The appointment shall be based solely on the applicant's executive and administrative qualifications.

(b) Contract

The initial employment contract for the Town Administrator shall be for a term of not more than 3 years, and it shall be renegotiated 6 months prior to the termination of the existing contract with the agreement of a majority of the Select Board.

(c) Qualifications

The qualifications for the position of Town Administrator shall be a combination of education, training, and previous proven professional experience in municipal administration.

(d) Other Offices and Positions

The Administrator shall not have served in any elective office in the Town for not less than 12 months prior to appointment.

The position of Administrator shall be full-time, and the Administrator shall not engage in any other business, occupation, or profession during the term of appointment, unless approved in advance and in writing by the Select Board.

The Administrator shall not hold any other public office, elective or appointive, during the Administrator's term.

The Select Board may, from time to time, establish additional qualifications as necessary and appropriate.

Section 4 – 2 Powers and Duties of the Town Administrator

(a) The Town Administrator shall be the chief administrative officer of the Town and shall be responsible to the Select Board for the proper discharge of all duties of the office and for the proper

administration of all Town affairs placed under the Administrator's charge or as identified under the Charter.

The Administrator's powers and duties shall include, but not be limited to:

- (i) supervising, directing and being responsible for the efficient administration of all functions under the Administrator's control, as may be authorized by: (1) the Town Charter; (2) Town by-laws; (3) other Town Meeting vote; (4) vote of the Select Board; or (5) any other applicable general law;
- (ii) appointing and removing, subject to the civil service law where applicable, all officers and employees for whom no other method of selection has been provided by the Charter; provided however, that for appointment of department heads and the Town Clerk, within 15 days following the day on which the Town Administrator files notice of the appointment with the Select Board, the Select Board shall have the opportunity, by a majority vote of the full Board, to: (1) affirm any such appointment, in which case the appointment becomes effective immediately; or (2) reject it; provided however, that if the Select Board choose neither to affirm or reject the appointment, on the fifteenth day, the appointment as made by the Town Administrator shall become effective;
- (iii) administering the Town personnel system, including, but not limited to, personnel policy and practices, rules and regulations, and all collective bargaining agreements entered into on behalf of the Town and to maintain an up-to-date employee handbook;
- (iv) fixing the compensation of all Town officers and employees appointed by the Town Administrator within the limits established by appropriation and the provisions of Town by-laws;
- (v) attending all regular and special meetings of the Select Board, unless excused at the Administrator's own request; provided however that the Administrator shall have a voice, but no vote in all of its discussions;
- (vi) attending all sessions of the Town Meeting and answer all questions concerning warrant articles that are directed to the Administrator and that relate to matters under the Administrator's general supervision;
- (vii) ensuring that all provisions of the general laws, the Charter, the by-laws, and other votes of Town Meeting and votes of the Select Board that require enforcement by the Administrator, or officers and employees subject to the Administrator's direction and supervision, are faithfully carried out and performed;
- (viii) preparing and submitting, in the manner provided in Article 5, a proposed annual operating budget and a proposed capital outlay program;

- (ix) keeping the Select Board fully informed as to the financial condition and needs of the Town, and making such recommendations to the Select Board for actions to be taken by it, as the Administrator deems to be necessary, advisable, or expedient;
- (x) ensuring that full and complete records of the financial and administrative activities of the Town are kept, and render full reports to the Select Board at the end of each fiscal year and at such other times as it may reasonably require;
- (xi) having full jurisdiction over the rental and use of all Town facilities, except schools, and be responsible for the preparation of all plans for capital improvement work on any existing Town facility, or new Town facility, except schools, and for the supervision of all capital improvement work on existing Town facilities, and new Town facilities, except school buildings;
- (xii) inquiring into the conduct of office of any Town officer, employee, department, or other agency under the Administrator's control at any time;
- (xiii) ensuring 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;
- (xiv) being responsible for negotiating all contracts involving any subject within the Administrator's jurisdiction, including the negotiation with Town employees over wages, hours, and other terms and conditions of employment; provided however, that all labor contracts as may be proposed by the administrator shall be subject to final approval and execution by the Select Board;
- (xv) being responsible for the purchase of, and to award all contracts for, all supplies, materials and equipment for all departments and activities of the Town, except in case of emergency; provided however, that the Administrator shall examine and inspect, or cause to be examined and inspected, the quantity and condition of all supplies, materials, and equipment delivered to or received by any Town agency; and
- (xvi) performing any other duties required of the Administrator by the Charter, by-law, and other Town Meeting vote or vote of the Select Board.

Section 4 – 3 Acting Town Administrator

(a) Temporary Absence

In the event of a temporary absence of the Town Administrator, the Town Administrator shall designate a qualified Town administrative officer or employee to exercise the powers and perform the duties of the office during this temporary absence by filing a letter with the Town Clerk and the Select Board. During the temporary absence of the Town Administrator, the Select Board may not revoke such

designation until at least 10 days have elapsed, whereupon it may appoint another qualified Town administrative officer or employee to serve as Acting Town Administrator until the Town Administrator shall return.

(b) Vacancy

When the office of the Town Administrator is vacant as a result of death, resignation or otherwise, or during the time a Town Administrator is under suspension, as provided in section 4.4, the Select Board shall appoint a qualified Town administrative officer or employee to serve as Acting Town Administrator until the vacancy is filled or the suspension has been terminated.

Section 4 – 4 Removal and Suspension

The Select Board may remove or suspend the Town Administrator from office after applying the following procedures:

1. Notice

The Select Board may, at a regularly scheduled meeting attended by the full Board, adopt, by the affirmative votes of 4 members, a preliminary resolution of removal or suspension setting forth in reasonable detail the reasons for removal or suspension. The resolution may suspend the Town Administrator from duties for a period of not more than 45 days.

A copy of the preliminary resolution shall be delivered to the Town Administrator immediately following its adoption. Failure to adopt such a resolution shall prevent the suspension or removal of the Town Administrator.

2. Public Hearing

Within 5 days following the adoption of a preliminary resolution of removal or suspension, the Town Administrator may request a public hearing on the reasons given for the removal or suspension, by filing a written request for such hearing with the Select Board.

The hearing shall be convened by the Select Board not less than 20 and not more than 30 days after such request is filed. A written notice of not less than 5 days before the date on that hearing will begin shall be given by the Select Board to the Town Administrator; provided however, that such time limitations may be waived by the Town Administrator.

The Town Administrator may file a written statement with the Select Board responding to the reasons cited for the removal or suspension; provided however, that the statement is received by the Select Board not less than 48 hours in advance of the time set for the public hearing to begin. The Town Administrator may be represented by counsel, shall be entitled to present evidence, call witnesses, and personally or through counsel, question any witness appearing at the hearing.

3. Removal

If the Town Administrator has requested a public hearing, 5 days following the date of adjournment of the public hearing, the Select Board may, at a regularly scheduled meeting attended by the full Board, adopt by the affirmative votes of 4 members, a final resolution of removal or suspension. The resolution shall be effective upon adoption.

If the Town Administrator does not request a public hearing, upon the expiration of 10 days following the date of delivery to the Administrator of the preliminary resolution, the Select Board may, at a regularly scheduled meeting of the full Board, adopt by the affirmative votes of 4 members, a final resolution of removal or suspension. Such resolution shall be effective upon adoption.

Failure to adopt a final resolution within the time limitations imposed by this section shall nullify the preliminary resolution of removal or suspension. Removal or suspension of the Town Administrator pursuant to this section shall be final. All authority and all responsibility for the suspension or removal of a Town Administrator shall be vested and fixed in the Select Board. The Town Administrator shall continue to receive their salary until at least 1 month, but not more than 3 months after the date of the final resolution of removal, as the Select Board shall deem proper.

ARTICLE 5
FISCAL PROCEDURES

Section 5 – 1 Fiscal Year

The fiscal year of the Town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5 – 2 School Committee Budget

(a) Submission to the Town Administrator

The budget adopted by the School Committee shall be submitted to the Town Administrator not later than 20 days before the required date of submission of the proposed Town budget per section 5-3 to prepare a total Town budget.

(b) Public Hearing by School Committee

Not less than 14 days prior to the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and a notice stating the times and places where complete copies of the proposed budget shall be available for public examination. The School Committee shall conduct a public hearing and the proposed budget shall be discussed.

Participants at the hearing shall include the Superintendent of Schools and the School Department Business Manager, the Select Board, the Finance Committee, the Town Administrator, and the Finance Director.

(c) Adoption

The action of the School Committee in adopting the budget following the public hearing shall be summarized, and the vote of each member on any amendments offered to the proposed budget shall be recorded.

Section 5 – 3 Submission of Proposed Town Budget

Within a fixed time by by-law before the date on which the Town Meeting is to be held in the Spring of each year, and not later than January 25 every year, the Town Administrator, under the direction of the

Select Board, shall submit to the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The Administrator shall simultaneously provide for the posting of a general summary of the proposed budget and of a notice stating the times and places where complete copies of the proposed budget are available for public examination. This may include, but shall not be limited to, the offices of the Select Board, Town Clerk, Town Administrator, and the Library.

Section 5 – 4 Budget Message

The budget message submitted by the Town Administrator shall explain the proposed budget for all Town agencies, both in fiscal terms and in terms of work programs. It shall:

- (i) include features of the proposed budget;
- (ii) indicate any major variations from the current budget in financial policies, expenditures, and revenues together with the reasons for such changes;
- (iii) summarize the Town's debt position; and
- (iv) include such other material as the Town Administrator deems desirable.

Section 5 – 5 The Proposed Budget

The proposed budget shall provide a complete financial plan of all Town funds and activities, including the budget as requested by the School Committee. Except as may otherwise be required by general law or by the Charter, the budget shall be in the form the Town Administrator deems desirable or the Select Board may require. In the presentation of the proposed budget, the Town Administrator shall make use of modern concepts of fiscal presentation to furnish a maximum amount of information and the best financial control. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current, and ensuing fiscal years. The budget shall indicate in separate sections:

- (i) proposed expenditures for current operations during the ensuing fiscal year, detailed by Town agency, function and work programs and the proposed methods of financing such expenditures;
- (ii) proposed capital expenditures during the ensuing fiscal year, detailed by Town agency, and the proposed method of financing each such capital expenditure; and
- (iii) the estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5 – 6 Action of the Proposed Budget

(a) Public Hearing

The Finance Committee shall immediately upon receipt of the proposed budget, provide for publication of a notice on the Town website and the principal bulletin board stating the date, time, and place, not less than 7 nor more than 15 days following such publication, when a public hearing shall be held by the Finance Committee on the proposed budget.

(b) Finance Committee Meetings

The Finance Committee shall consider in public meetings the detailed expenditures for each Town agency as proposed by the Town Administrator and may confer with representatives of any such agency in connection with its considerations. The Finance Committee may require the Town Administrator or any other Town agency to furnish to it such additional information as it deems to be necessary in furtherance of its responsibility.

(c) Presentation to Town Meeting

The Finance Committee shall file a report containing its recommendations for action on the proposed budget that shall be available not less than 7 days prior to the date on which the Town Meeting is to act on the proposed budget. When the proposed budget is before the Town Meeting for action, it shall first be subject to amendments, if any, as may be proposed to it by the Finance Committee.

Section 5 – 7 Capital Improvement Program

The Town Administrator shall submit a Capital Improvement Program to the Select Board and the Finance Committee not less than 30 days before the date fixed for the submission of the Town Administrator's proposed budget. It shall be based on material prepared by the Capital Planning Committee as provided in Section 2-5.

The Capital Improvement Program shall include:

- (i) a clear, concise, general summary of its contents;
- (ii) a list of all capital expenditures to be made during the 5 fiscal years next ensuing, with supporting information as to the need for each such expenditure;
- (iii) cost estimates, methods of financing, and recommended time scheduling; and
- (iv) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised with regard to each item still pending or in the process of being acquired, improved, or constructed.

Section 5 – 8 Financial Public Records

Statements summarizing the budget, the Capital Improvement Program, and related warrant articles as adopted by Town Meeting, shall be made available in the office of the Town Administrator for public examination within 20 days following their adoption.

Section 5 – 9 Approval of Financial Warrants

A copy of each warrant for the payment of Town funds prepared by the Town Accountant shall be submitted promptly to the Town Administrator who shall make recommendation to the Select Board with respect to the approval or disapproval by them of each such warrant or any item or items in any such warrants.

ARTICLE 6

ADMINISTRATIVE ORGANIZATION

Section 6 – 1 Creation of Departments, Divisions, Agencies, Offices, etc.

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.

Section 6 – 2 By-Laws

Subject only to express prohibition in general law or this Charter, the Town Meeting may, by by-law:

- (i) reorganize, consolidate, abolish, create, merge, divide, alter the term of office, the manner of selection, or, if a multiple-member body, the number of members, of any Town agency in whole or in part;
- (ii) establish such new Town agencies as it deems necessary or advisable; and
- (iii) prescribe the functions, powers, duties, and responsibilities of any such Town agency except any Town agency described in Article 2 or 3.

Section 6 – 3 Administrative Code

The Town Administrator after consultation with the Select Board, may prepare and submit to the Town Meeting, plans for organization or reorganization, that establish Town agencies for the orderly or convenient conduct of the business of the Town. Whenever the Town Administrator prepares such a plan, the Town Administrator shall, in conjunction with the Select Board, hold at least 1 public hearing. The notice of such hearings shall, if applicable, be published:

- (i) in a local newspaper, both in electronic and paper format;
- (ii) on the bulletin board outside the Town Clerk's office;
- (iii) in local media.

A reorganization proposal may be amended or altered prior to its submission by the Select Board to the next Town Meeting held following the public hearing. The Town Meeting at which the reorganization plan is submitted may vote only to approve or to disapprove of it and shall not vote to amend or to alter it. A reorganization plan shall become effective at the expiration of 60 days following the date of the Town Meeting at which it is submitted unless the Town Meeting has, within that period,

voted to disapprove of it. Subject only to express prohibition by the general laws or this Charter, a reorganization proposal submitted under this provision may:

- (i) reorganize, consolidate, abolish, create, merge, divide, alter the term of office or the manner of selection of officers, and if a multiple-member body, the number of members thereof, of any Town agency in whole or in part;
- (ii) establish new Town agencies; and
- (iii) prescribe the functions, powers, duties, and responsibilities of any Town agency, except any Town agency described in Article 2 or 3.

Section 6 – 4 Personnel Organization Plan

The Town Administrator shall prepare, maintain, and keep current a plan establishing the personnel staffing requirements of each Town agency, except those under the jurisdiction of the School Committee.

Section 6 – 5 Merit Principle

All appointments and promotions in the Town service shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability to perform the duties of office or the employment.

ARTICLE 7

GENERAL PROVISIONS

Section 7 – 1 Charter Changes

(a) In General

This Charter may be replaced, revised, or amended in accordance with the procedures made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and any legislation enacted to implement said amendment.

(b) Periodic Review

The Select Board shall in every year which ends in 9, appoint a Charter Review Committee. The Committee shall submit a report to the first Annual Town Meeting that ends in 0. The Select Board may also appoint a Charter Review Committee at any other time deemed necessary and shall determine at the same time to which upcoming Town Meeting, their report shall be submitted. The Charter Review Committee shall make recommendations in their report concerning any proposed amendments or revisions to the Charter that it believes to be necessary or desirable.

Section 7 – 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 7 – 3 Specific Provisions to Prevail

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

Section 7 – 4 Rules and Regulations

A copy of all rules and regulations adopted by Town agencies shall be placed on file in the office of the Town Clerk and made available for review by any person who requests such information. No rule or regulation adopted by any Town agency shall be effective until 10 days following the date it has been

published, in full, in local media and on the Town website and placed on file in the office of the Town Clerk, or the latest of the 3.

Section 7 – 5 Uniform Procedures Governing Multiple-Member Bodies

(a) Meetings

All multiple-member bodies of the Town, whether elected, appointed, or otherwise constituted, shall meet regularly at such times and places within the Town as they may prescribe. Special meetings of any multiple-member body shall be held on the call of the respective chair or by 1/3 of the members thereof. Such call shall be by written notice delivered in hand or to the place of business or residence of each member not less than 48 hours before the time set. Such call shall contain notice of the subjects that are to be acted upon, and no other business shall be in order. A copy of the notice shall be posted on the Town bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public and to the press.

(b) Rules and Recordkeeping

Each multiple-member body shall determine its own rules and order of business, unless otherwise provided by law or by the Charter, and shall provide for keeping a record of its proceedings. These rules and records shall be public, certified by the Town Clerk, and kept available in the office of the Town Clerk and online.

Section 7 – 6 Number and Gender

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular. All language in the Charter aspires to be gender neutral and will extend to and be applied to all people.

Section 7 – 7 Notice of Vacancies

(a) Posting

Whenever a vacancy occurs, or is about to occur in any town office, including membership on any multiple-member body, or Town employment, the Appointing Authority shall immediately post such vacancy, or impending vacancy, on the town bulletin board and shall give such further public notice as may be provided by by-law. This requirement shall not apply to vacancies for positions covered under state civil service law or otherwise provided for under a collective bargaining agreement.

(b) Application for Consideration

Any person who desires to be considered for appointment to the said office or employment may, within 10 days following the date notice was posted, file with the Appointing Authority a statement setting forth in clear and specific terms, their qualifications for the office or the employment.

(c) Appointment to Vacancy

All persons who have filed statements for consideration pursuant to subsection (b) shall be considered. No permanent appointment to fill a vacancy in a town office or in Town employment shall be effective until at least 14 days have elapsed following a posting of such vacancy.

Section 7 – 8 Removals and Suspensions

Any appointed full-time, part-time, seasonal, or at will employee of the Town, not subject to the provisions of the civil service law or collective bargaining agreements, whether appointed for a fixed or for an indefinite term, may be removed or suspended from their duties by the Appointing Authority. The Appointing Authority when acting to remove or suspend any appointed officer or full-time Town employee, shall act in accordance with the following procedure:

1. A written notice of the intent to remove or suspend and a statement of the causes therefore shall be delivered in hand or by registered or certified mail to the officer or employee.
2. The officer or employee shall be afforded the opportunity to request a public hearing by submitting a request to the Appointing Authority within 5 days following the delivery of the notice and by filing a copy of such request in the office of the Town Clerk.
3. The Appointing Authority shall hold a public hearing not less than 7 nor more than 14 days following the date of receipt of a request for a public hearing pursuant to this section and shall give not less than 5 day's notice of such public hearing to the officer or employee affected. The officer or employee shall have a right to be represented by counsel at such hearing, to call witnesses, to introduce evidence, and to examine any witnesses who might appear at the public hearing.
4. Not more than 14 days following the public hearing, or if the officer or employee has failed to request a public hearing, then not more than 14 days following delivery of the original notice of intent to

remove or suspend, the Appointing Authority shall take final action concerning the removal or suspension and shall immediately notify the officer or employee that the removal or suspension is to be effective or that the notice is rescinded.

Nothing in this Section shall grant a right to such a hearing to any person who has been appointed to a fixed term, who, upon the expiration of that term of office is not reappointed, nor shall it apply to the Town Administrator whose suspension and removal shall be governed by Section 4-4. The action of the Appointing Authority in suspending or removing an officer or employee shall be final. All authority and all responsibility for appointment, suspension, and removal of officers and employees shall be vested and fixed in the appropriate appointing authority.

Section 7 – 9 Recall of Elected Officials

(a) Application

Any person who holds an elected Town office with more than 6 months remaining of the term of office may be recalled from the office by the voters in the manner provided in this section.

(b) Recall Petitions

Not less than 25 voters may file with the Town Clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The Town Clerk shall deliver petition blanks to these voters demanding the recall, and the Town Clerk shall keep printed forms of the petition blanks available.

A copy of the petition shall be kept on file in the office of the Town Clerk in a record book maintained for that purpose. Notwithstanding any general or special law or Charter provision or by-law of the Town, recall petitions shall be returned and filed in the office of the Town Clerk within 14 days following the date the petitions were issued. The recall petitions must be signed by not less than 10 percent of the total number of registered voters duly recorded on the registration list of the Town Clerk as of the preceding Town election. The Town Clerk shall, within 25 hours following the filing, submit the petitions to the Registrar of Voters who shall immediately certify thereon the number of signatures which are names of voters.

(c) Petition Blanks Requirement

Petition blanks:

- (i) may be completed by writing or typewriting;
- (ii) shall be addressed to the Select Board;
- (iii) shall contain the names of the persons who filed the affidavit and the grounds for recall as stated in the affidavit;
- (iv) shall demand the election of a successor to the office;
- (v) shall be dated and signed by the Town Clerk.

(d) Recall Election

If the petition is certified by the Registrar of Voters to be sufficient, the Town Clerk shall immediately submit the petition to the Select Board. Upon its receipt of the certified petition, the Select Board shall immediately give written notice of the petition and certificate to the person whose recall is sought.

If said officer does not resign within 5 days following delivery of the recall petition, the select Board shall order an election to be held not less than 35 nor more than 60 days after the date of the Registrar's certificate of the sufficiency of the petition. If, however, another Town election is to occur within 60 days after the date of the said certificate, the Select Board shall hold the recall election on the date of said other Town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates shall need be counted.

(e) Nomination of Candidates

An officer whose recall is sought may not be a candidate at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of other laws relating to elections, unless otherwise provided in this section.

(f) Propositions on Ballot

Ballots used at a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer) / /

Against the recall of (name of officer) / /

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the propositions, shall appear the word “candidates” and the words “vote for one,” and beneath said words, the names of the candidates listed alphabetically by surname. If a majority of the votes cast upon the question of a recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question are in the negative, the recall fails.

There shall be a separate proposition for each incumbent being recalled. Candidates shall declare 1, and only 1, officer they choose to replace.

(g) Office Holder

The incumbent shall continue to perform the duties of the office until the recall election. An incumbent not recalled in the election shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. An officer recalled in the election shall be deemed removed upon the qualification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(h) Repeat of Recall Petition

No recall petition shall be filed against an officer within 3 months after the officer takes office. No recall petition shall be filed in the case of an officer subjected to a recall election and not recalled thereby, until not less than 6 months after the election at which the initial recall was submitted to the voters.

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 that are in force when this Charter takes effect and that are not specifically or by clear implication repealed hereby, shall continue in full force and effect until amended, repealed, or rescinded by due course of law or expire by their own limitation.

Section 8 – 2 Continuation of Government

All Town agencies shall continue to perform their duties until reappointed or reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another Town agency.

Section 8 – 3 Continuation of Personnel

Any person holding a Town office or employment under the Town shall retain such office or employment and shall continue to perform their duties until provision shall have been made, in accordance with the Charter, for the performance of the duties by another person or agency; provided however, that no person in the permanent, full-time service of the Town shall, as a result of the adoption of the Charter, forfeit their pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

Section 8 – 4 Time of Taking Effect

This Charter shall become effective upon approval of the voters of the Town voting hereon, except as is hereinafter provided.

A person serving in an elected Town office that under the Charter is to become an appointive office, shall continue to serve and shall continue to perform the duties of the office until the expiration of the term for which they were elected. When such term has expired, the Appointing Authority shall appoint a suitable person to fill the vacancy, giving due consideration to the incumbent whose term has expired.

Not more than 45 days following the election at which the Charter is amended, the Select Board shall appoint a special committee of not less than 3 members to review the existing by-laws of the Town in

order to bring them into conformity with this Charter. The committee shall file a report, with recommendations, at the following Town Meeting.

The position of Executive Secretary to the Select Board is hereby abolished effective not more than 2 weeks following the appointment of the Town Administrator, or November 1, whichever occurs first. The Executive Secretary may be a candidate for the office of Town Administrator, but nothing contained in the Charter shall be deemed to grant to the incumbent of said office at the time the Charter is adopted a right to assume such office automatically.

Until such time as another provision is made, by by-law, in accordance with the requirement of Section 2-3, the Fall session of the Town Meeting shall be held annually on the fourth Monday of October.

APPENDIX
WAREHAM TOWN CHARTER

Passed to be enacted:

House of Representatives, December 29, 2022

Senate, December 29, 2022

Approved:

Governor Charles D. Baker, January 5, 2023

Chapter 435
of the Acts of 2022

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Ninety-Second General Court

AN ACT AMENDING THE CHARTER OF THE TOWN OF WAREHAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The charter of the town of Wareham is hereby repealed.

SECTION 2. The following shall be the charter of the town of Wareham:-

ARTICLE 1

INCORPORATION AND POWERS OF THE TOWN

Section 1 - 1 Incorporation

The inhabitants of the town of Wareham, within the territorial limits established by law, shall continue to be a corporate and politic body under the name "town of Wareham."

Section 1 - 2 Short Title

This document shall be known and may be cited as the Wareham home rule charter. For the purposes of this document, it shall be referred to as "the charter".

Section 1 - 3 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a select board. The legislative powers of the town shall be exercised by an open town meeting.

Section 1 - 4 Powers of the Town: Intent of the Voters

It is the intent and the purpose of the voters of the town of Wareham, through the adoption of this charter, to secure for the town all of the powers possible to secure under the constitution and laws of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1 - 5 Interpretation of Powers

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

Section 1 - 6 Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Section 1 - 7 Definitions

"Charter", this charter and any amendments to it made through any of the methods provided under Article LXXXIX of the Amendments to the Constitution of the commonwealth.

"Days", (i) business days, not including Saturdays, Sundays and legal holidays, when the time set is less than 7 days; or (ii) every day, including Saturdays, Sundays and legal holidays, when the time set is 7 days or more.

"Department head", the head of a department or section, the supervisor.

"Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

"Facilities", a piece of town property that has been improved with a fixture.

"Fixture", an improvement that is attached to the ground.

"general laws", when lower case, laws that apply alike to all cities and towns, to all towns or to a class of municipalities of which the town of Wareham is a member.

"General Laws", when capitalized, the General Laws of the commonwealth as they exist at the time this charter is adopted and are intended to include all applicable amendments and revisions or to the corresponding chapters and sections of any recodification or rearrangement of statutes adopted subsequent to the adoption of this charter.

"Majority vote", a majority of those present and voting; provided, however, that a quorum of the body is present.

"Media", a means of communicating information to as wide a variety of people as possible which may include newspapers, bulletin boards, radio and television, and the internet.

"Multiple-member body", a body consisting of not less than 2 persons, whether elected, appointed or otherwise constituted.

"Town", the town of Wareham.

"Policy", the general principles by which a government is guided in its management of public affairs; provided, however, that as applied to law, ordinance, by-law, town charter or rule of law, "policy" shall denote a general purpose or tendency considered as directed to the welfare or prosperity of the commonwealth or community.

"Qualify", to take an oath of office.

"Voters", persons registered to vote in the town of Wareham.

ARTICLE 2

LEGISLATIVE BRANCH

Section 2 - 1 Town Meeting

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

Section 2 - 2 Presiding Officer

A town moderator, chosen as provided in section 3-4, shall preside at all town meetings, regulate the proceedings, decide all questions of order and make public declarations of all votes. In the event of the absence or the disability of the town moderator, the duties shall fall to the deputy town moderator, and if that individual is unable to serve thereafter, to the town clerk. This individual shall call the meeting to order and shall preside until a temporary town moderator is chosen, as prescribed in section 14 of chapter 39 of the General Laws.

Section 2 - 3 Time of Meeting

The town meeting shall meet not less than twice in each calendar year. The first such meeting, which shall be construed to be the annual town meeting, shall be held during the month of April, at a time fixed by by-law, and shall primarily be concerned with the determination of all matters that have a fiscal effect on the town including, but not limited to, the adoption of an annual operating budget covering all town agencies.

The second such meeting, which shall be the annual fall town meeting, shall be held on the fourth Monday of October.

The select board may call additional town meetings at other times to act on the legislative business of the town in an orderly and expeditious manner by the issuance of warrants.

Section 2 - 4 Town Meeting Warrants

(a) In General

Every town meeting shall be called by a warrant issued by the select board that shall state the time and place of the meeting and, by separate articles, the subjects that are to be acted upon.

(b) Initiation of Warrant Articles

Warrant articles shall be initiated as provided for by state law including, but not limited to, section 10 of chapter 39 of the General Laws.

(c) Warrants

After voting to open any spring or fall annual town meeting warrant the select board, within the ensuing 24 hours, shall post notice of such vote on the town's principle bulletin board and on the town's website.

The notice shall identify the opening and closing dates of the warrant and shall identify the place or places where citizen petitioned articles may be submitted. No spring or fall annual town meeting warrant may close until such notice has been posted for not less than 10 calendar days.

Subsequent to the posted warrant opening and closing dates, the select board may vote to reopen and close the warrant in order to receive additional warrant articles.

(d) Circulation of Warrant

Annual and special town meeting warrants shall be posted on the principle town bulletin board, posted on the town's website and posted as may be further set out in the by-laws.

(e) Delivery of Warrant

Not later than the second Monday in March for the spring annual town meeting and the final Monday in September for the fall annual town meeting, the select board shall deliver the warrant to the finance committee and moderator.

Copies of the warrant for any special town meeting shall be delivered to the finance committee and moderator not less than 21 calendar days before the commencement date of such meeting.

Section 2 - 5 Committees

(a) Appointment to Committees

Unless noted elsewhere in the charter, members of any committee established with the primary purpose to perform a legislative function shall be appointed by the town moderator. The town shall have the authority, by direct vote, to determine that certain members of particular committees shall serve by virtue of another office which they hold. This authority shall not be used to defeat the clear intent of this provision.

The following committees shall be permanent committees of the town:

1. Finance Committee

Appointing Authority - The appointing authority shall consist of the town moderator, who shall serve as chair of the appointing authority, the chair of the select board and the chair of the finance committee.

Membership - The number of members, the term of office and further conditions of appointment and service shall be provided by by-law.

Duties - The duties of the finance committee shall be to: (i) review and study all articles contained in the warrant for an upcoming town meeting; (ii) at a time fixed by by-law and prior to town meeting, report its recommendations on each article in the warrant in a manner determined by by-law; and (iii) for any articles in the warrant which would require raising of funds by borrowing, except in the case of tax anticipation notes as provided in section 4 of chapter 44 of the General Laws, hold a public hearing on each such warrant article; provided however, that the committee may choose to hold other public hearings for town meeting warrant articles.

2. Planning Board

Appointing Authority - The appointing authority shall consist of the town moderator, who shall serve as chair of the appointing authority, the chair of the select board and the chair of the planning board. The town may, by by-law, provide other conditions regarding appointments to the planning board.

Membership - The board shall consist of 5 members, each of whom shall serve for a term of office of 3 years. The appointments shall be arranged so that the term of a nearly equal number of members shall expire each year, as possible.

Duties - The duties of the planning board shall be to: (i) review and study all articles in the town meeting warrant that relate to land use, land regulation, land development, planning, zoning, subdivision control and similar and related matters; (ii) at a time fixed by by-law and prior to town meeting, report its recommendations on each article in the warrant in a manner determined by by-law; and (iii) hold other powers, duties and responsibilities as provided by general laws, by by-law or by other town meeting vote.

3. Capital Planning Committee

Appointments - The capital planning committee shall consist of the following 7 members: the finance director and the town administrator, who shall serve by virtue of their offices; a member who shall be appointed by the planning board from their membership; a member who shall be appointed by and finance committee from their membership; and 3 members who shall be appointed by the appointing authority, which shall consist of the town moderator, who shall serve as chair of the appointing authority, the chair of the select board and the chair of the finance committee. The town may, by by-law, provide for other conditions regarding these appointments.

Membership - Members from the finance committee and the planning board shall each serve for a term of at least 1 year. The remaining members shall

serve 3-year terms. The appointments shall be arranged, as possible, so that the term of a nearly equal number of members shall expire each year.

Duties - The duties of the capital planning committee shall be to: (i) review and study all articles in the town meeting warrant that relate to capital expenditures, as that term may be defined by by-law from time to time; (ii) at a time fixed by by-law and prior to town meeting, report its recommendations on each article in the warrant in a manner as may be determined by by-law; and (iii) develop of a capital improvements program as provided in section 5-7.

Section 2 - 6 Availability of Town Officials

All department heads shall attend the sessions of each town meeting for the purpose of providing the town meeting with information pertinent to warrant articles. If any such person is deterred by illness or other reasonable cause, that person shall designate a deputy to attend in their place. If someone required to attend the town meeting sessions under this section is not a resident of the town they shall, notwithstanding, be entitled to speak to provide the town meeting with information on matters pertinent to their responsibilities. The town moderator shall call for a roll call at each town meeting session.

Section 2 - 7 Clerk of the Meeting

The town clerk shall be the clerk of the town meeting. The clerk shall give notice of all adjourned sessions of any town meeting, in the manner determined by by-law, keep the journal of its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.

Section 2 - 8 Rules of Procedure

The town meeting shall, by by-law, adopt and may from time to time amend and revise rules to govern the conduct of town meeting sessions.

ARTICLE 3

ELECTED OFFICERS

Section 3 - 1 General Provisions

(a) Elective Offices

The offices to be filled by voters shall be a select board, a school committee, a town moderator, a deputy moderator, a board of assessors, a board of sewer commissioners, a housing authority and such other members of regional authorities or districts as may be established by statute, intergovernmental agreement or otherwise.

(b) Eligibility

Any voter shall be eligible to hold any elective town office.

(c) Town Election

The annual election for town officers and for determination of other questions by ballot shall be held on such date as may be fixed by by-law.

(d) Nomination Procedure

The number of signatures of voters required to place the name of a candidate for any town office on the official ballot for use at any town election shall be not less than 50.

(e) Compensation

Elected town officers shall receive for their services such compensation as may annually be provided for that purpose by appropriation.

(f) Appointments to Certain Positions

No elected official shall be eligible for appointment to any municipal position of employment while holding office. No former elected official shall be eligible for appointment to a municipal position of employment until 30 days from the termination of elected service. This section shall not apply if such appointment has first been approved by an annual meeting of the town.

Section 3 - 2 Select Board

(a) Composition, Term of Office

There shall be a select board consisting of 5 members elected for 3-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year. The office of select board member shall be construed to be part-time.

(b) Powers and Duties

The executive powers of the town shall be vested in the select board. The select board shall have all of the executive powers given to select boards or boards of selectmen by general law or otherwise. The select board shall serve as the chief policy making agency of the town, responsible for the establishment of policy directives and guidelines to be followed by all town agencies serving under it. No individual member of the select board, nor a majority of it, shall, at any time, attempt to issue orders, instructions, commands or mandates to town employees involved in the administration of the affairs of the town. The select board shall at all times act by majority through the town administrator or the established policy directives and guidelines.

(c) Appointing Powers

The select board shall appoint the town administrator, the registrar of voters, other than elected officers, the board of health and the members of

all multiple-member bodies for whom no other method of selection is provided by the charter.

(d) Licensing Authority

The select board shall be the license board of the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and impose restrictions thereto as it deems to be in the public interest and to enforce the laws relating to all businesses for which it issues licenses.

Section 3 - 3 School Committee

(a) Composition, Term of Office

There shall be a school committee consisting of 5 members elected for 3-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

(b) Powers and Duties

The school committee shall have all of the powers and duties school committees are given under general laws and such additional powers and duties as may be authorized by this charter, by by-law or by other town meeting vote. The powers of the school committee shall include, but not be limited to: (i) appointing a superintendent of the schools and all other officers and employees as prescribed by law; (ii) fixing the compensation of school department employees, define their duties and make rules concerning their employment status, including holding the power to discharge the superintendent; and (iii) making all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the town.

Section 3 - 4 Town Moderator

(a) Term of Office

There shall be a town moderator and a deputy town moderator, each elected for a 3-year term.

(b) Powers and Duties

The town moderator, as provided in section 2-2, shall preside and regulate the proceedings at all town meetings and shall have all of the powers and duties given to town moderators by general laws and such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote. In the town moderator's absence, the deputy town moderator shall have the powers and perform the duties of the town moderator.

Section 3 - 5 Board of Assessors

(a) Composition, Term of Office

There shall be a board of assessors consisting of 5 members elected for 3-year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

(b) Powers and Duties

The board of assessors shall have the following powers and duties: (i) to implement the policies and guidelines as issued by the department of revenue, including the fair cash valuation of all of the estate, both real and personal, subject to taxation within the town; (ii) to determine the annual tax rate and submit required information to the commonwealth in concert with the finance director or persons designated by the commonwealth; (iii) to hear and decide all applications for the abatement of such taxes; and (iv) all of the other powers and duties that are given to boards of assessors by general laws and such other powers, duties and responsibilities as may be provided by charter, by by-law or by other town meeting vote.

(c) Director of Assessment

The town administrator shall appoint a director of assessment. An appointment by the town administrator shall become effective on the fifteenth day on which notice of the appointment is filed with the board of assessors, unless the board of assessors shall, within said period, by a majority vote of the full board, vote to reject any such appointment or has sooner voted to affirm it.

The director of assessment shall be a person of proven professional ability, especially fitted by education, training and previous experience in municipal assessment and taxation to perform the duties of the office.

The director of assessment shall be responsible to the town administrator for the day-to-day operations of the assessing department and shall be responsible for the efficient administration of all functions of that department.

The director of assessment shall perform or supervise the fair cash valuation of all real estate and personal property and shall perform such other duties as the board of assessors should require from time to time.

The director of assessment shall keep the board of assessors fully informed as to the condition of the assessing department and matters relating to assessment, valuation, taxation and abatement. The director of assessment shall implement votes of the board of assessors which require action.

(d) Notwithstanding any other provision of the charter, the town administrator shall appoint all other employees of the assessing department.

Section 3 - 6 Town Clerk

(a) Term of Office

A town clerk shall be appointed by the town administrator for a term of 3 years.

(b) Powers and Duties

The town clerk shall: (i) be the keeper of vital statistics for the town; (ii) be the custodian of the town seal and all records of the town; (iii) administer the oath of the office to all town officers, elected or appointed; (iv) issue such licenses and permits as are required by law to be issued by town clerks; (v) supervise and manage the conduct of all elections and matters relating thereto; and (vi) be the clerk of the town meeting, keep its records and, in the absence of the town moderator, serve as temporary presiding officer.

The town clerk shall have all of the other powers and duties that are given to town clerks by general laws and such other powers, duties and responsibilities as may be provided by charter, by by-law or by other town meeting vote.

Section 3 - 7 Board of Sewer Commissioners

(a) Composition, Term of Office

There shall be a board of sewer commissioners consisting of 5 uncompensated members, with no group health or insurance benefits, who shall be elected to 3-year terms, so arranged that the terms of as nearly an equal number of members as possible shall expire each year. Not less than 3 commissioners shall be sewer users and at least 1 commissioner shall be a non-sewer user.

(b) Powers and Duties

The board of sewer commissioners shall: (i) make careful studies of the resources, possibilities and needs of the town related to the availability of sanitary sewers and for the maintenance of a sanitary sewer system; (ii) develop a comprehensive or master plan for a town-wide system of sanitary sewers that shall include, in graphic and textual form, policies to govern the future growth and development of the entire town; (iii) in conjunction with other land use bodies, assist in developing a long-range strategic plan for guiding town growth and development; (iv) provide oversight of the Sewer Enterprise Fund; (v) set rates and charges for the use of the sanitary sewer system; (vi) hold the responsibility for the appointment of the sewer superintendent pursuant to subsection (d); and (vii) provide advice to the select board relating to the intergovernmental agreements concerning sanitary sewers.

(c) Appointments - Upon an opening on the board for which there is no candidate, that position shall be filled by the select board and the existing members of the board of sewer commissioners. The person appointed to the opening shall serve in that position until the next election.

(d) Sewer Superintendent - The appointment of a sewer superintendent shall be made by the town administrator and shall become effective 15 days after notice of the appointment has been filed with the board of sewer commissioners, unless the board of sewer commissioners shall, within that period and by a majority vote of all its members, reject the appointment or if the board of sewer commissioners has earlier voted to affirm.

The sewer superintendent shall be responsible for the efficient technical administration of the sewer system and facilities, and for implementing votes of the sewer commissioners that are within that commission's jurisdiction. Except as expressly provided in this charter, the board of sewer commissioners shall not have control over personnel matters.

(e) The town administrator shall have the authority to appoint and remove, subject to the civil service law, if applicable, all sewer department subordinates and employees.

(f) Annually, by January 5, the board of sewer commissioners shall provide a detailed and balanced budget for the sewer system and the Sewer Enterprise Fund to the town administrator.

(g) The removal of the sewer superintendent shall be governed by section 7-9.

Section 3 - 8 Wareham Housing Authority

(a) Composition, Term of Office

There shall be a housing authority consisting of 5 members. Four of these members shall be chosen by ballot and the fifth member shall be a town resident appointed in the manner provided by law. Housing authority members shall serve for terms of 5 years, so arranged that 1 term of office shall expire each year.

(b) Powers and Duties

The housing authority shall have all of the powers and duties given to housing authorities by general laws and such additional powers and duties as may be authorized by charter, by by-law or by other town meeting vote.

Section 3 - 9 Board of Road Commissioners

(a) Composition, Term of Office - There shall be a Board of Road Commissioners consisting of 7 voting members: 3 ex officio members, the Chief of Police, the Town Planner, and the Director of Public Maintenance, and 4

members appointed by the Board of Selectmen according to the merit principle, whose terms shall be 2 years each, with 2 of the appointee positions expiring each year.

(b) Powers and Duties - The Board of Road Commissioners shall act in accordance with the powers enumerated in Chapter 40, Massachusetts General Laws, Section 22 and, as such, shall conduct a periodic review of public ways and shall make rules and orders for all traffic policies, including: speed limits, traffic control signs, regulation of heavy commercial vehicles, traffic and parking regulations, penalties and repeals. Insofar as these rules and orders are the same as the regulations, rules and orders now in force in the Wareham Municipal Traffic Code, they shall be deemed to be a continuation thereof. The board shall, furthermore, assume the responsibility of street marking, and house numbering as determined by the revised 10-26-2009 By-Laws of the Town of Wareham, Division III, Article I.

ARTICLE 4

TOWN ADMINISTRATOR

Section 4 - 1 Town Administrator

(a) Appointment

The select board, with the agreement of 4 of its members, shall hire a town administrator. The appointment shall be based solely on the applicant's executive and administrative qualifications.

(b) Contract

The initial employment contract for the town administrator shall be for a term of not more than 3 years and it shall be renegotiated 6 months prior to the termination of the existing contract with the agreement of a majority of the select board.

(c) Qualifications

The qualifications for the position of town administrator shall be a combination of education, training and previous proven professional experience in municipal administration.

(d) Other Offices and Positions

The administrator shall not have served in any elective office in the town for not less than 12 months prior to appointment.

The position of administrator shall be full-time and the administrator shall not engage in any other business, occupation or profession during the term of appointment, unless approved in advance and in writing by the select board.

The administrator shall not hold any other public office, elective or appointive, during the administrator's term.

The select board may, from time to time, establish additional qualifications as necessary and appropriate.

Section 4 - 2 Powers and Duties of the Town Administrator

(a) The town administrator shall be the chief administrative officer of the town and shall be responsible to the select board for the proper discharge of all duties of the office and for the proper administration of all town affairs placed under the administrator's charge or as identified under the charter.

The administrator's powers and duties shall include, but not be limited to: (i) supervising, directing and being responsible for the efficient administration of all functions under the administrator's control, as may be authorized by: (1) the town charter; (2) town by-laws; (3) other town meeting vote; (4) vote of the select board; or (5) any other applicable general law; (ii) appointing and removing, subject to the civil service law where applicable, all officers and employees for whom no other method of selection has been provided by the charter; provided however, that for appointment of department heads and the town clerk, within 15 days following the day on which the town administrator files notice of the appointment with the select board, the select board shall have the opportunity, by a majority vote of the full board, to: (1) affirm any such appointment, in which case the appointment becomes effective immediately; or (2) reject it; provided however, that if the select board choose neither to affirm or reject the appointment, on the fifteenth day, the appointment as made by the town administrator shall become effective; (iii) administering the town personnel system, including, but not limited to, personnel policy and practices, rules and regulations and all collective bargaining agreements entered into on behalf of the town and to maintain an up-to-date employee handbook; (iv) fixing the compensation of all town officers and employees appointed by the town administrator within the limits established by appropriation and the provisions of town by-laws; (v) attending all regular and special meetings of the select board, unless excused at the administrator's own request; provided however, that the administrator shall have a voice, but no vote, in all of its discussions; (vi) attending all sessions of the town meeting and answer all questions concerning warrant articles that are directed to the administrator and that relate to matters under the administrator's general supervision; (vii) ensuring that all provisions of the general laws, the

charter, the by-laws and other votes of the town meeting and votes of the select board that require enforcement by the administrator, or officers and employees subject to the administrator's direction and supervision, are faithfully carried out and performed; (viii) preparing and submitting, in the manner provided in article 5, a proposed annual operating budget and a proposed capital outlay program; (ix) keeping the select board fully informed as to the financial condition and needs of the town and making such recommendations to the select board for actions to be taken by it as the administrator deems to be necessary, advisable or expedient; (x) ensuring that full and complete records of the financial and administrative activities of the town are kept and render full reports to the select board at the end of each fiscal year and at such other times as it may reasonably require; (xi) having full jurisdiction over the rental and use of all town facilities, except schools, and be responsible for the preparation of all plans for capital improvement work on any existing town facility, or new town facility, except schools, and for the supervision of all capital improvement work on existing town facilities, and new town facilities, except school buildings; (xii) inquiring into the conduct of office of any town officer, employee, department or other agency under the administrator's control at any time; (xiii) ensuring 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; (xiv) being responsible for negotiating all contracts involving any subject within the administrator's jurisdiction including the negotiation with town employees over wages, hours and other terms and conditions of employment; provided however, that all labor contracts as may be proposed by the administrator shall be subject to final approval and execution by the select board; (xv) being responsible for the purchase of and award all contract for all supplies, materials and equipment for all departments and activities of the town, except in case of emergency; provided however, that the administrator shall examine and inspect, or cause to be examined and inspected, the quantity and condition of all supplies, materials and equipment delivered to or received by any town agency; and (xvi) performing any other duties required of the administrator by the charter, by-law, other town meeting vote or vote of the select board.

Section 4 - 3 Acting Town Administrator

(a) Temporary Absence

In the event of a temporary absence of the town administrator, the town administrator shall designate a qualified town administrative officer or

employee to exercise the powers and perform the duties of the office during this temporary absence by filing a letter filed with the town clerk and the select board. During the temporary absence of the town administrator, the select board may not revoke such designation until at least 10 days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve as acting town administrator until the town administrator shall return.

(b) Vacancy

When the office of the town administrator is vacant as a result of death, resignation or otherwise, or during the time a town administrator is under suspension, as provided in section 4-4, the select board shall appoint a qualified town administrative officer or employee to serve as acting town administrator until the vacancy is filled or the suspension has been terminated.

Section 4 - 4 Removal and Suspension

The select board may remove or suspend the town administrator from office after applying the following procedures:

1. Notice

The select board may, at a regularly scheduled meeting attended by the full board, adopt, by the affirmative votes of 4 members, a preliminary resolution of removal or suspension setting forth in reasonable detail the reasons for removal or suspension. The resolution may suspend the town administrator from duties for a period of not more than 45 days.

A copy of the preliminary resolution shall be delivered to the town administrator immediately following its adoption. Failure to adopt such a resolution shall prevent the suspension or removal of the town administrator.

2. Public Hearing

Within 5 days following the adoption of a preliminary resolution of removal or suspension, the town administrator may request a public hearing on the reasons given for the removal or suspension, by filing a written request for such hearing with the select board.

The hearing shall be convened by the select board, not less than 20 and not more than 30 days after such request is filed. A written notice of not less than 5 days before the date on which the hearing will begin shall be given by the select board to the town administrator; provided however, that such time limitations may be waived by the town administrator.

The town administrator may file a written statement with the select board responding to the reasons cited for the removal or suspension; provided

however, that the statement is received by the select board not less than 48 hours in advance of the time set for the public hearing to begin. The town administrator may be represented by counsel, shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witness appearing at the hearing.

3. Removal

If the administrator has requested a public hearing, 5 days following the date of the adjournment of the public hearing, the select board may, at a regularly scheduled meeting attended by the full board, adopt, by the affirmative votes of 4 members, a final resolution of removal or suspension. The resolution shall be effective upon adoption.

If the town administrator does not request a public hearing, upon the expiration of 10 days following the date of delivery to the administrator of the preliminary resolution, the select board may, at a regularly scheduled meeting attended by the full board, adopt, by the affirmative votes of 4 members, a final resolution of removal or suspension. Such resolution shall be effective upon adoption.

Failure to adopt a final resolution within the time limitations imposed by this section shall nullify the preliminary resolution of removal or suspension. Removal or suspension of the town administrator pursuant to this section shall be final. All authority and all responsibility for the suspension or removal of a town administrator shall be vested and fixed in the select board. The town administrator shall continue to receive their salary until at least 1 month, but not more than 3 months after the date of the final resolution of removal, as the select board shall deem proper.

ARTICLE 5

FISCAL PROCEDURES

Section 5 - 1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the thirtieth day of June, unless another provision is made by general law.

Section 5 - 2 School Committee Budget

(a) Submission to the town administrator

The budget adopted by the school committee shall be submitted to the town administrator not later than 20 days before the required date of submission of the proposed town budget per section 5-3 to prepare a total town budget.

(b) Public Hearing by School Committee

Not less than 14 days prior to the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget and a notice stating the times and places where complete copies of the proposed budget shall be available for public examination. The school committee shall conduct a public hearing at which the proposed budget shall be discussed.

Participants at the hearing shall include the superintendent of schools and the school department business manager, the select board, the finance committee, the town administrator and the finance director.

(c) Adoption

The action of the school committee in adopting the budget following the public hearing shall be summarized and the vote of each member on any amendments offered to the proposed budget shall be recorded.

Section 5 - 3 Submission of Proposed Town Budget

Within a time fixed by by-law before the date on which the town meeting is to be held in the spring of each year, and not later than January 25 every year, the town administrator, under the direction the of the select board, shall submit to the finance committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The administrator shall simultaneously provide for the posting of a general summary of the proposed budget and of a notice stating the times and places where complete copies of the proposed budget are available for public examination. This may include, but shall not be limited to, the offices of the select board, town clerk, town administrator and the library.

Section 5 - 4 Budget Message

The budget message submitted by the town administrator shall explain the proposed budget for all town agencies, both in fiscal terms and in terms of work programs. It shall: (i) include features of the proposed budget; (ii) indicate any major variations from the current budget in financial policies, expenditures and revenues together with the reasons for such changes; (iii) summarize the town's debt position; and (iv) include such other material as the town administrator deems desirable.

Section 5 - 5 The Proposed Budget

The proposed budget shall provide a complete financial plan of all town funds and activities, including the budget as requested by the school committee. Except as may otherwise be required by general law or by the

charter, the budget shall be in the form the town administrator deems desirable or the select board may require. In the presentation of the proposed budget, the town administrator shall make use of modern concepts of fiscal presentation to furnish a maximum amount of information and the best financial control. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years. The budget shall indicate in separate sections: (i) proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency, function and work programs and the proposed methods of financing such expenditures; (ii) proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and (iii) the estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5 - 6 Action of the Proposed Budget

(a) Public Hearing

The finance committee shall immediately upon receipt of the proposed budget, provide for publication of a notice on the town website and the principal bulletin stating the date, time and place, not less than 7 nor more than 15 days following such publication, when a public hearing shall be held by the finance committee on the proposed budget.

(b) Finance Committee Meetings

The finance committee shall consider in public meetings the detailed expenditures for each town agency as proposed by the town administrator and may confer with representatives of any such agency in connection with its considerations. The finance committee may require the town administrator or any other town agency to furnish to it such additional information as it deems to be necessary in furtherance of its responsibility.

(c) Presentation to Town Meeting

The finance committee shall file a report containing its recommendations for action on the proposed budget, which shall be available not less than 7 days prior to the date on which the town meeting is to act on the proposed budget. When the proposed budget is before the town meeting for action, it shall first be subject to amendments, if any, as may be proposed to it by the finance committee.

Section 5 - 7 Capital Improvement Program

The town administrator shall submit a capital improvement program to the select board and the finance committee not less than 30 days before the date

fixed for the submission of the town administrator's proposed budget. It shall be based on material prepared by the capital planning committee as provided in section 2-5.

The capital improvement program shall include: (i) a clear, concise general summary of its contents; (ii) a list of all capital expenditures to be made during the 5 fiscal years next ensuing, with supporting information as to the need for each such expenditure; (iii) cost estimates, methods of financing and recommended time scheduling; and (iv) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised with regard to each item still pending or in the process of being acquired, improved or constructed.

Section 5 - 8 Financial Public Records

Statements summarizing the budget, the capital improvement program and related warrant articles, as adopted by the town meeting, shall be made available in the office of the town administrator for public examination within 20 days following their adoption.

Section 5 - 9 Approval of Financial Warrants

A copy of each warrant for the payment of town funds prepared by the town accountant shall be submitted promptly to the town administrator who shall make recommendation to the select board with respect to the approval or disapproval by them of each such warrant or any item or items in any such warrants.

ARTICLE 6

ADMINISTRATIVE ORGANIZATION

Section 6 - 1 Creation of Departments, Divisions, Agencies, offices, etc.

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.

Section 6 - 2 By-Laws

Subject only to express prohibition in general law or this charter, the town meeting may, by by-law: (i) reorganize, consolidate, abolish, create, merge, divide, alter the term of office, the manner of selection, or, if a multiple-member body, the number of members, of any town agency, in whole or in part; (ii) establish such new town agencies as it deems necessary or advisable; and (iii) prescribe the functions, powers, duties and

responsibilities of any such town agency except any town agency described in article 2 or 3.

Section 6 - 3 Administrative Code

The town administrator, after consultation with the select board, may prepare and submit to the town meeting, plans for organization or reorganization, that establish town agencies for the orderly or convenient conduct of the business of the town. Whenever the town administrator prepares such a plan, the town administrator shall, in conjunction with the select board, hold at least 1 public hearing. The notice of such hearings shall, if applicable, be published: (i) in a local newspaper, both in electronic and paper format; (ii) on the bulletin board outside the town clerk's office; and (iii) in local media.

A reorganization proposal may be amended or altered prior to its submission by the select board to the next town meeting held following the public hearing. The town meeting at which the reorganization plan is submitted may vote only to approve or to disapprove of it and shall not vote to amend or to alter it. A reorganization plan shall become effective at the expiration of 60 days following the date of the town meeting at which it is submitted unless the town meeting has, within that period, voted to disapprove of it. Subject only to express prohibition of a general laws or this charter, a re-organization proposal submitted under this provision may: (i) re-organize, consolidate, abolish, create, merge, divide, alter the term of office or the manner of selection of officers, and, if a multiple-member body, the number of members thereof, of any town agency, in whole or in part; (ii) establish new town agencies; and (iii) prescribe the functions, powers, duties and responsibilities of any town agency, except any town agency described in article 2 or 3.

Section 6 - 4 Personnel Organization Plan

The town administrator shall prepare, maintain and keep current a plan establishing the personnel staffing requirements of each town agency, except those under the jurisdiction of the school committee.

Section 6 - 5 Merit Principle

All appointments and promotions in the town service shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability to perform the duties of the office or of the employment.

ARTICLE 7

GENERAL PROVISIONS

Section 7 - 1 Charter Changes

(a) In General

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

(b) Periodic Review

The select board shall, in every year which ends in 9, appoint a charter review committee. The committee shall submit a report to the first annual town meeting that ends in 0. The select board may also appoint a charter review committee at any other time deemed necessary and shall determine at the same time to which upcoming town meeting their report shall be submitted. The charter review committee shall make recommendations in their report concerning any proposed amendments or revisions to the charter that it believes to be necessary or desirable.

Section 7 - 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 7 - 3 Specific Provisions to Prevail

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

Section 7 - 4 Rules and Regulations

A copy of all rules and regulations adopted by town agencies shall be placed on file in the office of the town clerk and made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall be effective until 10 days following the date it has been published, in full, in local media and on the town website and placed on file in the office of the town clerk, or the latest of the 3.

Section 7 - 5 Uniform Procedures Governing Multiple Member Bodies

(a) Meetings

All multiple-member bodies of the town, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places within the town as they may prescribe. Special meetings of any multiple-member body

shall be held on the call of the respective chair or by 1/3 of the members thereof. Such call shall be by written notice delivered in hand or to the place of business or residence of each member not less than 48 hours before the time set. Such call shall contain notice of the subjects that are to be acted upon and no other business shall be in order. A copy of the notice shall be posted on the town bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public and to the press.

(b) Rules and Recordkeeping

Each multiple-member body shall determine its own rules and order of business, unless otherwise provided by law or by the charter, and shall provide for keeping a record of its proceedings. These rules and records shall be public, certified by the town clerk and kept available in the office of the town clerk and online.

Section 7 - 7 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. All language in the charter aspires to be gender neutral and will extend to and be applied to all people.

Section 7 - 8 Notice of vacancies

(a) Posting

Whenever a vacancy occurs, or is about to occur, in any town office, including membership on any multiple-member body, or town employment, the appointing authority shall immediately post such vacancy or impending vacancy on the town bulletin board and shall give such further public notice as may be provided by by-law. This requirement shall not apply to vacancies for positions covered under the state civil service law or otherwise provided for under a collective bargaining agreement.

(b) Application for Consideration

Any person who desires to be considered for appointment to the said office or employment may, within 10 days following the date notice was posted, file with the appointing authority a statement setting forth in clear and specific terms their qualifications for the office or the employment.

(c) Appointment to Vacancy

All persons who have filed statements for consideration pursuant to subsection (b) shall be considered. No permanent appointment to fill a vacancy in a town office or in town employment shall be effective until at least 14 days have elapsed following a posting of such vacancy.

Section 7 - 9 Removals and Suspensions

Any appointed full time, part-time, seasonal or at will employee of the town, not subject to the provisions of the civil service law or collective bargaining agreement, whether appointed for a fixed or for an indefinite term, may be removed or suspended from their duties by the appointing authority. The appointing authority when acting to remove or suspend any appointed officer or full-time town employee shall act in accordance with the following procedure:

1. A written notice of the intent to remove or to suspend and a statement of the causes therefore shall be delivered in hand or by registered or certified mail, to the officer or employee.

2. The officer or employee shall be afforded the opportunity to request a public hearing by submitting a request to the appointing authority within 5 days following the delivery of the notice and by filing a copy of such request in the office of the town clerk.

3. The appointing authority shall hold a public hearing not less than 7 nor more than 14 days following the date of receipt of a request for a public hearing pursuant to this section and shall give not less than 5 day's notice of such public hearing to the officer or employee affected. The officer or employee shall have a right to be represented by counsel at such hearing, to call witnesses, to introduce evidence and to examine any witnesses who might appear at the public hearing.

4. Not more than 14 days following the public hearing, or if the officer or employee has failed to request a public hearing, then not more than 14 days following delivery of the original notice of intent to remove or suspend, the appointing authority shall take final action concerning the removal or suspension and shall immediately notify the officer or employee that the removal or suspension is to be effective or that the notice is rescinded.

Nothing in this section shall grant a right to such a hearing to any person who has been appointed to a fixed term who, upon the expiration of that term of office, is not reappointed, nor shall it apply to the town administrator whose suspension and removal shall be governed by section 4-4. The action of the appointing authority, in suspending or removing an officer or employee, shall be final. All authority and all responsibility for appointment, suspension and removal of officers and employees shall be vested and fixed in the appropriate appointing authority.

Section 7 - 10 Recall of Elected Officials

(a) Application

Any person who holds an elected town office, with more than 6 months remaining of the term of office, may be recalled from the office by the voters in the manner provided in this section.

(b) Recall Petitions

Not less than 25 voters may file with the town clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The town clerk shall deliver to petition blanks to these voters demanding the recall and the town clerk shall keep printed forms of the petition blanks available.

A copy of the petition shall be kept on file in the office of the town clerk in a record book maintained for that purpose. Notwithstanding any general or special law or charter provision or by-law of the town, recall petitions shall be returned and filed in the office of the town clerk within 14 days following the date the petitions were issued. The recall petitions must be signed by not less than 10 per cent of the total number of registered voters duly recorded on the registration list of the town clerk as of the preceding town election. The town clerk shall, within 25 hours following the filing, submit the petitions to the registrar of voters who shall immediately certify thereon the number of signatures which are names of voters.

(c) Petition Blanks Requirements

Petition blanks: (i) may be completed by writing or typewriting; (ii) shall be addressed to the select board; (iii) shall contain the names of the persons who filed the affidavit and the grounds for recall as stated in the affidavit; (iv) shall demand the election of a successor to the office; (v) shall be dated and signed by the town clerk.

(d) Recall Election

If the petition is certified by the registrar of voters to be sufficient, the town clerk shall immediately submit the petition to the select board. Upon its receipt of the certified petition, the select board shall immediately give written notice of the petition and certificate to the person whose recall is sought.

If said officer does not resign within 5 days following delivery of the recall petition, the select board shall order an election to be held not less than 35 nor more than 60 days after the date of the registrar's certificate of the sufficiency of the petition. If, however, another town election is to occur within 60 days after the date of the said certificate, the select board shall hold the recall election on the date of said other town election. If a

vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates shall need be counted.

(e) Nomination of Candidates

An officer whose recall is sought may not be a candidate at the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the same shall all be in accordance with the provisions of other laws relating to elections, unless otherwise provided in this section.

(f) Propositions on ballot

Ballots used at a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer) / /

Against the recall of (name of officer) / /

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the propositions, shall appear the word "candidates" and the words "vote for one", and beneath said words, the names of the candidates listed alphabetically by surname. If a majority of the votes cast upon the question of a recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question are in the negative, the recall fails.

There shall be a separate proposition for each incumbent being recalled. Candidates shall declare 1, and only 1, officer they choose to replace.

(g) Office holder

The incumbent shall continue to perform the duties of the office until the recall election. An incumbent not recalled in the election shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. An officer recalled in the election shall be deemed removed upon the qualification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(h) Repeat of Recall Petition

No recall petition shall be filed against an officer within 3 months after the officer takes office. No recall petition shall be filed in the case of an officer subjected to a recall election and not recalled thereby, until not less than 6 months after the election at which the initial recall was submitted to the voters.

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 that are in force when this charter takes effect and that are not specifically or by clear implication repealed hereby, shall continue in full force and effect until amended, repealed or rescinded by due course of law or expire by their own limitation.

Section 8 - 2 Continuation of Government

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

Section 8 - 3 Continuation of Personnel

Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform their duties until provision shall have been made, in accordance with the charter, for the performance of the duties by another person or agency; provided however, that no person in the permanent, full-time service of the town shall, as a result of the adoption of the charter, forfeit their pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

Section 8 - 4 Time of Taking Effect

This charter shall become effective upon the approval of the voters of the town voting hereon, except as is hereinafter provided.

A person serving in an elected town office that under the charter is to become an appointive office shall continue to serve and shall continue to perform the duties of the office until the expiration of the term for which they were elected. When such term has expired the appointing authority shall appoint a suitable person to fill the vacancy, giving due consideration to the incumbent whose term has expired

Not more than 45 days following the election at which the charter is amended, the select board shall appoint a special committee of not less than 3 members to review the existing by-laws of the town, in order to bring them into conformity with this charter. The committee shall file a report, with recommendations, at the following town meeting.

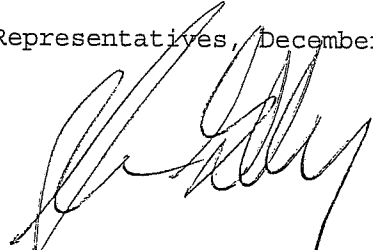
The position of executive secretary to the select board is hereby abolished effective not more than 2 weeks following the appointment of the

town administrator or November 1, whichever occurs first. The executive secretary may be a candidate for the office of town administrator, but nothing contained in the charter shall be deemed to grant to the incumbent of said office at the time the charter is adopted a right to assume such office automatically.

Until such time as another provision is made, by by-law, in accordance with the requirement of section 2-3, the fall session of the town meeting shall be held annually on the fourth Monday of October.

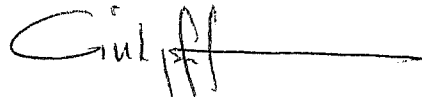
House of Representatives, December 29, 2022.

Passed to be enacted,

 , Speaker.

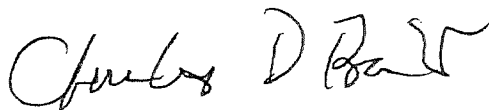
In Senate, December 29, 2022.

Passed to be enacted,

 , President.

May 5, 2022.

Approved,



Governor.