

HOUSE No. 3728

The Commonwealth of Massachusetts

PRESENTED BY:

Margaret R. Scarsdale

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act approving the Townsend special act charter.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>1/25/2023</i>

HOUSE No. 3728

By Representative Scarsdale of Pepperell, a petition (accompanied by bill, House, No. 3728) of Margaret R. Scarsdale (by vote of the town) relative to the charter of the town of Townsend. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act approving the Townsend special act charter.

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

1 SECTION 1. The Townsend Home Rule Charter, originally adopted at the Town Election
2 in 1999, on file with the Office of the Archivist of the Commonwealth, as subsequently
3 amended, is hereby repealed and replaced.

4 SECTION 2. The following shall be the Townsend Special Act Charter:

5 Article 1

6 Incorporation; Short Title; Powers

7 Section 1-1 Incorporation

8 The inhabitants of the Town of Townsend within the corporate limits as established by
9 law shall continue to be a body corporate and politic with perpetual succession under the name
10 “Town of Townsend”.

11 Section 1-2 Short Title

12 This instrument shall be known and may be cited as the Townsend Special Act Charter.

13 Section 1-3 Powers of the Town

14 Subject only to express limitations on the exercise of any power or function by a
15 municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of
16 the voters of Townsend to secure through the adoption of this Charter all of the powers it is
17 possible to secure for a municipal government under the constitution and laws of the
18 Commonwealth.

19 Section 1-4 Division of Powers

20 The administration of all the fiscal, prudential and municipal affairs of the town shall be
21 vested in an executive branch headed by a Selectboard. The legislative powers of the Town shall
22 be vested in a Town Meeting open to all registered voters.

23 Section 1-5 Construction

24 The powers of the Town of Townsend under this Charter to be construed liberally in its
25 favor and the specific mention of any particular power is not intended to limit in any way the
26 general powers of the Town of Townsend stated in section 1-3.

27 Section 1-6 Intergovernmental Relations

28 Subject to the applicable requirements of any provision of the Constitution or Statutes of
29 the Commonwealth, the Town of Townsend may exercise any of its powers or perform any of its
30 functions and may participate in the financing thereof, jointly or in cooperation by contract of

31 otherwise, with any one (1) or more states or civil divisions or agencies thereof or the United
32 States government or any one (1) or more agencies thereof.

33 Article 2

34 Legislative Branch

35 Section 2-1 Open Town Meeting

36 The legislative powers of the Town shall be vested in a Town Meeting open to all
37 registered voters.

38 Section 2-2 Presiding Officer

39 All session of the Town Meeting will be presided over by a Moderator elected as
40 provided in Article 3. At the Annual Town Meeting the Moderator shall appoint a Deputy
41 Moderator subject to ratification by the Town Meeting. The Deputy Moderator shall serve as
42 acting Moderator in the temporary absence or disability of the Moderator. The Deputy Moderator
43 shall while presiding at Town Meeting session have all the powers and duties of the Moderator
44 but shall have no other powers or duties of the Moderator. In the absence of the Moderator and
45 the Deputy Moderator, the Town Clerk will act as Moderator until Town Meeting elects a
46 Temporary Moderator, Article 3, Section 3-4.

47 Section 2-3 Committees

48 (a) Finance Committee – There shall be a Finance Committee appointed by the
49 Moderator in accordance with the Town Bylaw and the laws of the Commonwealth.

50 (b) Capital Planning Committee – There shall be a Capital Planning Committee with
51 members appointed in accordance with the Town Bylaw and the laws of the Commonwealth.

52 Section 2-4 Annual Town Meeting

53 The Annual Town Meeting shall be held on such date or dates as may from time to time
54 be fixed by Town Bylaw.

55 Section 2-5 Special Town Meetings

56 Special Town Meetings shall be held at the call of the Selectboard as such times as they
57 deem necessary, or desirable to transact the legislative business of the Town in an orderly
58 manner. Special Town Meetings may also be held on the petition of two hundred (200) or more
59 registered voters, in accordance with the procedures made available by the laws of the
60 Commonwealth.

61 Section 2-6 Warrants

62 Every Town Meeting shall be called by a Warrant issued by the Selectboard, which shall
63 state the time and place at which the meeting is to convene and, by separate Articles, the subject
64 matter be acted upon. The publication and posting of the Warrant for every Town Meeting shall
65 be in accordance with Massachusetts General Law and the Town Bylaw.

66 Section 2-7 Initiation and Inclusion of Warrant Articles

67 (a) Initiation – The Selectboard shall receive at any time all petitions which request
68 submission of any manner to the Town Meeting, which are filed by any elected Town Official,
69 any multiple member Town Body acting by a majority of its members, any ten (10) registered

70 voters for the Annual Town Meeting or a petition of one hundred (100) voters for a Special
71 Town Meeting.

72 A registered voter may request at a regular meeting of the Selectboard that a matter be
73 placed on the Town Meeting Warrant in lieu of a written petition. The Selectboard may, at its
74 discretion, accept the request and place it on the warrant under its sponsorship, or it may refuse
75 and request that the matter be submitted by a written petition of the required number of
76 registered voters.

77 (b) Inclusion – The Selectboard shall include on the Annual Town Meeting Warrant all
78 matters which were submitted in accordance with Town Bylaw for the submission of Articles.
79 When a Special Town Meeting is to be called, the Selectboard shall give public notice of the
80 Special Town Meeting at a posted Selectboard meeting and it may cause additional public notice
81 to be given pursuant to the laws of the Commonwealth or Town’s Bylaw in any form it deems
82 necessary. Any and all public notices shall include the date of the close of the Warrant. The
83 Selectboard shall include on a Special Town Meeting Warrant the subject matter of all petitions
84 which are received in its office in accordance with the date and time set by the Selectboard for
85 the close of the Warrant.

86 Section 2-8 Availability of Town Officials

87 Every Town Agency shall designate at least one (1) representative to attend all session of
88 Town Meeting in which Warrant Articles pertinent to that Town Agency are or may be taken up,
89 for the purpose of providing information to the Meeting pertinent to the Articles. If a person
90 designated as a representative is not a Town resident, they shall notwithstanding, be allowed to
91 speak to provide the meeting with pertinent information.

92 Section 2-9 Clerk of the Meeting

93 The Town Clerk shall serve as clerk of the Town Meeting, recording all votes and shall
94 preserve as public records all proceedings of the Town Meeting sessions, give notice of all
95 adjourned sessions thereof, and perform such duties in connection therewith as may be provided
96 by Town Bylaw, this Charter, or the laws of the Commonwealth.

97 If at a Town Meeting the office of Town Clerk is vacant, the Moderator shall appoint a
98 clerk pro tempore. In the event of the unavoidable absence of the Town Clerk, the Town Clerk
99 shall designate a substitute, if the Town Clerk fails to name a substitute, then the Moderator shall
100 also be empowered to appoint a clerk to pro tempore.

101 Section 2-10 Rules of Procedure

102 The Town Meeting shall be run in accordance with the accepted edition of the book
103 “Town Meeting Time.” Town Meeting may, by Town Bylaw, establish and from time to time
104 amend, revise or repeal rules governing Town Meeting. A procedural change would become
105 effective in governing the next Annual and succeeding Town Meetings following the procedural
106 change.

107 Article 3

108 Elected Officials

109 Section 3-1 In General

110 (a) Elective Offices – The offices to be filled by the ballot vote shall be the Selectboard,
111 Town Moderator, Town Clerk, Board of Assessors, Board of Health, Planning Board, Board of
112 Water Commissioners, Board of Library Trustees, North Middlesex Regional School Committee

113 Representatives, Cemetery and Parks Commissioners, Recreation Commissioners, Trustees of
114 Soliders' Memorials, Amanda Dwight Entertainment Fund, Townsend Housing Authority, James
115 H. Tucker Fund (members elected at Town Meeting) and such other regional authorities,
116 districts, or committees as may be required by law of the Commonwealth or local, inter-local or
117 regional agreements.

118 (b) Eligibility – Any registered voter shall be eligible to hold any elective town office.

119 (c) Town Election – The Annual Town Election shall be held according to Bylaw.

120 (d) Compensation – Elected town officials shall receive such compensation for their
121 services as may be appropriated annually for such purpose.

122 (e) Coordination – Notwithstanding their election by the registered voters, the town
123 officers named in this section shall be subject to the call of the Selectboard at reasonable times
124 for consultation, conference and discussion on any matter relating to their respective offices.

125 (f) Filling of Vacancies

126 (1) Multiple Member Bodies – If there is a vacancy in a body consisting of two (2) or
127 more members, other than the Selectboard and unless under the terms of a will or other trust
128 where some other provisions is made, the remaining members shall immediately give written
129 notice to the Selectboard and in addition to the public by posting the vacancy and its description
130 on the town bulletin board and utilizing the official notice posting method under the Open
131 Meeting Law, each for at least (10) days. A notice of five (5) business days shall be posted of a
132 joint meeting between the Selectboard and the remaining members of the body to fill the
133 vacancy. The appointment will be made by vote and carried by a simple majority. This

134 appointment will run until the next town election. If notice is not given within thirty (30) days
135 following the date of the vacancy, after a notice of five (5) business days the Selectboard shall
136 fill the vacancy without participation of the remaining members of the multiple member body.

137 (2) Selectboard – If there is a failure to elect or a vacancy occurs and six (6) months
138 or more will elapse before the next annual town election, the remaining members of the
139 Selectboard shall, forthwith, call a special election to fill the vacancy. If a vacancy occurs and
140 more than three (3) months but less than six (6) months will elapse before the next annual town
141 election the Selectboard may call a special election, however, upon receipt by petition of two
142 hundred (200) or more registered votes of Townsend remaining members of the Selectboard will
143 forthwith call a special election.

144 (g) Recall Election Procedures – Recall elections shall be conducted as provided pursuant
145 to Chapter 27 of the Acts of 1995 and the laws of the Commonwealth not in conflict therewith.

146 Section 3-2 Selectboard

147 (a) Composition and Term of office –

148 A Selectboard, three (3) members elected for three (3) years each, arranged so that the
149 term of one (1) member expires each year.

150 The composition of the Board may change from three (3) to five (5) members as
151 determined by a two-thirds vote of an Annual Town Meeting, provided that such vote is ratified
152 by the voters of the Town at the next Annual Town Election. A five (5) member Board would
153 have three (3) year overlapping terms, so arranged that as nearly an equal number of members as
154 possible shall expire each year.

155 (b) Power and Duties –

156 The executive powers of the Town shall be vested in a Selectboard, which shall be
157 deemed the chief executive office of the Town. The Selectboard shall have all of the executive
158 power possible to have and to exercise in accordance with the Constitution, the laws of the
159 Commonwealth, the Charter and the Bylaws of the Town of Townsend. These powers shall also
160 be extended to any trusts granted to the Selectboard. The Selectboard shall be responsible for the
161 formulation and promulgation of policy directives and guidelines to be followed by all Town
162 Agencies serving under it and, in conjunction with other elected multiple member bodies to
163 develop and promulgate policy guidelines designed to bring the operation of all Town Agencies
164 into harmony. Nothing in this section shall be construed to authorize any member of the
165 Selectboard, nor a majority of such members, to become involved in the day-to-day
166 administration of any Town Agency, including direction or supervision of department heads and
167 staff. It is in the intention of this provision that the Selectboard shall act through the adoption of
168 policy guidelines that are to be implemented by officers and employees appointed by or under its
169 authority. The Selectboard shall assign a liaison to each multiple member body.

170 (c) Licensing Authority – The Selectboard shall be licensing authority for the Town and
171 shall have power to issue licenses as otherwise authorized by law, to make all necessary rules
172 and regulations regarding the issuance of such licenses and to attach conditions and to impose
173 restrictions on any such license it may issue as it deems to be in the public interest, and to
174 enforce all laws, rules and regulations relating to all businesses for which it issues any licenses.

175 (d) Appointment Authority

176 (1) Town Employees –

177 Except as otherwise provided for hereinafter, the Selectboard shall appoint Town
178 employees as provided by statute or Charter.

179 (2) Multiple Member Bodies –

180 Except as otherwise provided for hereinafter, the Selectboard shall appoint multiple
181 member bodies as provided by statute or Charter.

182 (3) Other Appointments –

183 The Selectboard shall appoint other multiple member bodies the functions of which do
184 not involve direct operating responsibilities, but which are primarily policy making or advisory
185 in nature or required law. Unless some other provision is expressly made by law, the Selectboard
186 shall also appoint other individuals who are to serve as representatives of the Town to the
187 governing or advisory bodies of area, regional, or district authorities. Personal contracts
188 hereunder shall be limited to three (3) years; provided, however, that all such contracts shall be
189 subject to applicable provisions of the Massachusetts General Laws, which shall control.

190 (e) Investigations

191 The Selectboard may make investigations and may authorize the Town Administrator to
192 investigate the affairs of the Town and the conduct of any Town Agency including any doubtful
193 claims against the Town. The report of the results of such investigation shall be placed on file in
194 the office of the Selectboard and a report summarizing the results of such an investigation shall
195 be printed in the next annual Town Report.

196 (f) Screening Committee

197 Unless otherwise specified by Town Bylaw, there shall be a Screening Committee to
198 support the transparent selection of candidates for the following positions

199 -Town Administrator

200 -Police Chief

201 -Fire Chief

202 The Screening Committee shall be appointed by the Selectboard and include any number
203 and combination of qualified professionals, town residents and town employees.

204 Section 3-3 Moderator

205 (a) Composition and Term of Office

206 A Moderator elected for a three (3) year term.

207 (b) Power and Duties

208 The Town Moderator shall have the powers and duties given that office by the laws of the
209 Commonwealth, the Charter, Town Bylaw, Regional Agreement, or other Town Meeting vote.

210 Section 3-4 Town Clerk

211 (a) Composition and Term of Office

212 A Town Clerk elected for a three-year term.

213 (b) Powers and Duties

214 The Town Clerk shall be the keeper of vital statistics for the Town. The Town Clerk shall
215 be the custodian of the Town Seal, shall administer the oath of office to all persons elected or
216 appointed to any Town office and shall issue such licenses and permits as are required By-law to
217 be issued by the Town Clerk. The Town Clerk shall supervise and manage the conduct of all
218 elections and all other manners relating to elections. The Town Clerk shall be the clerk of the
219 Town Meeting, keep its records and in the absence of the Moderator and the Deputy Moderator
220 shall preside pending the election of a temporary Moderator by Town Meeting vote. The Town
221 Clerk shall have such other powers and duties as given by the laws of the Commonwealth, the
222 Charter, Town Bylaws and by other Town Meeting vote.

223 Section 3-5 Assessors

224 (a) Composition and Term of Office

225 A Board of Assessors consisting of three members elected for a three (3) year term each,
226 arranged so that one (1) term expires each year.

227 (b) Powers and Duties

228 The Board of Assessors shall have all the powers and duties given to Boards of Assessors
229 by the laws of the Commonwealth, the Charter, Town Bylaw or by other Town Meeting vote.

230 Section 3-6 Board of Health

231 (a) Composition and Term of Office

232 A Board of Health consisting of three (3) members elected for a three (3) year term each,
233 arranged so that one (1) term expires each year.

234 (b) Powers and Duties

235 The Board of Health shall be responsible for the formulation and enforcement of rules
236 and regulations concerning public health. The Board shall have all the powers and duties given to
237 Boards of Health under the laws of Commonwealth, the Charter, Town Bylaw or other Town
238 Meeting vote.

239 Section 3-7 Planning Board

240 (a) Composition and Term of Office

241 A Planning Board consisting of five (5) members elected for a five (5) year term each,
242 arranged so that the term of one (1) member expires each year.

243 (b) Powers and Duties

244 The Planning Board shall have all the powers and duties given to Planning Boards by the
245 laws of the Commonwealth, the Charter, Town Bylaw or other Town Meeting vote.

246 Section 3-8 Water Commissioners

247 (a) Composition and Term of Office

248 A Board of Water Commissioners consisting of three (3) members elected for a three (3)
249 year term each, arranged so that the term of one (1) member expires each year.

250 (b) Powers and Duties

251 The Board of Water Commissioners shall have all the powers and duties as defined by
252 special agreement voted on September 16, 1933, pursuant to Chapter 391 of the Acts of 1920 and

253 the laws of the Commonwealth not in conflict therewith, as well as those set forth in M.G.L. c.
254 41, Section 69B, accepted by the Town by vote at the Town Meeting on May 9, 2017.

255 Section 3-9 Library Trustees

256 (a) Composition and Term of Office

257 A Board of Library Trustees consisting of five (5) members elected for three (3) year
258 overlapping terms, so arranged that the terms of as nearly equal number of members as possible
259 shall expire each year.

260 (b) Powers and Duties

261 The Board of Library Trustees shall be responsible for the governance of the free public
262 library. The Board of Library Trustees, in accordance with the provisions of the gift or bequest
263 shall administer all money and property that the Town may receive for library purposes by gift or
264 bequest. The Board of Library Trustees shall have all the powers and duties given to Library
265 Trustees by the laws of the Commonwealth, the Charter, Trust Agreements, Town Bylaw or
266 other Town Meeting vote.

267 Section 3-10 North Middlesex Regional School Committee

268 (a) Composition and Term of Office

269 The composition and term of office of members of the North Middlesex Regional School
270 Committee shall be defined in accordance with the North Middlesex Regional School District
271 Agreement, as amended.

272 (b) Powers and Duties

273 The North Middlesex Regional School Committee members shall have all the powers and
274 duties as defined by Regional Agreement, as amended.

275 Section 3-11 Cemetery and Parks Commission

276 (a) Composition and Term of Office

277 Three (3) commissioners elected for a three (3) year term each, arranged so that the term
278 of one (1) member expires each year.

279 (b) Powers and Duties

280 (1) As Cemetery Commissioners they shall have general charge of and superintendence
281 of all the public burial grounds within Town and of any lands set aside by the Town for
282 Cemetery purposes. The Cemetery Commissioners shall have all the powers and duties given to
283 Cemetery Commissions by the laws of the Commonwealth, and any additional powers or duties
284 as provided by the Charter, By-law, Trust Agreements, or other Town Meeting vote.

285 (2) As Park Commissioners they shall have general charge and superintendence of all
286 public parks. They may improve and make rules and regulations for Public Parks. The Parks
287 Commissioners shall have all the powers and duties given to Parks Commissioners by the laws
288 of the Commonwealth, the Charter, Trust Agreements, Town Bylaw or other Town Meeting
289 vote.

290 Section 3-12 Recreation Commission

291 (a) Composition and Term of Office

292 A Recreation Commission consisting of five (5) members elected for a three (3) year
293 term each, arranged so that the terms of as nearly an equal number of members shall expire each
294 year.

295 (b) Powers and Duties

296 The Recreation Commission shall be responsible for the development, operation,
297 scheduling and coordination of recreation programs for the town. The Commission shall have all
298 the powers and duties as may be provided by the laws of the Commonwealth, the Charter, Town
299 Bylaw or other Town Meeting vote.

300 Section 3-13 Trustees of Soldiers' Memorials

301 (a) Composition and Term of Office

302 A committee consisting of five (5) positions elected for a three (3) year term each,
303 consisting of three (3) veterans and two (2) non-veterans, arranged so that the terms of as nearly
304 an equal number of members shall expire each year.

305 (b) Powers and Duties

306 The Trustees of Soldiers' Memorials shall have all the powers and duties as may be
307 provided by the laws of the Commonwealth.

308 Section 3-14 Amanda E. Dwight Entertainment Fund

309 (a) Composition and Term of Office

310 Three (3) Trustees elected for a three (3) year term each, arranged so that the term of one
311 (1) member expires each year.

312 (b) Powers and Duties

313 The Trustees of the Amanda E. Dwight Trust shall have all the powers and duties as
314 defined by the Amanda E. Dwight Trust Agreement as established by the town of September 28,
315 1928.

316 Section 3-15 Townsend Housing Authority

317 (a) Composition and Term of Office

318 There shall be a Townsend Housing Authority the composition of which is in accordance
319 with MGL.

320 (b) Powers and Duties

321 The Housing Authority shall make studies of the housing needs of the town and shall
322 provide programs to make available low-income housing for families and the elderly of low
323 income. The Housing Authority shall have all the powers and duties given to Housing
324 Authorities by the laws of the Commonwealth.

325 Section 3-16 James H. Tucker Trust Fund Committee

326 (a) Composition and Term of Office

327 There shall be a James H. Tucker Trust Fund Committee consisting of three (3) West
328 Townsend Village residents elected at the Annual Town Meeting.

329 (b) Powers and Duties

330 The James H. Tucker Trust Fund Committee shall act in accordance with the bequest for
331 the sole purpose to keep the curbing, gravestones, and monuments in good order, including the
332 installation and maintenance of fencing as necessary.

333 Article 4

334 Town Administrator

335 Section 4-1 Appointment; Qualification; Term

336 The Selectboard shall appoint a Town Administrator for a term of up to three (3) years,
337 which term or portion thereof may be renewed. With the exception of the limit on term described
338 directly above, or any other requirements of local, state or federal law to the contrary the terms
339 affecting the appointment, termination of appointment, renewal or non-renewal of such
340 appointment shall be set forth and subject to a mutually agreed upon contract. Nothing contained
341 in this section shall grant tenure to the Town Administrator. The Selectboard shall fix the
342 compensation for such person, annually, within the amount appropriated by the Town. The Town
343 Administrator shall be appointed solely on the basis of demonstrated executive and
344 administrative qualifications. The Town Administrator shall be a person especially fitted by
345 education, training and or previous experience in public administration to person the duties of the
346 office as outlined in the job description. Education requirements include a minimum of a
347 Bachelor's Degree (Masters preferred) with sufficient experience administrating similar sized
348 communities (Commonwealth of MA preferred).

349 The Town Administrator need not be a resident of the Town at the time of appointment or
350 at any time during the period of such service. The Town Administrator shall not have served in
351 an elective position in Town government for at least twelve months prior to appointment. The

352 Town may from time to time establish, by Town Bylaw, such additional qualifications as seem
353 necessary and appropriate. The Town Administrator shall not hold any other public office in
354 Townsend except as allowed by Massachusetts General Law.

355 Annual Review: The Selectboard shall provide for an annual review of the job
356 performance of the Town Administrator which shall, at least in summary form, be a public
357 record. This review shall reflect the Town Administrator’s performance of duties as listed in the
358 approved job description and goals and objective developed by the Selectboard.

359 Section 4-2 Powers and Duties

360 The Town Administrator shall be the chief administrative officer of the Town, directly
361 responsible for the Selectboard for the administration of all Town affairs for which the office of
362 Town Administrator is given responsibility by or under this Charter. The words “chief
363 administrative officer” shall refer to the person responsible for administrative management of
364 governmental operations. The powers and duties of the Town Administrator shall include, but
365 are not intended to be limited to, the following:

366 (a) To supervise, direct and be responsible for the efficient administration of all functions
367 and activities for which the office of Town Administrator is given authority, responsibility or
368 control by this Charter, by Town Bylaw, by Town Meeting vote, or by vote of the Selectboard as
369 consistent with Massachusetts General Law.

370 (b) To see that the personnel policies and practices, rules and regulations are equally
371 administered for all Town employees. If a union or other employment contract differs from the
372 general policies, the Town Administrator shall see that there are administered according to the

373 collective bargaining agreement or contract, respectively, with the exception of the Town
374 Administrator's contract which will be overseen and administered by the Selectboard.

375 (c) To attend all regular and special meetings of the Selectboard, unless unavailable for
376 reasonable cause, and shall have a voice, but no vote, in all proceedings.

377 (d) To keep the Selectboard fully advised at a public meeting or in writing as to the needs
378 of the Town and all Town Agencies, all applicable state and federal agencies and to make
379 appropriate recommendations to the Selectboard of actions required to address matters of
380 concern.

381 (e) To prepare the budgets which fall directly under the Selectboard. To oversee the
382 budgets for the Town Agencies which fall directly under the Selectboard, and in addition the
383 Town Administrator will present to the Selectboard the budgets of elected Town Agencies and
384 the Capital Plan in such a manner that the Selectboard have an understanding of the total budget.
385 The Town Administrator will also work with other Town Agencies, including but not limited to
386 the Finance Committee, the Accountant, the Assessor and the Treasurer, to develop a plan for the
387 funding of appropriations.

388 (f) To be the chief procurement office for the town, in accordance with Massachusetts
389 General Laws, and to appoint such assistant procurement officers as provided in Massachusetts
390 General Laws.

391 (g) To see that all the provisions of the Laws of the Commonwealth, this Charter, Town
392 Bylaw, other votes of Town Meeting, and votes of the Selectboard which require enforcement by
393 the Town Administrator or other officers subject to the direction and supervision of the Town
394 Administrator, are faithfully executed, performed or otherwise carried out.

395 (h) To inquire, at any time, into the conduct and operation of any office or the
396 performance of any Town Agency officer or employees under the jurisdiction of the Selectboard.

397 (i) To attend all sessions of all Town Meetings and to be prepared to answer all questions
398 raised by voters which relate to warrant articles and to matters over which the Town
399 Administrator exercises any supervision.

400 (j) To coordinate the activities of all Town Departments serving under the Town
401 Administrator and the office of the Selectboard with those under the control of other officers and
402 multiple member bodies elected directly by the registered voters. For this purpose, the Town
403 Administrator shall have the authority to require the person so elected, or their representatives to
404 meet with the Town Administrator, at reasonable times, for the purpose of effecting coordination
405 and cooperation among all Town Agencies.

406 (k) To perform any other duties that are required to be performed by the Town
407 Administrator by Town Bylaws, Administrative Code, Charter, vote of the Town Meeting or
408 votes of the Selectboard.

409 (l) Work with the Selectboard to develop long-range goals and objectives for the Town,
410 including keeping the board informed on the long-range needs of the Town and proactively
411 suggesting best practices for the Town. The words “best practices” shall mean procedure(s) that
412 have been shown by research and/or experience to produce optimal results and that are generally
413 established as standard(s) suitable for widespread adoption.

414 Section 4-3: Delegation of Authority

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

419 Section 4-4: Interim Town Administrator

420 A vacancy in the office of town administrator shall be filled as soon as possible by the
421 Selectboard, but, pending permanent appointment by the Selectboard, the Selectboard shall
422 appoint a qualified person to perform the duties of the Town Administrator on a temporary basis.
423 The Interim Town Administrator shall have all the duties and responsibilities of the Town
424 Administrator. In the case of vacancies, the qualifications and educational requirements as
425 described in 4-1 shall be maintained unless waived by the Selectboard. Compensation for such
426 person shall be set by the Selectboard.

427 Article 5

428 Administrative Organization

429 Section 5-1 Administration of Government

430 The organization of the town into operating agencies for the provision of services and the
431 administration of the government shall be accomplished through either of the methods provided
432 in this article.

433 (a) Bylaws – Subject only to express prohibitions in a general law or the provisions of
434 this Charter, the Town Meeting may, by Town Bylaw, reorganize, consolidate, create, merge,
435 divide or abolish any Town Agency, in whole or in part; establish such new Town Agencies as it

436 deems necessary or advisable, determine the matter of selection, the term of office and prescribe
437 the functions of all such entities; provided, however, that no function assigned by this Charter to
438 a particular Town Agency may be discontinued, or unless this Charter specifically so provides,
439 assigned to any other.

440 (b) Administrative Code – The Town Administrator, after consultation with the
441 Selectboard, may from time to time prepare and submit to the Town Meeting plans of
442 organization or reorganization which establish operating divisions for the orderly, efficient or
443 convenient conduct of the business of the town.

444 Whenever the Town Administrator prepares such a plan the Selectboard shall hold one
445 (1) or more public hearings on the proposal giving notice by publication in a local newspaper,
446 which notice shall describe the scope of the proposal and the time and place at which the hearing
447 will be held, not less than seven (7) nor more than fourteen (14) days following said publication.
448 Following such public hearing, the proposal, which may have been amended subsequent to the
449 public hearing, shall be submitted to the Town Meeting by an appropriate warrant article.

450 An organization or reorganization plan shall become effective at the expiration of sixty
451 (60) days following the date of adjournment of the Town Meeting at which the proposal is
452 approved, by a majority vote. The Town Meeting may vote only to approve or to disapprove the
453 plan and may not vote to amend or to alter it.

454 The Selectboard may, through the administrative code, and subject only to express
455 prohibitions in a general law, or this Charter, reorganize, consolidate or abolish any Town
456 Agency, in whole or in part; establish such a new Town Agencies as is deemed necessary to the
457 same extent as in provided in section 5-1 (a), above, for Town Bylaws; and for such purpose

458 transfer the duties and powers, and, so far as in consistent with the use for which the funds were
459 voted by the town, transfer the appropriation of one Town Agency to another; provided, however
460 that no function assigned by this Charter to a particular Town Agency may be discontinued or,
461 unless this Charter specifically so provides, assigned to any other.

462 Section 5-2 Publication of Administrative Code and Personnel Plan

463 For the convenience of the public, the administrative code and any amendments thereto
464 shall be printed as an appendix to, but not an integral part of the Bylaws of the Town of
465 Townsend. The personnel and staffing plan as prepared by at the Selectboard shall be published
466 annually in the town report.

467 Section 5-3 Removals and Suspensions

468 Any appointed officer, member of a multiple member body or employee of the town, not
469 subject to the provisions of the state civil service law, or covered by the terms of a collective
470 bargaining agreement or employment contract, which provides a different method, and whether
471 appointed for a fixed or an indefinite term, may be suspended or removed from office, without
472 compensation, by the appointing authority for Cause. The term Cause shall include, but not be
473 limited to the following: incapacity or inability to complete assignments in a timely manner on a
474 routine basis in accordance with principals of reasonable care; neglect, namely failure to perform
475 the duties of the position in a reasonably competent manner or failure to satisfy performance
476 standards; chronic absenteeism, insubordination, conduct unbecoming the office, gross
477 negligence, willful misconduct, willful dereliction of duty, embezzlement, fraud against the
478 Town, or conviction of a felonious act in office. Any appointed officer, member of a multiple
479 member body or employee of the town may be suspended from office by the appointing

480 authority to be necessary to protect the interests of the town. However, no suspension shall be for
481 more than fifteen (15) days. Suspension may be simultaneous with removal process and shall not
482 interfere with the rights of the individual under the removal procedure given below.

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

485 (a) A written notice of the intent to remove and a statement of the cause or causes
486 therefore shall be delivered in hand, or by registered mail or certified mail, return receipt
487 requested, to the last known address of the person sought to be removed.

488 (b) Within five (5) days following delivery of such notice the officer, member of a
489 multiple body or employee of the town may request a public hearing to be convened within thirty
490 (30) days of the request, unless extended by agreement, at which such person may be represented
491 by counsel, shall be entitled to present evidence, call witnesses and to question any witness
492 appearing at the hearing.

493 (c) Between one (1) and ten (10) days after the public hearing is adjourned, or if the
494 officer, member of a multiple member body or employee of the town fails to request a public
495 hearing, between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the
496 appointing authority shall take final action, either removing the officer, member of a multiple
497 member body or employee of the town or notifying such person that the notice is rescinded.
498 Failure of the appointing authority to take any action within the time periods as stated in this
499 section shall be deemed to be rescinded of the original notice and the officer, member of a
500 multiple member body or employee shall, forthwith, be reinstated.

501 Notwithstanding any other provisions of this Charter to the contrary or any other
502 requirements of local, state or federal law to the contrary, a decision not to renew any
503 employment contract of appointment for a fixed term shall not be construed as a dismissal,
504 require a hearing, or trigger the removal procedures required by this section.

505 This section shall not be applicable to any appointed officer, member of a multiple
506 member body or employee of the town covered by civil service, a collective bargaining
507 agreement or employment contract. In that case, notwithstanding any other provision of this
508 Charter to the contrary or any other requirements of local, state or federal law to the contrary, the
509 requirements of civil service collective bargaining agreement or employment contract shall
510 prevail and govern the process and requirements for suspension, removal or non-renewal.

511 Section 5-4 Procedures Governing Multiple Member Bodies

512 (a) Meetings

513 All multiple member bodies shall meet regularly at such times and places within the town
514 as they may by their own rules prescribe. Except in cases of emergency, special meetings of any
515 multiple member body shall be held on the call of respective chairman or by one-third of the
516 members thereof by suitable written notice delivered to the residence or place of business of each
517 member at least forty-eight (48) hours in advance of the time set. A copy of the said notice shall
518 also be posted on the town bulletin board(s). Special meetings of any multiple member body
519 shall also be called within one (1) week after the date of at the filing with the Town Clerk of a
520 petition signed by at least fifty (50) voters and which states the purpose or purposes for which
521 the meeting is to be called.

522 (b) Agendas

523 Before any meetings of a multiple member body is to be held, an agenda containing all
524 items which are scheduled to come before the multiple member body at the meeting shall be
525 posted as required by law.

526 (c) Rules and Minutes

527 Each multiple member body shall determine its own rules and order of business unless
528 otherwise provided by this Charter or by-law and shall provide for keeping minutes of its
529 proceedings. These rules and minutes shall be public records, and copies shall be placed on file
530 in the office of the Town Clerk and for the convenience of the public, kept available for public
531 inspection in the office of the Town Clerk.

532 (d) Voting

533 Except on procedural matters all votes of all multiple member bodies shall be taken by a
534 call of the roll and the vote of each member shall be recorded in the minutes, provided, however,
535 that if the vote is unanimous only that fact needed be recorded.

536 (e) Quorum

537 A majority of the members of the multiple member body then in office shall constitute a
538 quorum, except where otherwise provided by law, but a smaller number may adjourn from time
539 to time and may compel the attendance of absent members in the manner and subject to the
540 penalties prescribed by the rules of the multiple member body.

541 (f) Filling of Vacancies

542 Whenever a vacancy shall occur in the membership of an appointed multiple member
543 body the remaining members shall forthwith given written notice of such vacancy to the

544 Selectboard appointing authority. If, at the expiration of forty-five (45) days following the
545 delivery of such notice, the Selectboard appointing authority has not appointed some person to
546 fill the vacancy the remaining members of the multiple member body shall fill such vacancy for
547 the remainder of any unexpired term by majority vote of the remaining members. The Town
548 Clerk and the Selectboard appointing authority shall be notified in writing when the vacancy in
549 filled.

550 (g) Composition of Multiple Member Bodies

551 All multiple member bodies when established shall be composed of an odd number of
552 members. Whenever the terms of office of a multiple member body are for more than one (1)
553 year such terms of office shall be so arranged that as nearly an equal number of terms as is
554 possible will expire each year.

555 Section 5-5 Notice of Vacancies

556 Whenever a vacancy occurs in any town office, position or employment, or whenever by
557 reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the
558 appointing authority shall forthwith cause public notice of such vacancy to be posted on the town
559 bulletin board for not less than ten (10) days. Such notice shall contain a description of the duties
560 of the office, position or employment and a listing of necessary or desirable qualifications, to fill
561 the office, position or employment. No permanent appointment to fill such office, position or
562 employment shall be effective until fourteen (14) days following the date such notice was posted
563 to permit reasonable consideration of all applicants. This section shall not apply to positions
564 covered by the civil service law and rules or if in conflict with the provisions of any collective
565 bargaining agreement.

566 Section 5-6 Loss of Office, Excessive Absence

567 If any person appointed to serve as a member of a multiple member body shall fail to
568 attend four (4) or more consecutive meetings, or one-half or more of all meetings of such body
569 held in one (1) calendar year, the remaining members of the multiple member body may, by a
570 majority vote of the remaining members of such body, declare the office to be vacant, provided,
571 however, that not less than ten (10) days prior to the date said votes is scheduled to be taken the
572 body has given in hand, or mailed, by registered or certified mail, return receipt requested, notice
573 of such proposed or pending vote to the last known address of such person.

574 Section 5-7 Terms of Office

575 With the exception of employees covered by personal service contracts or union contracts
576 and notwithstanding any other provisions of this Charter which might appear to be to the
577 contrary, whenever a person after having served for an initial term of years in a full time
578 appointed town office is reappointed to the same office to succeed themselves, such
579 reappointment shall be for an indefinite term not subject to further periodic reappointment, but
580 subject to removal and/or suspension in accordance with the procedures in section 5-3 of this
581 Charter.

582 Article 6

583 Finance and Fiscal Procedures

584 Section 6-1 Fiscal Year

585 The fiscal year of the Town shall begin on the first day of July and shall end of the last
586 day of June, unless the laws of the Commonwealth require another period.

587 Section 6-2 Submission of Budget and Budget Message

588 Within the time fixed by Town Bylaw, before the Annual Town Meeting is to convene,
589 the Town Administrator, after approval of the Selectboard, shall submit to the Finance
590 Committee a proposed operating budget for the Town Agencies for which the Selectboard are
591 responsible for the ensuing fiscal year with an accompanying budget message and supporting
592 documents. Additionally, elected officials shall submit to Town Administrator, the Selectboard
593 and the Finance Committee a proposed operating budget for the ensuing fiscal year with an
594 accompanying budget message and supporting documents.

595 Section 6-3 Budget Message

596 The budget message of the Selectboard shall explain the budget for all Town Agencies.

597 Section 6-4 Town Budget

598 The proposed operating budget shall provide a complete financial plan for all town funds
599 and activities for the ensuing fiscal year. The presentation of the budget shall utilize modern
600 concepts of fiscal presentations required by Massachusetts General Law and Department of
601 Revenue regulations so as to furnish maximum information and the best financial control.

602 Section 6-5 Approval of Warrants

603 The Selectboard shall be the chief fiscal officer of the town. Warrants for the payment of
604 town funds prepared by the Town Accountant in accordance with the provisions of the laws of
605 the Commonwealth shall be submitted to the Town Administrator for review.

606 Article 7

607 General Provisions; Definitions; Periodic Review

608 Section 7-1 Charter Changes

609 This Charter may be replaced, revised or amended in accordance with any procedures
610 made available under the state constitution and by statutes enacted to implement the said
611 constitutional provisions.

612 Section 7-2 Severability

613 The provisions of this Charter are severable. If any provisions of this Charter is held
614 invalid, the other provisions shall not be affected thereby. If the application of this Charter of any
615 of its provisions to any person or circumstance is held invalid, the application of this Charter and
616 its provisions to other persons and circumstances shall not be affected thereby.

617 Section 7-3 Specific Provisions to Prevail

618 To the extent that any specific provisions of this Charter shall conflict with any
619 provisions expressed in general terms, the specific provisions shall prevail.

620 Section 7-4 Number and Gender

621 Words importing the singular number may extend and be applied to several persons or
622 things; words importing the plural number may include the singular; words importing the
623 feminine gender shall include the masculine gender; words importing the masculine gender shall
624 include the feminine gender.

625 Section 7-5 Rules and Regulations

626 A copy of all rules and regulations adopted by any Town Agency shall be filed in the
627 office of the Town Clerk before any such rule or regulation shall become effective, and copies
628 shall be made available for review by any person who requests such information. No rule or
629 regulation adopted by any Town Agency shall become effective until ten (10) days following the
630 date it has been so filed in the office of the Town Clerk.

631 Section 7-6 Periodic Review, Charter and Town Bylaws

632 (a) Charter Review – At least once in every ten (10) years, the Selectboard shall establish
633 a special committee to consist of nine (9) members for the purpose of reviewing this Charter and
634 to make a report, with recommendations, to the town meeting concerning any proposed
635 amendments which said committee may determine to be necessary or desirable. The Committee
636 shall consist of nine (9) members appointed as follows; the Selectboard, the Planning Board, the
637 Council on Aging and the Board of Library Trustees, shall each appoint one (1) person, the
638 Finance Committee shall appoint two (2) person and three (3) persons shall be appointed by the
639 Town Moderator. Persons appointed by the said Town Agencies may, but need not, be members
640 of the Town Agency by which they are appointed. The Committee shall meet to organize
641 forthwith following the final adjournment of the Annual Town Meeting.

642 (b) Bylaw Review – The Selectboard shall at five (5) year intervals, in each year ending
643 in three (3), or in eight (8) cause to be prepared by a special committee appointed for that
644 purpose, a proposed revision or recodification of all Town Bylaws of the town which shall be
645 presented to the Town Meeting for reenactment at the Annual Town Meeting in the year
646 following the year in which the said committee is appointed. The said committee in its final or in
647 an interim report shall include recommendations for such substantive change in Town Bylaws as

648 it deems necessary or advisable. The review of Town Bylaws shall be in conjunction with town
649 counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the Town
650 Meeting, copies of the revised Town Bylaws shall be forwarded to the Attorney General of the
651 Commonwealth per Massachusetts General Law for approval and they shall be otherwise
652 published, all as required by the copies of the revised Town Bylaws shall be made available for
653 distribution to the public.

654 Section 7-7 Continuation of Government

655 All Town Agencies shall continue to perform their duties until reappointed, reelected, or
656 until successors to their respective positions are duly appointed or elected, or their duties have
657 been transferred and assumed by another Town Agency in accordance with the provisions of this
658 Charter.

659 Section 7-8 Definitions

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

662 (a) Charter – The word “Charter” shall mean this Charter and any amendments to it
663 which may hereafter be adopted.

664 (b) Days – The word “days” shall refer to business days, not including Saturdays,
665 Sundays and legal holidays when the time is set less than seven (7) days; when the time set is
666 seven (7) days or more, every day shall be counted.

667 (c) Emergency – The word “emergency” shall mean a sudden, unexcepted, unforeseen
668 happening, occurrence, event or condition which necessitates immediate action.

669 (d) General Laws – The words “general laws” shall mean Law of the Commonwealth
670 which apply alike to all cities and towns, to all towns, or to a class of municipalities of which
671 Townsend is a member.

672 (e) Laws of the Commonwealth – The words “Laws of the Commonwealth” shall refer to
673 the General Laws of Massachusetts (Massachusetts General Law (MGL)), a codification and
674 revision of statutes enacted on December 22, 1920, and including all amendments thereto
675 subsequently adopted.

676 (f) Local Newspaper – The words “local newspaper” shall mean a newspaper (regardless
677 of media) of general circulation in the Town of Townsend.

678 (g) Majority Vote – The words “majority vote” shall mean a majority of those present
679 and voting, provided that a quorum of the body is present when the vote is taken, unless a higher
680 number is required by law.

681 (h) Multiple Member Body – The words “multiple member body” shall mean any town
682 body consisting of two (2) or more persons and whether styled board, commission committee,
683 subcommittee, or otherwise and however elected or appointed or otherwise constituted.

684 (j) Town – The word “Town” shall mean the Town of Townsend

685 (k) Town Agency – The words “Town Agency” shall mean any board, commission,
686 committee, department division or office of the town government.

687 (l) Town Bulletin Board – The words “town bulletin board” shall mean the official Town
688 webpage posting and the bulletin board at the town hall on which official town notices are posted

689 and those at other locations within which may from time to time designated as town bulletin
690 boards by by-law, or by vote of the Selectboard and as required by Massachusetts General Law.

691 (m) Registered Voter(s) – The words “registered voter(s)” shall mean a person registered
692 to vote in the Town of Townsend.

693 SECTION 3. This act shall take effect upon its passage.