

**HOUSE . . . . . No. 3969**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jeffrey N. Roy and Brian W. Murray*

*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 establishing a charter for the town of Medway.

PETITION OF:

NAME:

*Jeffrey N. Roy*

DISTRICT/ADDRESS:

*10th Norfolk*

**HOUSE . . . . . No. 3969**

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By Messrs. Roy of Franklin and Murray of Milford, a petition (accompanied by bill, House, No. 3969) of Jeffrey N. Roy (by vote of the town) for legislation to further amend the charter of the town of Medway. Municipalities and Regional Government. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act establishing a charter for the town of Medway.

*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. Chapter 84 of the acts of 2008 is hereby repealed.

2 SECTION 2. Notwithstanding any general or special law to the contrary, the following  
3 shall be the charter for the town of Medway:-

4 CHAPTER 1. TOWN INCORPORATION, FORM OF GOVERNMENT, AND  
5 POWERS

6 Section 1. Incorporation

7 1-1-1 The inhabitants of the town of Medway, within the corporate limits established by  
8 law, shall continue to be a body corporate and politic with perpetual succession under the name  
9 “town of Medway”.

10 Section 2. Short Title

11 1-2-1 This instrument shall be known and may be cited as the “Medway town charter”.

12 Section 3. Powers of the Town

13 1-3-1 Subject only to express limitations on the exercise of any power or function by a  
14 municipality in the constitution or laws of the commonwealth, it is the intent and purpose of the  
15 voters of Medway to secure through the adoption of this charter all of the powers it is possible to  
16 secure for a municipal government under Article LXXXIX of the Amendments to the  
17 Constitution and the laws of the commonwealth.

18 Section 4. Division of Powers

19 1-4-1 All legislative powers of the town shall be exercised by a town meeting open to  
20 all voters. The administration of all town fiscal, prudential and municipal affairs shall be vested  
21 in the executive branch headed by the board of selectmen unless otherwise specified in this  
22 charter.

23 Section 5. Construction

24 1-5-1 The powers of the town of Medway under this charter shall be construed liberally  
25 in favor of the town and the specific mention of any particular power shall not limit the general  
26 powers of the town of Medway as stated in section 1-3-1. To the extent that the provisions of  
27 this charter conflict with existing by-laws of the town of Medway, this charter shall govern.

28 Section 6. Intergovernmental Relations

29 1-6-1 Subject to the applicable requirements of the constitution or laws of the  
30 commonwealth, the town of Medway may exercise any of its powers, or perform any of its  
31 functions and may participate in the financing thereof, jointly or in cooperation, by contract or

32 otherwise with 1 or more civil divisions, subdivisions or agencies of any state or the United  
33 States government.

34 Section 7. Definitions

35 1-7-1 As used in this charter the following words shall have the following meanings  
36 unless the context clearly requires otherwise:

37 (a) “Charter”, this charter and any amendments to it which may hereafter be adopted,

38 (b) “Days”, business days, which shall not include Saturdays, Sundays and legal  
39 holidays; provided, however, that when the time set is 7 days or more, every day shall be counted  
40 unless the term “business days’ is clearly noted in the charter.

41 (c) “Emergency”, a sudden, unexpected, unforeseen happening, occurrence, event or  
42 condition which necessitates immediate action and does not refer to financial events which could  
43 be or should have been anticipated and planned for in the fiscal budgeting process.

44 (d) “Majority vote”, a majority of those present and voting, provided that a quorum of  
45 the body is present when the vote is taken.

46 (e) “Multiple member body”, any board, commission, committee, subcommittee or  
47 other body consisting of 2 or more persons however constituted.

48 (f) “Quorum”, a majority of those members of a multiple member body then in  
49 office, not including any vacancies which might then exist.

50 (g) “Town”, the town of Medway.

51 (h) "Town agency", any board, commission, committee, department, division or  
52 office of the town government.

53 (i) "Town bulletin board", shall mean the bulletin board in the town hall on which  
54 official town notices are posted and the bulletin boards in other locations within the town which  
55 may be designated as town bulletin boards by by-law.

56 (j) "Town officer", a person having charge of an office or department of the town  
57 who, in the exercise of the powers or duties of that position, exercises a sovereign power of the  
58 town.

59 (k) "Voters", the registered voters of the town of Medway.

60 (l) "Website", the town of Medway's official worldwide internet address.

## 61 CHAPTER 2. LEGISLATIVE BRANCH

### 62 Section 1. Town Meeting

63 2-1-1 The legislative powers of the town shall be exercised by a town meeting open to  
64 all registered voters of the town.

65 2-1-2 The town meeting shall meet in regular session at least twice in each calendar  
66 year. The first meeting shall be the annual town meeting, and shall be held on the second  
67 Monday in May, at such time and in such manner as fixed by by-law, and shall be primarily  
68 concerned with the determination of matters involving the expenditure of town funds including,  
69 but not limited to, the adoption of an annual operating budget for all town agencies and the  
70 determination of other matters to be decided by vote of the town meeting.

71           2-1-3 The second town meeting shall be the fall town meeting and shall be held on a  
72 date fixed by by-law, but not later than the third Monday in November. The fall town meeting  
73 shall be primarily concerned with, but not limited to, the financial condition of the town and  
74 actions required to keep the town's revenue and expense budget balanced for the remainder of  
75 the current fiscal year.

76           2-1-4 Special town meetings shall be held at the call of the board of selectmen at such  
77 times it deems necessary or when petitioned by the voters in accordance with the General Laws.

78           Section 2. Warrants

79           2-2-1 Every town meeting shall be called by a warrant issued by the board of selectmen  
80 which shall state the date, time and place at which the meeting is to be convened and, by separate  
81 articles, the subject matter to be acted upon.

82           2-2-2 The publication of the warrant for every town meeting shall be in accordance with  
83 procedures outlined in this charter and town by-laws governing such matters.

84           Section 3. Initiation of Warrant Articles

85           2-3-1 Initiation – The board of selectmen shall accept articles for inclusion in the  
86 warrant for the annual town meeting and all special town meetings under section 10 of chapter  
87 39 of the General Laws.

88           2-3-2 Referral – The board of selectmen, following receipt of a petition containing a  
89 proposed warrant article filed with the board of selectmen in accordance with section 2-3-1, shall  
90 cause an accepted and signed copy of the proposed warrant article to be delivered to the  
91 chairperson or designee of the finance committee, and a copy thereof shall be posted on the town

92 bulletin board and the town's website. The board of selectmen shall cause other distributions to  
93 be made of each proposed warrant as may be required by law or by-law.

94 Section 4. Availability of Town Officials at Town Meetings

95 2-4-1 Every town officer, elected official, member of a multiple member body, head of  
96 a department and head of each division within a department shall attend all sessions of the town  
97 meeting for the purpose of providing the town meeting with information and answering  
98 questions concerning matters appearing in the warrant.

99 2-4-2 In the event a town officer or the head of a department or division is to be absent  
100 due to illness or other reasonable cause, such officer or individual shall designate a deputy to  
101 attend in their place.

102 2-4-3 If a person designated to attend the town meeting under this section is not a voter,  
103 such person may address the town meeting in order to comply with this section.

104 Section 5. Committees

105 2-5-1 Subject to this charter and to by-laws or other town meeting votes regarding  
106 committees, the moderator shall appoint for fixed terms the members of the committees of the  
107 town meeting, special or standing, as may be established, other than those established by vote of  
108 the town meeting. In addition to such specific powers, duties and responsibilities as may be  
109 provided to a town meeting committee by by-law or vote, each committee, when acting within  
110 the scope of its authority, may examine the pertinent records of any town agency or department  
111 and consult with any town officer.

112           2-5-2 Finance committee. There shall be a finance committee, consisting of 9 registered  
113 voters of the town, who shall be sworn to the faithful performance of their duties. No elected or  
114 appointed town official or employee shall be eligible to serve as a member of the finance  
115 committee.

116           Annually, not later than July 1, an appointment committee consisting of the town  
117 moderator, the chair of the finance committee and the chair of the board of selectmen, shall  
118 appoint 3 members of the finance committee for a term of 3 years in place of those whose terms  
119 expire in that year. The appointment committee shall commence its appointment process by  
120 posting a notice of annual vacancies on the town bulletin board, the town's website and in at  
121 least 1 local newspaper of daily circulation not later than 7 days following that year's date of  
122 annual town meeting. The appointment committee shall formally interview all applicants and  
123 shall appear before the board of selectmen to notify it and the public of its appointments in  
124 person at a regularly scheduled public meeting of the board.

125           Annually, the finance committee shall hold at least 1 public hearing to discuss the subject  
126 matter of all articles contained in the warrant for each regular and special town meeting, except  
127 those articles subject to public hearings by other multiple member bodies not containing  
128 appropriations. The finance committee shall report its recommendations, in writing, on the  
129 articles for which it held public hearings in accordance with the board of selectmen's budgeting  
130 calendar for the annual town meeting, and at least 10 days before any other town meeting.

131           No financial article shall be presented to any annual or special town meeting that has not  
132 previously been submitted to the finance committee for its review. The finance committee shall



133 have such additional powers and duties as may be provided by the General Laws, by this charter  
134 or by by-law.

135 Section 6. Clerk of the Town Meeting

136 2-6-1 The town clerk shall serve as the clerk of the town meeting.

137 2-6-2 In the event the town clerk is unable to attend a town meeting, the town clerk  
138 shall designate a person to attend for the town clerk. If that person then fails to attend, the town  
139 moderator shall appoint a clerk pro tempore.

140 2-6-3 The town clerk shall give notice of all meetings to the public, keep a journal of its  
141 proceedings and perform such other functions as may be required by the General Laws, by  
142 charter, by by-law or by other town meeting vote. Notice of all meetings shall also be posted and  
143 on the town's website.

144 Section 7. Rules of Procedure

145 2-7-1 The town meeting may, by by-law, establish, amend, revise or repeal rules to  
146 govern the conduct of town meeting.

147 Section 8. General Powers and Duties

148 2-8-1 All legislative powers of the town, except as otherwise provided by law or this  
149 charter, shall be vested in the town meeting. The town meeting shall provide for the exercise of  
150 all powers of the town and for the performance of all duties and obligations imposed upon the  
151 town for which no other provision is made in this charter or by-law.

152 CHAPTER 3. ELECTIONS AND ELECTED OFFICERS

153           Section 1. General Provisions

154           3-1-1 The offices to be filled by ballot of the voters of the town shall be the board of  
155 selectmen, school committee and town moderator. The election of town officers shall be held  
156 annually on the third Tuesday in May each year.

157           3-1-2 In addition to the town offices in section 3-1-1, members of the board of library  
158 trustees, Medway housing authority, parks and recreation commission, planning and economic  
159 development board, three members of the board of health, three members of the water and sewer  
160 advisory board, and such other officers or representatives to regional authorities or districts as  
161 may be established by law or by inter-local agreement, shall also be filled by ballot at town  
162 elections.

163           3-1-3 Any registered voter of the town shall be eligible to hold an elective town office.

164           3-1-4 Elected town office holders shall receive such compensation for their services as  
165 may be appropriated annually for such purpose. All full-time, paid office holders shall comply  
166 fully with all town personnel policies and directives.

167           3-1-5 Notwithstanding their election by the voters, the town officials named in this  
168 section shall be subject to the call of the board of selectmen or the town manager, at all  
169 reasonable times, for consultation, conference and discussion on any matter relating to their  
170 respective offices. All appointed and elected officials shall work with each other in a  
171 cooperative manner and in the best interests of the town.

172           3-1-6 Elected multiple member body vacancies. If there is a vacancy in a multiple  
173 member board, other than the board of selectmen, the remaining members shall give written

174 notice of the existence of the vacancy to the board of selectmen. The board of selectmen, with  
175 the remaining members of the multiple member board, shall fill such vacancy by a joint roll call  
176 vote. The board of selectmen shall set a date for the joint vote and give at least 1 week's notice.  
177 If the notice is not given within 30 days following the date on which the vacancy occurs, the  
178 board of selectmen shall, after 1 week's notice, fill the vacancy without participation by the  
179 remaining members of the multiple member body.

180           3-1-7 If there is a failure to elect or if a vacancy occurs in the office of the board of  
181 selectmen, it shall be filled in accordance with the General Laws.

182           3-1-8 If there exists a vacancy in an elected office that is not a multiple member body,  
183 the board of selectmen shall provide for notice of such vacancy by posting the vacancy on the  
184 town bulletin board and the town's website. Any person who desires to be considered to fill such  
185 vacancy shall, within 10 days following the date the notice is posted, file with the board of  
186 selectmen a statement which sets forth in clear and specific terms the qualifications which they  
187 hold for the position. The board of selectmen shall fill such vacancy no earlier than 14 days and  
188 no later than 30 days after the notice was posted. The person who receives a majority of the  
189 votes cast at the board of selectmen's meeting shall be the person appointed to fill the vacancy.  
190 The person appointed to fill the vacancy shall hold office until the next regularly scheduled  
191 annual town election at which time the vacant position shall be included on the ballot.

192           3-1-9 The town of Medway may, by vote of the town meeting at least 90 days prior to  
193 the annual town meeting, determine whether an elected office, board, committee or commission  
194 shall be abolished, divided or appointed by the town manager or board of selectmen, provided,  
195 however, that no such vote shall take effect and no action shall be taken thereunder until the

196 matter is submitted to the voters of the town of Medway at the next annual town election in the  
197 form of a ballot questions and a majority of votes cast is in the affirmative.

198 Section 2. Board of Selectmen

199 3-2-1 There shall be a board of selectmen consisting of 5 members elected for terms of  
200 3 years each, so arranged that the term of office of as nearly an equal number of members as is  
201 possible shall expire each year.

202 3-2-2 The executive powers of the town shall be vested in the board of selectmen which  
203 shall be deemed to be the chief executive office of the town. The board of selectmen shall have  
204 all of the executive powers available to it under the Constitution and the General Laws, and such  
205 additional powers and duties as may be authorized by by-law, town meeting vote or this charter.  
206 The board of selectmen shall serve as the chief policy making agency of the town. The board of  
207 selectmen shall be responsible for formulating and promulgating police directives and guidelines  
208 to be followed by all town agencies serving under it and, in consultation with other elected town  
209 officers and multiple member bodies, to develop and promulgate policy guidelines designed to  
210 bring all town agencies into harmony provided, however, nothing in this section shall authorize a  
211 member of the board of selectmen, nor a majority of such members, to become involved in the  
212 day-to-day administration of a town agency. As chief policymaking agency of the town, the  
213 board of selectmen shall seek to secure the cooperation of the town's elected boards, committees  
214 and officials in the implementation of such policies. The board of selectmen shall be responsible  
215 for the efficient and effective coordination of the activities of all elected and appointed boards  
216 and committees and, for such purpose, may, consistent with law, call together for consultation,

217 conference and discussion at reasonable times all elected and appointed boards and committees.  
218 This provision shall not apply to the school committee.

219           3-2-3 The board of selectmen shall be the licensing board for the town, or a designee  
220 appointed by such board, and shall have the power to grant licenses as authorized under the  
221 General Laws, to make all necessary rules and regulations regarding the granting of such  
222 licenses, to attach conditions and impose restrictions on any such licenses as it deems to be in the  
223 public interest and to enforce all laws, rules, regulations and restrictions relating to all such  
224 business for which it grants licenses.

225           3-2-4 The board of selectmen shall enforce the charter, by-laws and rules and  
226 regulations for the government of the town and shall keep an up-to-date record of all its official  
227 acts, to be posted and made available on the town's website.

228           3-2-5 The board of selectmen shall appoint a town manager for a term not to exceed 3  
229 years. The appointment of town manager shall be by the affirmative vote of at least 3 members  
230 of the board of selectmen, with reappointment by a least 3 affirmative votes of the board of  
231 selectmen. Removal of the town manager shall require the affirmative vote of 4 members of the  
232 board of selectmen and in accordance with procedures outlined in section 5-4-1 of this charter.

233           3-2-6 The board of selectmen shall, in addition, appoint those officers and  
234 representatives as set forth in Section 4-1 and such other appointments as it deems necessary, as  
235 provided by the General Laws, by this charter, by by-law or by other town meeting vote.

236           3-2-7 Notwithstanding any provision of this charter to the contrary, the terms of office  
237 of all appointments made by the board of selectmen shall be as currently specified in the General  
238 Laws, this charter or by by-law or town meeting vote.

239           3-2-8 The board of selectmen may investigate or may authorize the town manager to  
240 investigate the affairs of the town and the conduct of any agency of the town, including any  
241 doubtful claims against the town. The report of the results of such investigation shall be placed  
242 on file in the office of the board of selectmen.

243           Section 3. Town Moderator

244           3-3-1 There shall be a town moderator elected for a term of 3 years.

245           3-3-2 The town moderator shall be the presiding officer of the town meeting, shall  
246 regulate its proceedings, decide all questions of order, ensure that accurate and complete records  
247 and minutes of the town meeting are being maintained by the town clerk, and shall have such  
248 other powers and duties as may be provided by the General Laws, by this charter, by by-law or  
249 by other town meeting vote.

250           Section 4. School Committee

251           3-4-1 There shall be a school committee consisting of 5 members elected for terms of 3  
252 years each so arranged that the term of office of as nearly an equal number of members as is  
253 possible shall expire each year.

254           3-4-2 The school committee shall have all the powers and duties which are given to  
255 school committees by the General Laws and it shall have such additional powers and duties  
256 which are given by by-law or other town meeting vote. The powers of the school committee  
257 shall include, but not be limited to, the following:

258 (a) to appoint and terminate the superintendent of schools and other officers as  
259 authorized by the General Laws, to fix their compensation and to define their duties, make rules  
260 concerning their tenure and to discharge them;

261 (b) to make all reasonable policies consistent with the General Laws or  
262 Massachusetts department of elementary and secondary education regulations for administration  
263 and management of the public school system and for conduct of its own business and affairs, and  
264 to review and approve budgets for public education in the district; and

265 (c) to establish educational goals and policies for the schools in the district with the  
266 requirements of law and in accordance with statewide goals and standards established by the  
267 state board of education.

#### 268 Section 5. Board of Library Trustees

269 3-5-1 There shall be a board of library trustees consisting of 5 members to be elected for  
270 terms of 3 years each, so arranged that the term of office of as nearly an equal number of  
271 members as possible shall expire each year.

272 3-5-2 The board of library trustees shall have the custody and management of the public  
273 library and of all property of the town related to the library. All money and property that the  
274 town may receive by gift or bequest for the purpose of library support or maintenance shall be  
275 administered by the board of library trustees in accordance with the terms of such gift or bequest.  
276 The board shall have all of the other powers and duties provided to boards of library trustees by  
277 the General Laws, by this charter, by by-law or by vote of the town meeting.

#### 278 Section 6. Planning and Economic Development Board

279           3-6-1 There shall be a planning and economic development board consisting of 5  
280 members to be elected for terms of 3 years each, so arranged that the term of office of as nearly  
281 an equal number of members as possible shall expire each year.

282           3-6-2 The planning and economic development board shall have all the powers and  
283 duties provided to planning boards and economic development boards under the General laws,  
284 and shall have such additional powers and duties as may be authorized by the charter or by-laws.  
285 The planning and economic development board shall make careful studies of the resources,  
286 possibilities and needs of the town and shall make plans for the development of the town. The  
287 planning and economic development board shall provide for the review and updating of the  
288 comprehensive master plan at least once every 10 years, setting forth policies governing the  
289 future growth and development of the town's economic, developmental and human service  
290 needs.

291           The planning and economic development board shall regulate the subdivision of land  
292 within the town by adopting rules and regulations governing such development and the  
293 administration of its powers. The planning and economic development board shall make  
294 recommendations to the town meeting on all matters affecting land use and development,  
295 including zoning by-laws of the town.

296           The planning and economic development board shall make an annual report regarding the  
297 condition of the town and any plans or proposals for its development and estimates of their costs.

298           3-6-3 The planning and economic development board shall direct the efforts of the  
299 town's economic development committee and shall appoint the members of the economic  
300 development committee and any other committees as provided by the General Laws and by-law.



301 Section 7. Board of Health

302 3-7-1 There shall be a board of health consisting of 3 members to be elected and 2  
303 members to be appointed by the board of selectmen, each for terms of 3 years each, so arranged  
304 that the term of office of as nearly an equal number of members as possible shall expire each  
305 year. The board of selectmen shall seek to appoint persons with personal expertise or experience  
306 in health-related fields including but not limited to nurses, doctors, public health specialists,  
307 veterinarians, or infectious disease specialists.

308 3-7-2 The board of health shall adopt rules and regulations relative to the environment  
309 and the

310 public health, and shall have all the powers and duties provided to boards of health under  
311 the General Laws, and such additional powers and duties as may be authorized by by-law, by  
312 vote of the Town Meeting or by this charter.

313 Section 8. Water and Sewer Advisory Board

314 3-8-1 There shall be a water and sewer advisory board consisting of 3 members to be  
315 elected and 2 members to be appointed by the board of selectmen, each for terms of 3 years each,  
316 so arranged that the term of office of as nearly an equal number of members as possible shall  
317 expire each year.

318 3-8-2 The water and sewer advisory board shall advise the director of public works on  
319 policy and fiscal matters, including the annual budget and water rates, relative to the provision of  
320 municipal water system and sewer system services, and on such other matters involving the  
321 water system and sewer system as may be requested by the director of public works; provided,

322 however, that no less than twice annually the director of public works shall meet with the  
323 advisory board at a properly posted meeting held in accordance with the open meeting law to  
324 review departmental priorities with respect to water and sewer systems.

325 Section 9. Housing Authority

326 3-9-1 There shall be a housing authority consisting of 5 members serving for terms of 3  
327 years each, so arranged that the term of office of as nearly an equal number of members as  
328 possible shall expire each year. Four members shall be elected and the fifth member shall be  
329 appointed as provided by General Laws.

330 3-9-2 The housing authority shall conduct studies of housing needs of the town and  
331 shall provide programs to make available housing for families of low income and for elderly  
332 persons of low income. The housing authority shall have all of the powers and duties provided  
333 to housing boards and authorities under General Laws.

334 Section 10. Parks and Recreation Commission

335 3-10-1 There shall be a parks and recreation commission consisting of 3 members to be  
336 elected and 2 members to be appointed by the board of selectmen, each for terms of 3 years, so  
337 arranged that the term of office of as nearly an equal number of members as possible shall expire  
338 each year. The board of selectmen shall seek to appoint persons with broad experience and  
339 perspective with respect to parks and recreation in the town, so that the composition of the board  
340 includes persons representative of various potential interests, including but not limited to, active  
341 recreation, including organized sports, preservation of green and other open space, and  
342 opportunities for passive recreation, all for the purpose of facilitating a holistic approach to  
343 managing the town's parks and recreation spaces for all residents.

344           3-10-2 The parks and recreation commission shall conduct and promote recreation, play,  
345 sport, physical education and other programs to meet the leisure time needs of the town. The  
346 parks and recreation commission shall have all the powers and duties provide to park and  
347 recreation commissions under the General Laws and such additional powers and duties as may  
348 be authorized by the charter, by by-law or by vote of the town meeting.

349           Section 11. Recall Provisions

350           3-11-1 Any holder of an elected office in town may be recalled and removed therefrom  
351 by the voters of the town as herein provided.

352           3-11-2 Two per cent of the qualified voters of the town as of the date of the last regular  
353 town election may make and file with the town clerk an affidavit signed under the penalty of  
354 perjury containing the name of the officer sought to be recalled and removed and a statement of  
355 the grounds of removal. One such voter shall be identified on the recall affidavit as the “lead  
356 petitioner” for purposes of this section. The town clerk shall thereupon prepare and notify the  
357 lead petitioner that a sufficient number of copies of petition blanks for such recall and removal  
358 are available at the office of the town clerk. The blanks shall be issued by the town clerk with  
359 the clerk’s signature and official seal attached thereto, and shall be dated and addressed to the  
360 board of selectmen. The blanks shall list the names of the lead petitioner and the next nine  
361 signers of the affidavit, and contain the number of blanks so issued, the name of the person  
362 sought to be removed, the office from which removal is sought, the grounds for removal as stated  
363 in the affidavit and shall demand the election of a success to such office. A copy of the petition,  
364 before being returned and filed, shall be signed by 10 per cent of the qualified voters of the town  
365 as of the date of the last regular town election, and shall contain the place or residence of the

366 signer, giving the street and number. The recall petition shall be submitted not later than 14 days  
367 following notification to the lead petitioner of the availability of the recall petitions. Upon filing,  
368 the petition shall be forwarded to the registrars of voters in the town, who shall have 5 business  
369 days to certify thereon the number of signatures which are names of voters of the town.

370           3-11-3 If the petition shall be found and certified by the town clerk to be sufficient, the  
371 clerk shall submit the same with this certificate to the board of selectmen without delay, and the  
372 board of selectmen shall forthwith give written notice to the officer sought to be recalled of the  
373 receipt of the certificate and shall, if the officer does not resign within 5 days thereafter, order a  
374 recall election to be held on a day fixed by it not less than 64 days from the date the board of  
375 selectmen calls for the election nor more than 90 days after the date of the town clerk's  
376 certificate that a sufficient petition has been filed; provided, however, that if any other town  
377 election is to occur within 100 days after the date of said certificate, the board of selectmen may,  
378 in its discretion, postpone the date of the recall election to the date of such other election, with  
379 the recall election to be held as a separate special election. If a vacancy occurs in the office after  
380 a recall election has been ordered, the election shall proceed as provided in this section.

381           3-11-4 Any officer sought to be recalled may be a candidate to succeed themselves and,  
382 unless the officer requests otherwise in writing, the town clerk shall place the officer's name on  
383 the official ballot without nomination. The nomination of other candidates, the publication of the  
384 warrant for the recall election and the conduct of the same, shall all be in accordance with the  
385 laws relating to elections, unless otherwise provided in this charter. A majority of those voting at  
386 the recall election shall be sufficient to recall such elected officer.

387           3-11-5 The incumbent shall continue to perform the duties of the office until the recall  
388 election. If then re-elected, the incumbent shall continue in office for the remainder of the  
389 unexpired term, subject to recall, except as provided in section 3-12-7. If not re-elected in the  
390 recall election, the incumbent shall be deemed removed immediately. If the successor to the  
391 office fails to qualify within 10 business days after receiving notification of their election, the  
392 office shall be deemed vacant.

393           3-11-6 Ballots used in a removal election shall submit the following propositions in the  
394 order indicated:

395           For the removal of (name and office of officer)

396           Against the removal of (name and office of officer)

397           Under this recall question shall appear the word “candidates” and the direction “Vote for  
398 one” and beneath this shall be listed the names of the candidates nominated as hereinbefore  
399 provided.

400           If a majority of the votes cast on the recall question is in the affirmative, then the  
401 candidate that received the highest number of votes in the special election to fill the vacancy  
402 shall be elected. If a majority of the votes cast is in the negative, then the ballots for candidates  
403 to fill the potential vacancy shall not be counted.

404           3-11-7 No recall petition shall be filed against an officer within 3 months after the officer  
405 takes office, nor in the case of an officer subjected to a recall election and not removed thereby,  
406 until at least 3 months after such election.

407           3-11-8 No person who has been removed from an office by a recall election, or who has  
408 resigned from office following the filing of a recall petition, shall be appointed to any town  
409 office within 2 years after such recall or resignation.

410           CHAPTER 4. APPOINTED OFFICERS

411           Section 1. General Provisions

412           4-1-1 The board of selectmen shall appoint the town manager, town counsel, board of  
413 assessors, zoning board of appeals, affordable housing committee, capital improvements  
414 committee, conservation commission, disability commission, Charles River Pollution Control  
415 District representative , Southwest Advisory Planning Committee representative, those members  
416 of the community preservation committee as provided by town by-law, and other committee or  
417 commission representatives as required by the General Laws, charter or by-law.

418           4-1-2 The board of selectmen shall appoint the board of assessors, comprised of 3  
419 members, each appointed to serve staggered terms of 3 years each. The town manager shall  
420 appoint the administrative assessor, in accordance with section 6-4-5.

421           4-1-3 The board of selectmen shall appoint an independent external auditor, who shall  
422 report to the board of selectmen and ensure compliance with the finance and fiscal procedures  
423 provided in this charter.

424           4-1-4 Consistent with the Tri-County regional vocational technical high school charter,  
425 a committee of 3, made up of the chair of the board of selectmen, chair of the Medway school  
426 committee, and town moderator, shall appoint a resident of Medway for a 3 year term, to

427 represent the town of Medway on the Tri-county regional vocational technical high school  
428 committee, or as may otherwise be provided from time to time.

429           4-1-5 All town agency appointments by the board of selectmen and the town manager  
430 shall be for terms not to exceed 3 years, unless otherwise stated in this charter or required by  
431 town by-law or the General Laws.

## 432           CHAPTER 5. TOWN MANAGER

### 433           Section 1. Appointment; Qualifications; Term of Office

434           5-1-1 The town manager appointed by the board of selectmen for a 3 year term, shall be  
435 the chief administrative officer of the town and be responsible for the administration of all town  
436 affairs placed in the town manager's charge by or under the charter. The town manager shall be  
437 a person especially fitted by education which shall consist of at least a bachelor's degree from an  
438 accredited degree-granting college or university and a minimum of 7 years of professional  
439 experience which shall include previous, full-time, compensated service in a managerial capacity  
440 in public or business administration.

441           5-1-2 The town manager need not be a resident of the town or the commonwealth at the  
442 time of appointment. The town manager must establish residence within the commonwealth and  
443 within reasonable proximity of the town, as determined by the board of selectmen, within 12  
444 months following their appointment.

445           5-1-3 The town manager shall hold no elected office or other appointed town office,  
446 shall devote full time to the duties of the office and shall engage in no other business or  
447 occupation without written authorization of the board of selectmen.

448           5-1-4 The town manager shall not have served in an elected office in the town  
449 government for at least 12 months prior to their appointment.

450           5-1-5 The board of selectmen shall evaluate annually the performance of the town  
451 manager, based on mutually established pre-determined goals, standards and criteria for  
452 performance.

453           5-1-6 The board of selectmen may establish additional duties or qualifications for the  
454 office of town manager. The town manager shall perform such other duties consistent with the  
455 office as may be required by by-law, or by vote of the board of selectmen or town meeting.

456           Section 2. Powers and Duties

457           5-2-1 The town manager shall be the administrative officer for the town and shall be  
458 responsible to the board of selectmen for the proper operation of town affairs for which the town  
459 manager has been given responsibility under this charter, by vote of the town meeting or by vote  
460 of the board of selectmen.

461           5-2-2 The town manager shall have all the powers, duties and responsibilities of  
462 appointing and removing all technical and operational positions of the town, including all  
463 department heads, officers, subordinates and employees of the town, and other committees and  
464 commissions of the town defined by the General Laws, the charter or by-law, except for  
465 employees of the school committee and library trustees, appointments made by the  
466 commonwealth and those appointments for which another method of appointment is provided for  
467 in this charter. The town manager shall consider the recommendations of department heads,  
468 committees and commissions when making any appointment within their respective areas.  
469 Department heads, committees and commissions shall be notified in writing, prior to the town



470 manager making any appointment within their respective areas, if the appointment is other than  
471 the recommendation of said department heads, committees and commissions. A list of positions  
472 appointed by the town manager shall be kept on file in the office of the board of selectmen and  
473 town clerk and shall be updated from time to time as positions are added or eliminated.

474           5-2-3 The town manager shall direct and supervise the administration of all functions  
475 under the manager's control and shall be responsible for the efficient and proper operation of all  
476 town agencies and departments, with the exception of the school department and public library.

477           5-2-4 The town manager shall coordinate the activities of the town with the school  
478 department, library and other departments, which may not be under the direct control of the town  
479 manager.

480           5-2-5 The town manager shall be the chair of the town financial review team, and shall  
481 establish monthly meetings of the financial review team to ensure timely review of all financial  
482 matters affecting the town, including a review of all major variances to the budget. Reports of  
483 variances and matters of importance shall be timely provided to the board of selectmen, finance  
484 committee and school committee.

485           5-2-6 The town manager shall prepare and submit to the board of selectmen, finance  
486 committee and capital improvement planning committee, the annual capital outlay program. The  
487 library and school department shall provide the town manager with their capital outlay programs.

488           5-2-7 The town manager shall attend and may participate in all meetings of the board of  
489 selectmen, unless excused at the manager's request, but shall have no vote.

490           5-2-8 The town manager shall attend all sessions of the town meetings and answer all  
491 questions directed to the town manager by the voters.

492           5-2-9 The town manager, may attend all meetings of the school committee and shall  
493 have a voice in all discussions. The town manager shall have no vote at school committee  
494 meetings, except as authorized under chapter 150E of the General Laws for the purpose of  
495 negotiating union contracts.

496           5-2-10 The town manager shall see that all provisions of the General Laws, of the  
497 charter, of by-laws and of votes of the town meeting and board of selectmen which require  
498 enforcement by the town manager or officers subject to the manager's direction and supervision  
499 are faithfully carried out.

500           5-2-11 The town manager shall administer all provisions of general and special laws  
501 applicable to the town, to the charter, to the by-laws and votes of the town, and all rules and  
502 regulations made by the board of selectmen.

503           5-2-12 The town manager shall negotiate all contracts involving any subject within the  
504 jurisdiction of the office of town manager, including contracts with all town employees, as  
505 provided in the General Laws, excluding contracts with the director of the public library and  
506 other professional librarians, who shall be the responsibility of the library trustees.

507           5-2-13 The town manager shall have full jurisdiction over the leasing, rental and use of  
508 all town facilities, including land and buildings, except land and buildings under the control of  
509 the school committee, library trustees, park and recreation commission and conservation  
510 commission. The town manager shall be responsible for the maintenance and repair of all town  
511 property, excluding school buildings and the library.

512           5-2-14 The town manager, pursuant to chapter 30B of the General Laws shall be the  
513 certified chief procurement officer responsible for the purchase of all supplies, materials and  
514 equipment, except books and other educational materials for schools, and books, supplies,  
515 materials, equipment and other media materials for the library. The town manager shall approve  
516 the award of all contracts for all town departments, except the school department and public  
517 library, subject to the approval of the board of selectmen.

518           5-2-15 The town manager shall keep full and complete records of the financial and  
519 administrative activities of the town and shall render a full report to the board of selectmen at the  
520 end of each fiscal year and otherwise as the board may require.

521           5-2-16 The town manager shall keep a full and complete inventory of all real and  
522 personal property of the town.

523           5-2-17 The town manager may at any time inquire into the conduct of any officer or  
524 employee of any department under the town manager's jurisdiction.

525           Section 3. Acting Town Manager

526           5-3-1 The town manager, by letter filed with the board of selectmen and town clerk,  
527 shall designate a qualified town administrative officer or employee to exercise the powers and  
528 perform the duties of the town manager during a temporary absence of the administrator. During  
529 a temporary absence, the board of selectmen shall not revoke the designation until at least 10  
530 business days have elapsed, whereupon it may appoint another qualified town administrative  
531 officer or other qualified individual until the town manager returns.

532           5-3-2 Any vacancy in the office of the town manager shall be filled as soon as possible  
533 by the board of selectmen. Pending such regular appointment, the board of selectmen shall  
534 appoint a qualified administrative officer or other qualified individual to perform the duties of  
535 the office on an acting basis. Such temporary appointment shall not exceed 3 months, but in no  
536 event shall successive temporary appointments exceed one year. Compensation for such person  
537 shall be set by the board of selectmen.

538           5-3-3 The powers of temporary or acting town manager under sections 5-3-1 and 5-3-2  
539 shall be limited to matters which should not be delayed and shall include authority to make  
540 temporary emergency appointments or designations to town office or employment but not to  
541 make permanent appointments or designations.

542           Section 4. Removal and Suspension

543           5-4-1 The board of selectmen may for just cause, by the affirmative vote of 4 of its  
544 members, terminate and remove, or suspend, the town manager from office in accordance with  
545 the following procedure:

546           (a)The board of selectmen shall adopt a preliminary resolution of removal or suspension  
547 by affirmative vote of 4 members which shall state the reason or reasons for removal or  
548 suspension. This preliminary resolution may suspend the town manager for a period not to  
549 exceed 45 days. A copy of the resolution shall be delivered to the town manager forthwith.

550           (b) Within 5 days after receipt of the preliminary resolution the town manager may  
551 request a public hearing by filing a written request for such hearing with the board of selectmen.  
552 This hearing shall be held at a meeting of the board of selectmen not later than 30 days after the  
553 request is filed nor earlier than 20 days. The town manager may file a written statement

554 responding to the reasons stated in the resolution of removal or suspension with the board of  
555 selectmen provided the same is received at its office more than 48 hours in advance of the public  
556 hearing.

557 (c) The board of selectmen may adopt a final resolution of removal or suspension, which  
558 may be made effective immediately, by the affirmative vote of 4 of its members not less than 10  
559 nor more than 21 days following the date of delivery of a copy of the preliminary resolution to  
560 the town manager, if the town manager has not requested a public hearing; or within 10 days  
561 following the close of the public hearing if the town manager has requested one. Failure to adopt  
562 a final resolution of removal or suspension within the time periods as provided in this section  
563 shall nullify the preliminary resolution of removal or suspension and the town manager shall at  
564 the expiration of said time resume the duties of the office.

565 (d) Faced with action by the board of selectmen to terminate, remove or suspend, the  
566 town manager shall be afforded all of the provisions provided municipal employees under  
567 section 23B of chapter 39 of the General Laws.

568 5-4-2 The action of the board of selectmen in suspending or removing the town  
569 manager shall be final, it being the intention of this provision to vest all authority and fix all  
570 responsibility for such suspension and removal solely in the board of selectmen.

571 5-4-3 Any appointed officer, member of a multiple member body or employee of the  
572 town, whether appointed for a fixed or an indefinite term and not subject to the General Laws, or  
573 covered by the terms of a collective bargaining agreement which provides a different method,  
574 may be suspended or removed from office, without compensation, by the appointing authority  
575 for good cause. The term “good cause” shall include, but not be limited to the following:

576 incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming to  
577 the office.

578           5-4-4 Any appointed officer, member of a multiple member body or employee of the  
579 town may be suspended from office by the appointing authority if such action is deemed by the  
580 authority to be necessary to protect the interests of the town. Suspension may be coterminous  
581 with removal and shall not interfere with the rights of the officer or employee under the removal  
582 procedure stated in section 5-4-5.

583           5-4-5 The appointing authority, when removing any officer, member of a multiple  
584 member body or employee of the town, shall act in accordance with the following procedure:

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

588           (b) Within 5 days following delivery of such notice, the officer, member of a multiple  
589 member body or employee of the town may request a public hearing at which such person may  
590 be represented by counsel, and shall be entitled to present evidence, call witnesses and question  
591 any witness appearing at the hearing.

592           (c) Between 1 and 10 days after the public hearing is adjourned or, if the officer,  
593 member of a multiple member body or employee of the town fails to request a public hearing  
594 between 6 and 15 days after delivery of the noticed of intent to remove, the appointing authority  
595 shall take final action, either removing the officer, member of a multiple member body or  
596 employee of the town or notifying such that the notice is rescinded. Failure of the appointing  
597 authority to take any action within the time periods as stated in this section shall be deemed to be

598 a rescission of the original notice and the officer, member of multiple member body or employee  
599 shall forthwith be reinstated.

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

### 603 Section 5. Loss of Office, Excessive Absence

604 5-5-1 If any person appointed as a member of a multiple member body fails to attend 4  
605 consecutive meetings, or one half of all of the meeting of such body held in a calendar year, the  
606 remaining members of the multiple member body may, by a majority vote of the remaining  
607 members of such body, may request that the appointing authority declare the office vacant;  
608 provided, however, that not less than 10 days prior to declaring such office vacant, the  
609 appointing authority has given in hand, or mailed by registered or certified mail, return receipt  
610 requested, notice of such pending declaration to the last known address of such person.

### 611 Section 6. Resolution of Policy Conflicts

612 5-6-1 The board of selectmen shall maintain an “open door” policy, and shall establish  
613 procedures for addressing policy conflicts, should they arise between or amount either appointed  
614 or elected town officials, which could impact the health, safety or welfare of the town.

## 615 CHAPTER 6. ADMINISTRATIVE ORGANIZATION

### 616 Section 1. Organization of Town Agencies

617           6-1-1 The organization of the town into operating agencies and departments for the  
618 provision of services and the administration of the government may be accomplished through  
619 either of the methods provided in this chapter.

620           6-1-2 The town manager, after consultation with the board of selectmen, may prepare  
621 and submit to the town meeting plans for organization or reorganization which establish  
622 operating agencies and departments for the orderly, efficient or convenient conduct of the  
623 business of the town.

624           Whenever the town manager prepares such a plan, the board of selectmen shall hold at  
625 least 1 public hearing on the proposal giving notice by publication in the local newspaper,  
626 posting on the town bulletin board and posting on the town's website. The notice shall describe  
627 the scope of the proposal and the date, time and place at which the hearing will be held, not less  
628 than 7 nor more than 14 days after the publication. Following such public hearing, the proposal,  
629 which may be amended subsequent to the public hearing, shall be submitted to the town meeting  
630 by an appropriate warrant article.

631           6-1-3 An organization or reorganization submitted in compliance with section 6-1-2  
632 shall become effective 60 days after the date of adjournment of the town meeting at which the  
633 required quorum was present and the proposal was submitted, unless the town meeting shall, by  
634 a majority vote, vote to disapprove the plan. The town meeting shall vote only to approve or  
635 disapprove the plan, not to amend or alter it.

636           6-1-4 The town manager, for the purpose of implementing changes approved under  
637 section 6-1-2 and section 6-1-3, may transfer the duties and powers and, so far as is consistent  
638 with the use for which the funds were voted by the town, transfer the appropriations of 1 town



639 agency to another; provided, however, that no function assigned by this charter to a particular  
640 town agency may be discontinued or unless this charter so specifically provides, be assigned to  
641 any other.

642 Section 2. Department of Public Works

643 6-2-1 There shall be a department of public works, under the direction of a director of  
644 public works, who shall be either the town manager or a director of public works appointed by  
645 the town manager. The director of public works shall be a person especially fitted by education,  
646 training, or previous experience to perform the duties of the office.

647 6-2-2 The director of public works shall be responsible for the supervision and  
648 coordination of all public services operations of the town which are placed under the director of  
649 public works control by this charter, by by-law, by vote of the town or otherwise. Public  
650 services operations may include, but need not be limited to, the following operations: refuse  
651 collection and disposal, sewer, water supply and distribution, forestry services and maintenance  
652 of town infrastructure, including town buildings, roads, parks and cemeteries.

653 6-2-3 The board of selectmen shall be authorized to set water and sewer rates and  
654 promulgate regulations in connection with the scope of the authority of the department of public  
655 works. Prior to taking any action hereunder, however, the board of selectmen, following  
656 consultation with the water and sewer advisory board, shall hold a public hearing for which  
657 notice is provided on the town website and in the same manner required by the Open Meeting  
658 Law, for a period of not less than fourteen days before the date of said hearing. Any regulations  
659 promulgated hereunder shall take effect upon filing with the town clerk.

660           6-2-4 Other offices, the functions of which are related to a department of public works,  
661 may be assigned to the department in accordance with by-laws.

662           Section 3. Finance Director

663           6-3-1 There shall be a finance director appointed by the town manager, who may  
664 simultaneously serve as the town accountant or treasurer-collector. The finance director shall be  
665 responsible for all matters dealing with town finance. The appointed treasurer-collector,  
666 appointed town accountant and appointed administrative assessor shall report to the finance  
667 director.

668           6-3-2 The finance director shall provide the coordination of all financial services and  
669 activities and provide assistance to all other town departments in any matter related to finances;  
670 ant other such functions related to the fiscal management and planning of the town.

671           6-3-3 The finance director and other officers and employees of the finance office shall  
672 operate in matters related to finance under the oversight and direction of the town manager and  
673 shall assist the town manager in providing required and interim reports and preparing materials  
674 for the budget process, as required under section 2 of chapter 7.

675           6-3-4 The town manager shall serve as chair of the financial review team which shall be  
676 comprised of the following town officers: town manager, town finance director, town  
677 treasurer/collector, town accountant, administrative assessor, town human resources director,  
678 school business manager and town management information systems director.

679           Section 4. Treasurer-Collector, Town Accountant, and Administrative Assessor

680           6-4-1 The town manager shall appoint for a 3 year term a treasurer-collector who shall  
681 report to the finance director, as provided in section 6-3-1.

682           6-4-2 The treasurer-collector shall provide for the administrative, supervisory and  
683 technical work involving the timely receipt, disbursement and investment of town funds, the  
684 borrowing of monies and the timely collection of all taxes and fees, as determined by by-law or  
685 town meeting vote, due the town or any agency of the town.

686           6-4-3 The town manager shall appoint for a 3 year term a town accountant, who shall  
687 report to the finance director, as provided in section 6-3-1.

688           6-4-4 The town accountant shall be responsible for the administrative, supervisory and  
689 technical work involved in keeping detailed and complete and accurate general ledger and  
690 accounting records for the town.

691           6-4-5 The town manager shall appoint for a 3-year term and administrative assessor  
692 who shall report to the finance director, as provided in section 6-3-1.

693           6-4-6 The town administrative assessor shall be responsible for the administrative,  
694 supervisory and technical work involving the valuation and assessment of real and personal  
695 property within the town.

696           Section 5. Human Resource Director

697           6-5-1 There shall be a town human resource director who shall be either the town  
698 manager, assistant town manager, or a human resource director appointed by the town manager.  
699 The human resource director shall administer the town personnel system, except employees of  
700 the school department, including, but not limited to, personnel policies and practices, rules and

701 regulations, and all collective bargaining agreements entered into by the town. The human  
702 resource director shall serve the entire town as personnel administrator, and perform the  
703 functions of contract negotiations with town employees, town agencies, union organizations,  
704 personnel associations, insurance carriers, state agencies and investment advisors, as directed by  
705 the town manager.

706           6-5-2 The town personnel system shall provide for timely background reviews and  
707 proper security authorization of all town employees, job descriptions for every employee,  
708 performance appraisals and reviews and maintenance of all personnel records, contracts and  
709 collective bargaining agreements.

710           6-5-3 All appointments and promotions of town officers and employees shall be made  
711 solely on the basis of merit and fitness by examination or other evidence of competence and  
712 suitability. The human resources director shall ensure the town personnel system contains an  
713 employee classification plan, compensation plan, promotion policy and grievance procedures.

714           Section 6. Director of Management Information Systems

715           6-6-1 There shall be a management information systems director for the town. This  
716 individual shall be a shared resource between town agencies, the school department and library.  
717 The management information systems director shall be jointly appointed by the town manager  
718 and the superintendent of schools, and shall report to the town manager.

719           6-6-2 The management information systems director, working in collaboration with all  
720 town departments, shall be responsible for establishing uniform standards, operating procedures,  
721 security policies for all hardware and software applications across the entire town, and  
722 development of a long term technology plan.

723 Section 7. Inspectional Services Department

724 6-7-1 There shall be a department of inspectional services which shall report to the town  
725 manager, which shall include the building commissioner who shall serve as zoning enforcement  
726 officer, inspector of weights and measures, wiring inspector, gas and plumbing inspector and any  
727 other code enforcement inspectors required by the General Laws.

728 6-7-2 The department of inspectional services shall provide for the consolidation of  
729 inspection operations, coordination of functions, centralized planning of work assignment and  
730 distribution, timely inspection services, centralized record keeping and management of  
731 manpower resources.

732 6-7-3 The town manager shall appoint the building commissioner, the inspector of  
733 weights and measures, wiring inspector, gas and plumbing inspector, and health agent for a term  
734 of 3 years and in accordance with the General Laws. The town manager may appoint assistants  
735 to any of the referenced inspectors in this section, as provided by town by-law or town meeting  
736 vote.

737 Section 8. Publication of the Charter, By-Laws, Organization Chart and Personnel Plan

738 6-8-1 For the convenience of the public, the town charter, by-laws, organization chart  
739 and staffing plan, as prepared by the town manager, shall be published and available on the  
740 town's website. The school committee and library trustees shall provide the town manager with  
741 copies of their respective staffing plans annually for publication on the town's website. The  
742 town manager shall ensure the timely publication and availability of all information cited in this  
743 section.

744 CHAPTER 7. FINANCE AND FISCAL PROCEDURES

745 Section 1. Fiscal Year and Duties

746 7-1-1 The fiscal year of the town shall begin on the first day of July and shall end on the  
747 last day of June, unless another period is required under the General Laws.

748 7-1-2 The finance committee, acting on behalf of the town residents, shall be  
749 responsible for the timely and thorough review of all financial statements, forecasts, and  
750 recommendations to be presented in conjunction with warrants for expenditures at the annual  
751 town meeting, as authorized under section 5-2 of chapter 2.

752 Section 2. Budget Process

753 7-2-1 Annually, before October 1, the board of selectmen, with the assistance of the  
754 town manager and financial review team, shall establish and issue a budgeting calendar, which  
755 shall set forth the scheduled calendar dates relating to the development of the town's annual  
756 operating budget for the ensuing fiscal year.

757 7-2-2 The schedule shall comply with all of the Massachusetts department of revenue  
758 reporting deadlines, unless deviation therefrom is recommended by the town manager and  
759 approved by the board of selectmen and the finance committee.

760 7-2-3 Annually, before October 1, the town manager shall receive from the board of  
761 selectmen, finance director, treasurer-collector, town accountant and the board of assessors the  
762 estimated revenues for the ensuing fiscal year. Upon receipt of any additional specific fiscal data  
763 provided by the Commonwealth or any other source, the above officials shall within 10 business  
764 days revise, update and submit the data forthwith to the town manager.

765

766           7-2-4   Annually before November 1, the board of selectmen, after consultation with the  
767 town manager shall issue a policy statement that establishes the general guidelines for the next  
768 fiscal year's town budget.

769           7-2-5   All agency and department heads and all multiple member bodies, including the  
770 school department and library, shall submit the next fiscal year's detailed budget to the town  
771 manager, in accordance with the board of selectmen's budgeting calendar and guidelines.

772           7-2-6   The town manager shall submit to the board of selectmen, in accordance with the  
773 board of selectmen's budgeting calendar, a comprehensive draft budget for all town functions for  
774 the next fiscal year and an accompanying budget message.

775           7-2-7   The draft budget message shall explain the draft budget in fiscal terms and in  
776 terms of what specific projects are contemplated for the next year. It shall:

- 777           (a)     outline the proposed financial policies of the town for the next year;
- 778           (b)     describe the important features of the budget;
- 779           (c)     indicate any major changes from the current fiscal year in financial policy;  
780 expenditures and revenues, together with reasons for such changes;
- 781           (d)     summarize the town's debt position; and
- 782           (e)     include such other material as the town manager may deem appropriate

783           7-2-8   The draft budget shall provide a complete financial plan for all town funds and  
784 activities and it shall be in such form as the town manager, in consultation with the financial

785 review team and finance committee, may establish. The draft budget shall indicate proposed  
786 expenditures for town and school department operations and for capital projects during the  
787 ensuing year, detailed by each town agency and by specific purposes and projects.

788           7-2-9 The board of selectmen shall, within 30 days following submission of the draft  
789 budget by the town manager, adopt a proposed budget, with or without amendments, and shall  
790 submit it to the finance committee. The board of selectmen shall also transmit the budget request  
791 of the school committee, with its recommendations thereon, to the finance committee.

792           7-2-10 The finance committee shall conduct at least 1 public hearing on the proposed  
793 budget, including the school budget, and shall issue printed recommendations and detailed  
794 explanations and of all finance articles in an annual finance committee report, in accordance with  
795 the board of selectmen's budgeting calendar. In preparing its recommendations, the finance  
796 committee may require the town manager, any town agency or department, office, board,  
797 commission or committee to appear and furnish it with appropriate additional financial reports  
798 and budgetary information.

799           7-2-11 The board of selectmen shall meet with and consider all finance committee  
800 recommendations and present its proposed budget to the town meeting, with or without finance  
801 committee changes thereto.

802           7-2-12 The finance committee shall present its recommendations to the town meeting and  
803 shall be given first opportunity at town meeting to move amendments to the budget.

804           Section 3. Budget Tracking



805           7-3-1 The finance director shall ensure the timely monitoring, at least monthly, of actual  
806 revenues and expenditures to budget of all town agencies and departments, including the school  
807 department and library, throughout the town's fiscal year. All variances to budget shall be  
808 included in a monthly report to the board of selectmen and finance committee.

809           7-3-2 Wherever variances to budget exist, the board of selectmen will ensure that  
810 corrective action is taken by each agency or department to bring the town's revenues and  
811 expenses in line. Annually, at the fall town meeting, the board of selectmen will report all  
812 significant, anticipated and actual variances to budget and the corrective actions being taken to  
813 bring the total revenues and expenses in line.

#### 814           Section 4. Long Term Budget

815           7-4-1 Annually, the town manager shall update a 5 year revenue and expense budget.  
816 Budget guidelines shall be issues based on revenue projections.

### 817           CHAPTER 8. GENERAL PROVISIONS

#### 818           Section 1. Rules and Regulations

819           8-1-1 A copy of the rules and regulations adopted by a town agency shall be filed in the  
820 office of the town clerk, shall be posted on the town's website, and shall become effective  
821 immediately upon filing with said clerk.

#### 822           Section 2. Periodic Review, Charter and By-Laws

823           8-2-1 Charter Review. Once every 10 years, a special committee consisting of 5  
824 members shall be established for the purpose of reviewing this charter and to make a report, with  
825 recommendations, to the town meeting concerning any proposed amendments which said

826 committee may determine to be necessary or desirable. The 5 members of the committee shall  
827 be chosen as follows: the board of selectmen, the school committee, the library trustees, the  
828 finance committee and the town moderator shall each designate one person. Persons designated  
829 by said agencies may be members of the agency by which they are designated. The committee  
830 shall meet to organize forthwith following the final adjournment of the annual town meeting.

831           8-2-2 By-law Review The board of selectmen shall immediately and no more than three  
832 months following adoption of this charter or any amendments to this charter, and otherwise at  
833 intervals of no more than 10 years, appoint a special committee for review of the town by-laws,  
834 which committee shall submit a report to the town meeting in the year following the year in  
835 which the committee is appointed, and which report shall propose revision or modification to any  
836 or all town by-laws, as may be necessary and appropriate. The review of town by-laws shall be  
837 in conjunction with town counsel or special counsel retained for that purpose. Copies of the  
838 revised by-laws shall be made available for distribution to the public and shall be posted on the  
839 town's website.

840           SECTION 3. The charter of the town of Medway set forth in section 2 of this act may be  
841 replaced, revised or amended in accordance with any procedures made available under the  
842 Massachusetts constitution and the General Laws to implement the constitutional provisions.

843           SECTION 4. The provisions of the charter of the town of Medway set forth in section 2  
844 of this act are severable. If any provision of the charter is held invalid, the other provisions of  
845 the charter shall not be affected thereby. If the application of the charter or any of its provisions  
846 to any person or circumstance is held invalid, the application of the charter and its provisions to  
847 other persons and circumstances shall not be affected thereby.

848 SECTION 5. To the extent that any specific provision of the charter of the town of  
849 Medway set forth in in section 2 of this act shall conflict with any provision expressed in general  
850 terms, the specific provision shall prevail.

851 SECTION 6. Words in the charter of the town of Medway set forth in section 2 of this  
852 act importing the singular number may extend and be applied to several persons or things; words  
853 importing the plural number may include a singular person or thing; words importing gender  
854 shall extend and be applied to any gender.

855 SECTION 7. Upon the effective date of this act, the elected position of town clerk shall  
856 be become appointed; provided, however, that the elected incumbent holding the office of town  
857 clerk shall serve for the remainder of her unexpired term subject to recall or sooner vacating of  
858 office; upon the expiration of the elected term, the elected incumbent shall become the first  
859 appointed town clerk, subject to removal in accordance with section 5-4 of the charter set forth in  
860 section 1 of this act or her sooner vacating of office. Thereafter, appointments to the positions  
861 shall be made in accordance with section 5-2-2 of the charter set forth in section 2 of this act.

862 SECTION 8. This act shall take effect upon passage.