

HOUSE No. 04141

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

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 passage of the accompanying bill:

An Act Relative to the Charter of the Town of Chatham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>

HOUSE No. 04141

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 4141) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) amending the charter of the town of Chatham. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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An Act Relative to the Charter of the Town of Chatham.

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. Section 1-4 of the Charter of the Town of Chatham is hereby amended by striking
2 in the fourth line the words “as fully and as though” and replacing it with “as fully as though”
- 3 SECTION 2. Section 2-3 of the Charter of the Town of Chatham is hereby amended by striking
4 the section in its entirety and replacing it with the following:
- 5 Section 2-3, Annual Town Meeting
- 6 The town meeting shall meet at least twice in each calendar year. The first such annual town
7 meeting shall be held during the first six calendar months at a time fixed by bylaw, and shall be
8 primarily concerned with the determination of matters that have a fiscal effect on the town,
9 including but not limited to the adoption of an annual operating budget for all town agencies.
- 10 The second such meeting, the powers of which shall be deemed those of an annual town meeting,
11 shall be held during the last four calendar months at a time fixed by bylaw.

12 SECTION 3. Section 3-2(b) of the Charter of the Town of Chatham is hereby amended by
13 striking in the sixth line the following sentence:

14 The board of selectmen shall have all the powers and duties of a water and sewer commission.

15 SECTION 4. The Charter of the Town of Chatham is hereby amended by adding the following
16 new section:

17 Section 5-4, Water and Sewer Commission

18 There shall be a water and sewer commission, appointed by the board of selectmen consisting of
19 three members, appointed for overlapping terms of three years each. Said water and sewer
20 commission shall have all the powers and duties provided under Massachusetts General Laws,
21 Chapter 40, 41 and 83 with the following exceptions:

22 1) The board of selectmen shall set the water user rates and sewer user rates

23 2) The town manager shall retain all powers and duties set forth in Sections 4-6 and 4-7 of
24 this charter

25 3) The water and sewer commission shall have prepared annually, or as needed, a study of
26 the water user rates and sewer user rates and shall submit said studies along with the water and
27 sewer commissions' recommendations to the board of selectmen for their action.

28 SECTION 5. Section 3-2(c) of the Charter of the Town of Chatham is hereby amended by
29 striking in the second line "and members of boards, commissions, or committees for which no
30 other provision is made in this charter" and inserting in place thereof "The board of selectmen
31 shall further appoint members of boards, commissions or committees for which no other
32 appointment provision is made in this charter."

33 SECTION 6. Section 5-1(a) of the Charter of the Town of Chatham is hereby amended by
34 adding in the eleventh line after the first appearance of the word “selectmen” the following:
35 and the office of the town clerk

36 SECTION 7. Section 5-1(b) of the Charter of the Town of Chatham is hereby amended by
37 adding in the seventh line after the word “functions,” the word “purpose”

38 SECTION 8. Section 5-1(d) of the Charter of the Town of Chatham is hereby amended by
39 adding in the third line after the word “manager” the following:
40 and from the office of the town clerk

41 SECTION 9. Section 5-2 of the Charter of the Town of Chatham is hereby amended by striking
42 in the first line “during the course of the budget preparation process the town manager” and
43 inserting in place thereof “the board of selectmen”

44 And further in said section by adding in third line after the word “committees” the following:
45 “under its jurisdiction”

46 And further in said section by striking in the third line the words “town manager” and inserting
47 in place thereof “board of selectmen”

48 And further in said section by striking in the sixth line the words “town manager” and inserting
49 in place thereof “board of selectmen”

50 And in said section by striking in the eighth line the following:

51 “town manager shall report such findings and make any recommendations deemed appropriate to
52 the board of selectmen. The board of selectmen shall hold a public hearing on any finding or
53 recommendation made by the town manager”

54 And inserting in place thereof “board of selectmen”

55 SECTION 10. Section 5-3 of the Charter of the Town of Chatham is hereby amended by adding
56 in the eighth line after the word “development,” the word “evaluation”

57 And further in said section by striking in the fourteenth line the following:

58 “shall be a town employee who is not otherwise represented by a collective bargaining unit”

59 And inserting in place thereof the following:

60 “shall be a town employee who is subject to the personnel rules and regulations. Said member
61 shall not be a department head and shall be recommended to the board of selectmen by vote of
62 those employees subject to the personnel rules and regulations.

63 SECTION 11. Section 6-1 of the Charter of the Town of Chatham is hereby amended by striking
64 in the third line “budget and capital improvement plan” and inserting in place thereof “operating
65 and capital budgets”

66 SECTION 12. Section 6-2 of the Charter of the Town of Chatham is hereby amended by adding
67 at the end of the section the following:

68 Year one of the five year capital improvements program shall be submitted with the operating
69 budget for the ensuing fiscal year.

70 SECTION 13. Section 6-3 of the Charter of the Town of Chatham is hereby amended by striking
71 in the first line the words “budget improvements” and inserting in place thereof the word
72 “budgets”

73 SECTION 14. Section 7-6 of the Charter of the Town of Chatham is hereby amended by striking
74 in the fifth line the words “a square” and inserting in place thereof the words “an area”

75 And further in said section by striking in the sixth line the words “a cross mark (x)” and inserting
76 in place thereof the words “a mark in accordance with the instructions on the ballot,”

77 SECTION 15. Section 8-2 of the Charter of the Town of Chatham is hereby amended by striking
78 in the first line the word “five” and inserting in place thereof the word “seven”

79 SECTION 16. This act shall take effect on passage.