

# HOUSE . . . . . No. 04473

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The committee on Municipalities and Regional Government, to whom was recommitted the Bill relative to the charter of the town of Chatham (House, No. 4141), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4473). October 11, 2012.

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## 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 1-6 of the Charter of the Town of Chatham is hereby amended by
- 4 renumbering it Section 1-7 and adding the following:
- 5 Section 1-6, Consistency with Town Bylaws
- 6 Where provisions of this charter conflict with provisions of town bylaws, rules, regulations,
- 7 orders, general laws, special acts and acceptances of general laws, the charter provisions shall
- 8 govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded
- 9 by this charter shall remain in force.
- 10 SECTION 3. Section 1 of the Charter of the Town of Chatham is hereby amended by adding the
- 11 following:

12 Section 1-8, Ethical Standards

13 Elected and appointed officers, officials and employees of the Town of Chatham are expected to  
14 demonstrate, in their general conduct and in the performance of their duties and responsibilities,  
15 the highest ethical standards.. Elected and appointed officers, officials and employees of the  
16 Town of Chatham are expected to recognize that they hold their offices or positions for the  
17 benefit of the public and that while acting in their official capacity they are expected to faithfully  
18 discharge the duties of their offices in the public interest, regardless of personal considerations.  
19 Elected and appointed officers, officials and employees of the Town of Chatham shall not use  
20 their official positions to secure or to grant special consideration, treatment, advantage, privilege  
21 or exemption to themselves or to any other person beyond that which is available to every  
22 person.

23 SECTION 4. Section 2 of the Charter of the Town of Chatham is hereby amended by adding the  
24 following:

25 Section 2-8, Town Meeting Action

26 The exercise of the legislative power by a vote of Town Meeting shall be presumed to be  
27 binding, and shall be implemented by a designated town agency or department in conformance  
28 with the law or such vote.

29 SECTION 5. Section 3-2(b) of the Charter of the Town of Chatham is hereby amended by  
30 inserting in line 6, after the words “duties of a water and sewer commission,” the words “unless  
31 they choose to delegate those powers and duties to another town agency.”

32 SECTION 6. Section 3-2(c) of the Charter of the Town of Chatham is hereby amended by  
33 striking in the second line “and members of boards, commissions, or committees for which no  
34 other provision is made in this charter” and inserting in place thereof “The board of selectmen  
35 shall further appoint members of boards, commissions or committees for which no other  
36 appointment provision is made in this charter.”

37 SECTION 7. Section 5-1(a) of the Charter of the Town of Chatham is hereby amended by  
38 adding in the eleventh line after the first appearance of the word “selectmen” the following:  
39 and the office of the town clerk

40 The section is further amended by adding the following after line 7:

41 At a minimum, the town manager shall provide for the following governmental functions:  
42 administrative and finance; law enforcement; fire protection and rescue service; operation and  
43 maintenance of the town’s roads, parks, buildings and other facilities; management and  
44 protection of coastal resources; town planning and enforcement of zoning and building codes;  
45 enforcement of health and environmental regulations; operation of the water and sewer systems.

46 SECTION 8. Section 5-1(b) of the Charter of the Town of Chatham is hereby amended by  
47 adding in the seventh line after the word “functions,” the word “purpose”

48 The section is further amended by striking in the eleventh line the words “any ad hoc study or  
49 research committee” and replacing it with “one or more committees. Votes of Town Meeting  
50 which authorize the formation of such committees shall state the charge, composition and town  
51 agency to be the appointing authority, if other than the Board of Selectmen. The tenure of any

52 such committee shall continue pursuant to its charge and until abolition by or change by a  
53 subsequent town meeting.

54 SECTION 9. Section 5-1(d) of the Charter of the Town of Chatham is hereby amended by  
55 adding in the third line after the word “manager” the following:

56 and from the office of the town clerk

57 SECTION 10. Section 5-2 of the Charter of the Town of Chatham is hereby amended by striking  
58 in the first line “during the course of the budget preparation process the town manager” and  
59 inserting in place thereof “the board of selectmen”

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

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

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

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

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

70 And inserting in place thereof “board of selectmen”

71 SECTION 11. Section 5-3 of the Charter of the Town of Chatham is hereby amended by striking  
72 in the fourth line the word “may” and replacing it with “shall” and the by striking also in the  
73 fourth line the words “but not be limited to” and replacing them with “at least”

74 And further in said section by adding after the words “grievance procedures;” the words “a  
75 written performance evaluation system for all full-time year-round employees;”

76 And further in said section by striking the last paragraph and inserting in place thereof the  
77 following:

78 “The Board of Selectmen may appoint a three member personnel committee which shall serve in  
79 an advisory capacity to the Town Manager One member of the personnel committee shall be a  
80 Town employee who is subject to the Personnel Rules and Regulations. Said member shall be  
81 appointed by the Board of Selectmen upon a majority vote of the non-union employees who are  
82 subject to the Personnel Rules and Regulations. The remaining two members shall have training  
83 background and education in Human Resource issues.”

84 SECTION 12. Section 6-1 of the Charter of the Town of Chatham is hereby amended by adding  
85 in the second line after the words “of selectmen” the words “and finance committee”

86 And further in said section by striking in the third line “budget and capital improvement plan”  
87 and inserting in place thereof “operating and capital budgets”

88 And further in said section by adding before line one the following as a new paragraph:

89 “At the onset of the annual budget process, the town manager shall meet with the board of  
90 selectmen, the school committee and the finance committee to discuss the upcoming operating  
91 and capital budgets.”

92 And further in said section by adding, after the following after the paragraph ending with the  
93 words “and supporting documents,” the new paragraph as follows:

94 The budget adopted by the school committee shall be submitted to the town manager in  
95 sufficient time to enable the town manager to consider the effect of the school committee’s  
96 requested appropriation on the total town budget which is required to be submitted under this  
97 section.”

98 And further in said section by striking the words “Within a time fixed by law bylaw the board of  
99 selectmen shall review the operating and capital budget improvements program and make  
100 changes as deemed appropriate prior to transmitting the budget and capital improvement  
101 program to the finance committee. The budget as adopted by the school committee shall be  
102 submitted to the town manager in sufficient time to enable the town manager to consider the  
103 effect of the school department’s requested appropriation on the town total budget which is  
104 required to be submitted under this section” and replace it with the words “Upon receipt of the  
105 Town Manager’s proposed operating budget, the Board of Selectmen shall announce the date on  
106 which they intend to act on the budget, but in no case earlier than 30 days after receipt.”

107 SECTION 13. Section 6-2 of the Charter of the Town of Chatham is hereby amended by adding  
108 at the end of the section the following:

109 “Year one of the five year capital improvements program shall be submitted with the operating  
110 budget for the ensuing fiscal year.

111 Upon receipt of the Town Manager’s proposed capital improvement budget, the Board of  
112 Selectmen shall announce the date on which they intend to act on the budget, but in no case  
113 earlier than 30 days after receipt.”

114 And further in said section by adding in line two after the word “selectmen” the words “and the  
115 finance committee”

116 And further in said section by striking in line four the word “concerning” and replacing it with  
117 the word “regarding”

118 SECTION 14. Section 6-3 of the Charter of the Town of Chatham is hereby amended by striking  
119 in the first line the words “budget improvements from the board of selectmen” and inserting in  
120 place thereof the word “budgets from the town manager”

121 And further in said section by striking the words as follows:

122 “The finance committee shall file a report of its recommendations for action prior to the date on  
123 which the town meeting is to act on the proposed budget. The report of the finance committee  
124 shall include the fiscal and tax implications of the proposed budget and a statement outlining  
125 support or opposition to the proposed budget or sections of the proposed budget. The report of  
126 the finance committee shall be prepared in sufficient time to be incorporated in the annual town  
127 meeting warrant. The budget to be acted upon by the town manager shall be the budget approved  
128 by the board of selectmen with the accompanying recommendations of the finance committee.”  
129 and replacing with the following:

130 “The finance committee shall make budget recommendations and report those recommendations  
131 to the board of selectmen in sufficient time for the board of selectmen to consider those  
132 recommendations prior to the board of selectmen voting on the operating and capital budgets.”

133 SECTION 15. Section 6-4 of the Charter of the Town of Chatham is hereby amended by  
134 renumbering it 6-6 and adding the following”

135 Section 6-4, Board of Selectmen Action

136 Within a time fixed by bylaw the board of selectmen shall review the operating and capital  
137 budget improvements program, make changes as deemed appropriate and place their approved  
138 budget on the annual town meeting warrant. The board of selectmen shall transmit their  
139 approved budget to the finance committee.

140 Section 6-5, Town Meeting Action

141 The finance committee shall vote their recommendations for action on the budget as received  
142 from the board of selectmen. Additionally, the finance committee shall file a report of its  
143 recommendations for action prior to the date on which the town meeting is to act on the budget.  
144 The report of the finance committee shall include the fiscal and tax implications of the budget  
145 and a statement outlining support or opposition to the budget or section of the budget. The report  
146 of the finance committee shall be prepared in sufficient time to be incorporated in the annual  
147 town meeting warrant. The budget to be acted upon by the town meeting shall be the budget  
148 approved by the board of selectmen with the accompanying recommendations of the finance  
149 committee.

150 SECTION 16. Section 7-6 of the Charter of the Town of Chatham is hereby amended by striking  
151 in the fifth line the words “a square” and inserting in place thereof the words “an area”

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

154 SECTION 17. Section 9-1 of the Charter of the Town of Chatham is hereby amended by adding  
155 in line one after the word “All” the word “town” and after the word “regulations” the words  
156 “orders, special acts,”

157 And further in said section by striking in line two the words “at the time this charter is adopted”

158 And further in said section by striking in line three the words “Where provisions of this charter  
159 conflict with provisions of town bylaws, rules, regulations, orders, general laws, special acts and  
160 acceptances of general laws, the charter provisions shall govern. All provisions of town bylaws,  
161 rules, regulations, orders and special acts not superseded by this charter shall remain in force.

162 SECTION 18. Section 9-2 of the Charter of the Town of Chatham is hereby amended by striking  
163 it in its entirety.

164 SECTION 19. Section 9-3 of the Charter of the Town of Chatham is hereby amended by striking  
165 it in its entirety.

166 SECTION 20. Section 9-4 of the Charter of the Town of Chatham is hereby amended by  
167 renumbering it Section 9-2.

168 SECTION 21. Section 9-5 of the Charter of the Town of Chatham is hereby amended by striking  
169 it in its entirety.

170 SECTION 22. This act shall take effect on passage.