

HOUSE No. 4878

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry and Michael F. Rush

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 relative to the charter of the town of Dedham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>6/13/2022</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>6/13/2022</i>

HOUSE No. 4878

By Representative McMurtry of Dedham and Senator Rush, a joint petition (accompanied by bill, House, No. 4878) of Paul McMurtry and Michael F. Rush relative to the charter of the town of Dedham. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the charter of the town of Dedham.

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 1-1 of the charter of the town of Dedham, which is on file with the
2 archivist of the commonwealth, as provided in section 12 of chapter 43B of the general laws, is
3 hereby amended by striking out the word “corporate” and inserting in place thereof the following
4 word:- corporation.

5 SECTION 2. Subsection (b) of section 2-2 of said charter is hereby amended by striking
6 out, in each instance, the words “registrars of voters” and inserting in place thereof, the following
7 words:- board of registrars of voters.

8 SECTION 3. Subsection (b) of section 2-7 of said charter is hereby amended by striking
9 out the second and third sentences and inserting in place thereof the following sentences:- If no
10 such election is to be held within 120 days, the vacancy shall be filled by the properly nominated
11 candidate for town representative receiving the highest number of votes at the last annual town
12 election in that district, but who was not elected or appointed under this section. A town

13 representative filling a vacancy provided in this paragraph shall serve until the next regular
14 annual election, at which time the remainder of the term, if any, shall be filled by official ballot.
15 If no such candidate exists, the vacancy shall be filled at a district caucus on or before the date of
16 the next town meeting.

17 SECTION 4. Subparagraph (i) of paragraph (1) of subsection (c) of section 2-9 of said
18 charter is hereby amended by striking out the second sentence and inserting in place thereof the
19 following sentence:- The duties of the finance and warrant committee shall include those listed
20 under section 2-9(c)(2) and section 5A-6.

21 SECTION 5. Said subparagraph (i) of said paragraph (1) is hereby further amended by
22 striking out the figure “3-8” and inserting in place thereof the following figure:- 3-9.

23 SECTION 6. Subparagraph (iii) of said paragraph (1) is hereby amended by striking out,
24 in each instance, the word “precinct” and inserting in place thereof the following word:- district.

25 SECTION 7. Subsection (h) of said section 2-9 is hereby amended by striking out the
26 word “precinct” and inserting in place thereof the word:- district.

27 SECTION 8. Paragraph 4 of section 2-12 of said charter is hereby amended by striking
28 out the first sentence and inserting in place thereof the following sentence:- The question
29 submitted shall be stated on the ballot in substantially the same language and form in which it
30 was stated when presented by the moderator to the representative town meeting as appearing in
31 the records of the town meeting, and shall be similar to the following: "Shall the voters of the
32 town confirm the action taken by the representative town meeting at the town meeting held on
33 [insert date] to [insert here the question as stated when presented by the moderator]?"

34 SECTION 9. Subsection (d) of section 3-2 of said charter is hereby amended by striking
35 out the words “registrars of voters” and inserting in place thereof the following words:- board of
36 registrars of voters.

37 SECTION 10. Section 3-10 of said charter is hereby amended by striking out subsection
38 (c).

39 SECTION 11. Section 3-12 of said charter is hereby amended by striking out subsection
40 (a) and inserting in place thereof the following subsection:-

41 (a) Composition, Term of Office – There shall be a housing authority which shall consist
42 of 5 members elected or appointed under section 5 of chapter 121B of the General Laws or as
43 otherwise provided by law.

44 SECTION 12. Paragraph (3) of subsection (b) of section 3-13 of said charter is hereby
45 amended by striking out the words “the said registrars” and inserting in place thereof the
46 following words:- the board of registrars of voters.

47 SECTION 13. Subsection (c) of said Section 3-13 is hereby amended by striking out the
48 words “registrars of voters” and inserting in place thereof the following words”:- board of
49 registrars of voters.

50 SECTION 14. Paragraph (1) of subsection (b) of section 4-2 of said charter is hereby
51 amended by striking out the words “, board of library trustees, and the parks and recreation
52 commission”.

53 SECTION 15. Said section 4-2 is hereby amended by striking out subsection (s) and
54 inserting in place thereof the following subsection:-

55 (s) To supervise and direct all appointed department heads, directors, principal deputies
56 and principal agents of elected and appointed multiple bodies, with respect to the day-to-day
57 operational and administrative matters, in a manner consistent with the town's personnel by-laws
58 and policies and , if applicable, contracts or collective bargaining agreements. The town manager
59 shall, in connection therewith, provide for an annual review of such department heads, directors,
60 principal deputies and principal agents with respect to day-to-day operational and administrative
61 matters, following consultation with the respective multiple member body or its designee.

62 SECTION 14. Section 6-4 of said charter is hereby amended by striking out the first
63 sentence and inserting in place thereof the following sentence:- Whenever a vacancy occurs in
64 any town office or town employment or on any multiple member body, except for positions
65 covered under the civil service laws, whether by reason of death, resignation, expiration of a
66 fixed term for which a person has been appointed or otherwise, the appointing authority shall
67 cause public notice of the vacancy to be posted on the town bulletin boards, town website and
68 other available electronic media.

69 SECTION 15. Said section 6-4 is hereby further amended by adding the following
70 sentence:- Further, the town shall provide written or electronic notice to those members of
71 appointed multiple member bodies whose terms are expiring no later than 90 days prior thereto;
72 provided, however, that failure to provide such notice on or before the date indicated shall not
73 extend the term of such appointment.

74 SECTION 16. Said charter is hereby further amended by striking out section 6-7 and
75 inserting in place thereof the following section:-

76 6-7 Role of Multiple Member Bodies

77 (a) Multiple Member Bodies. Nothing in this charter shall be construed to authorize any
78 individual member of an elected or appointed multiple member body, nor a majority of members
79 of such body, to become involved in the day-to-day operation and administration of any town
80 agency, including appointment and supervision of department heads and staff. Instead, day-to-
81 day operations shall be subject to oversight by the town manager under section 4-2 and
82 department heads under sections 6-5 and 6-6. It is the intention of this section to affirmatively
83 establish that such bodies shall act only through the adoption of broad policy guidelines that are
84 to be implemented by officers and employees serving under such body.

85 (b) Department Heads. Notwithstanding any provision of section 6-7(A) or 4-2(b)(2) to
86 the contrary, department heads appointed by the town manager under the provisions of section 4-
87 2(b)(1) shall be responsible to the appropriate elected or appointed multiple member body for
88 implementation of policy decisions made and policy guidance given. Each department head
89 shall report regularly to such multiple member body concerning department operations, actions
90 taken and the status of new or ongoing issues. Each department head shall work cooperatively
91 with the chair of the appropriate multiple member body and the town manager to ensure the body
92 has appropriate administrative and operational support.

93 815787/DEDH/0275