

SENATE No. 2496

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 town charter of Abington.

PETITION OF:

NAME:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No. 2496

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 2496) of John F. Keenan (by vote of the town) for legislation relative to the town charter of Abington. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the town charter of Abington.

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 Chapter 259 of the acts of 2004 is hereby repealed.

2 SECTION 2. Chapter 113 of the Acts of 2015 is hereby repealed.

3 SECTION 3. The charter of the town of Abington, which is on file in the office of the
4 archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is
5 hereby amended by striking out articles 1 through 7, inclusive, and inserting in place thereof the
6 following 7 articles:

7 Article I. INCORPORATION

8 Section 1-1. Incorporation.

9 The inhabitants of the town of Abington, within the corporate limits as now established,
10 or as hereafter may be established in the manner provided by law, shall continue to be a body
11 corporate and politic with perpetual succession under the name "Town of Abington."

12 Section 1-2. Short Title.

13 This instrument may be cited and shall be known as the Abington Home Rule Charter.

14 Section 1-3. Form of Government.

15 The administration of all the fiscal, prudential and municipal affairs of the town, with the
16 government thereof, shall be vested in a legislative branch, to consist of a town meeting open to
17 all registered voters of the town and an executive branch, to be headed by a board of selectmen
18 and town manager.

19 Section 1-4. Powers of the Town.

20 The form of government provided by this charter shall be known as the Abington home
21 rule charter plan. Pursuant to this charter, and subject to only limitations as may be imposed by
22 the constitution and statutes of the commonwealth, it is the intent and the purpose of this charter
23 to confer on the town of Abington all of the powers it is possible to confer under the constitution
24 and statutes of the commonwealth, as fully and as completely as though each power was
25 specifically and individually enumerated herein.

26 Section 1-5. Interpretation of Powers.

27 The powers of the town of Abington under this charter shall be construed liberally in
28 favor of the town and the specific mention of particular powers is not intended, nor is it to be
29 construed, as limiting in any way the general powers of the town as stated in section 1-4.

30 Section 1-6. Intergovernmental Relations

31 Subject to the applicable requirements of the constitution or statutes of the
32 commonwealth, the town of Abington may exercise any of its powers or perform any of its
33 functions and may participate in the financing thereof, jointly or in cooperation by contract or
34 otherwise, with any 1 or more states or civil divisions or agencies thereof or the United States
35 government or any agency thereof.

36 Section 1-7. Definitions.

37 As used in this charter, the following words shall have the following meanings unless the
38 context clearly requires otherwise:

39 “Appointing authority”, board of selectmen, board of library trustees, school committee
40 or town manager.

41 “Charter”, this charter and any amendments to it made through any of the methods
42 provided under article LXXXIX of the Amendments to the Constitution of the commonwealth of
43 Massachusetts and chapter 43B of the General Laws.

44 “Majority vote”, a majority of those present and voting; provided, however, that a
45 quorum of the body shall be present.

46 “Multiple-member body”, a board, commission or committee consisting of 2 or more
47 persons, whether elected or appointed, but specifically excluding town meeting.

48 “Town”, the town of Abington.

49 “Town agency”, a board, commission, committee, department or office of the town
50 government.

51 “Town bulletin board”, the bulletin board located in the town office building on which
52 official town notices are posted; provided, however, that whenever reasonably possible or
53 required by law, official town notices shall be posted on the town's website.

54 “Voters”, the registered voters of the town of Abington.

55 Article II. LEGISLATIVE BRANCH

56 Section 2-1. Open Town Meeting.

57 The legislative powers of the town shall continue to be exercised by a town meeting open
58 to all registered voters of the town.

59 Section 2-2. Presiding Officer.

60 The moderator, as provided for in section 3-3 of Article III, shall preside at all sessions of
61 the town meeting, but the moderator shall not have a vote unless those voters present and voting
62 are equally divided. The moderator shall at the first session of the town meeting following each
63 annual town election, appoint a deputy moderator to serve in the event of the moderator’s
64 absence or disability; provided, however, that the town meeting ratifies the appointment. In the
65 event of the absence or disability of the moderator and deputy moderator the town meeting shall
66 elect from those voters present at the town meeting a temporary moderator to act during the
67 absences or disabilities. The moderator shall perform the duties as may from time to time be
68 assigned to the office of moderator by by-law, rule or other vote of town meeting.

69 Section 2-3. Committees.

70 2-3-1. Subject to this charter and to the by-laws or other town meeting votes regarding
71 committees, the moderator shall appoint for fixed terms the members of the committees of the

72 town meeting, special or standing, as may from time to time be established, other than those
73 appointed by vote of the town meeting.

74 2-3-2. There shall be a finance committee, the members of which shall be appointed by
75 the moderator. The number of members, the term of office and any other condition of
76 appointment or service, as may be deemed necessary or desirable, shall be established by by-law.
77 The finance committee shall report its recommendations on every article contained in a town
78 meeting warrant, in writing, not less than 10 days prior to a scheduled town meeting. Prior to
79 making its recommendations the finance committee shall hold 1 meeting and may hold
80 additional meetings as necessary to permit discussion of the subject matter of all articles
81 contained in the warrant, except those articles subject to public hearings by other multiple-
82 member town bodies and not containing appropriations. The finance committee shall have
83 additional powers and duties as may be provided by the General Laws, by this charter or by by-
84 law.

85 Section 2-4. Annual Town Meeting.

86 There shall be an annual town meeting to transact business relating to the prudential
87 affairs of the town which shall be held on the date fixed in the town by-laws.

88 Section 2-5. Special Town Meetings.

89 Special town meetings shall be held at the call of the board of selectmen at times as the
90 board may deem appropriate or whenever a special town meeting is requested by the voters of
91 the town in accordance with the law.

92 Section 2-6. Clerk of the Meeting.

93 The town clerk shall serve as the clerk of the town meeting. In the event of unavoidable
94 absence, the town clerk shall designate a substitute; provided, however, that if the clerk does not
95 designate a substitute, then the moderator shall appoint a clerk pro tempore. The town clerk shall
96 give notice of all meetings to the public, keep a journal of the town meeting's proceedings and
97 perform other functions as may be provided by law, by the charter, by by-law or by other town
98 meeting vote.

99 Section 2-7. Warrant Articles.

100 The board of selectmen shall receive all requests or petitions which are addressed to the
101 board and which seek the inclusion of an article in a town meeting warrant and are filed by: (i)
102 the town clerk or moderator; (ii) an elected or appointed multiple-member body, acting by a
103 majority of its members; (iii) any 10 voters for a regular town meeting and any 100 voters for a
104 special town meeting; or (iv) any other person or entity authorized by law. The original copy of
105 each request or petition shall be retained by the board of selectmen until at least 90 days
106 following the completion of the town meeting at which the request or petition is acted upon. The
107 board of selectmen shall have discretion to include on a warrant for any town meeting a request
108 or petition filed by: (a) the town clerk or moderator; or (b) any elected or appointed multiple-
109 member body, acting by a majority of its members.

110 Section 2-8. Warrants.

111 Every town meeting shall be called by a warrant issued by the board of selectmen which
112 shall state the date, time and place at which the meeting is to be convened and, by separate
113 articles, the subject matter to be acted upon. Notice of an annual or special town meeting shall be
114 provided in the manner prescribed by the General Laws and town by-laws. The original copies

115 of all warrants for town meeting shall be kept in the office of the town clerk in a record book
116 maintained for that purpose.

117 Section 2-9. Availability of Town Officials at Town Meetings.

118 Every town officer, or in the case of a multiple-member body, a designated representative
119 of a multiple-member body and every town department head shall attend all sessions of the
120 annual town meeting and all special town meetings to provide the town meeting with information
121 pertinent to matters appearing on the warrant, unless deterred for reasonable cause as determined
122 by the town manager. If a person described above is so deterred, that person shall designate a
123 designee to attend the town meeting in the person's place and shall notify the town manager of
124 the identity of the designee.

125 Notwithstanding the person's status as a voter in the town, a person required to attend the
126 sessions of the town meeting under this section shall be entitled to speak in order to provide the
127 town meeting with information on pertinent warrant articles.

128 Article III. ELECTIONS AND ELECTED OFFICIALS

129 Section 3-1. Elections: General Provisions.

130 3-1-1. Elected Offices.

131 The offices to be filled by the voters of the entire town by ballot shall be the board of
132 selectmen, moderator, town clerk, school committee, board of assessors, board of health, board
133 of library trustees, board of sewer commissioners, board of water commissioners, housing
134 authority and planning board and such members of regional authorities or districts as may be
135 established by law, inter-local agreement or otherwise.

136 A voter shall be eligible to hold an elective town office, but an elected town official shall
137 not hold more than 1 elected town office at a time.

138 Notwithstanding their election by the voters, the town officers named in this section shall
139 be subject to the call of the board of selectmen or the town manager at all reasonable times for
140 consultation, conference and discussion on any matter relating to their respective offices.

141 Such elected officials may be subject to recall as set forth in section 3-13 of Article III.

142 3-1-2. Annual Town Election.

143 The regular annual election of town officers shall be held on a date as may from time to
144 time be fixed in the town by-laws and shall be acted upon and determined by the voters on
145 official ballots without party or other designation.

146 3-1-3. Nomination of Candidates.

147 The number of signatures of voters required to place the name of a candidate for any
148 office on the official ballot for use at any town election shall be 50, unless a greater number is
149 required by law.

150 Section 3-2. Board of Selectmen.

151 (a) There shall be a board of selectmen consisting of 5 members elected for terms of 3
152 years each, so arranged that the term of office of as nearly an equal number of members as is
153 possible shall expire each year.

154 (b) The executive powers of the town shall be vested in the board of selectmen which
155 shall be deemed to be the chief executive office of the town. The board of selectmen shall have

156 and may exercise all of the executive powers permitted to a board of selectmen under the law.
157 The board of selectmen shall serve as the chief policy making agency of the town. The board of
158 selectmen shall be responsible for the formulation and promulgation of policy directives and
159 guidelines to be followed by all town agencies serving under it, and in conjunction with other
160 elected town officers and multiple-member bodies to develop and promulgate policy guidelines
161 designed to bring the operation of all town agencies into harmony; provided, however, that
162 nothing in this section shall be construed to authorize a member of the board of selectmen or a
163 majority of the members to become involved in the day-to-day administration of a town agency.
164 The board of selectmen shall act only through the adoption of broad policy guidelines, which are
165 to be implemented by officers and employees serving under the board. The board of selectmen:

166 (i) shall cause the charter, by-laws, rules and regulations for the government of the
167 town to be enforced and shall cause an up-to-date record of all its official acts to be kept;

168 (ii) shall appoint a town manager as provided for in Article IV and shall appoint a
169 town counsel;

170 (iii) shall appoint those multiple-member bodies authorized by law and those
171 authorized by section 7-8 of Article VII;

172 (iv) shall be the licensing board of the town and may issue licenses, make all
173 necessary rules and regulations regarding the issuance of licenses and attach conditions and
174 restrictions to the licenses as it deems to be in the public interest and shall enforce the laws
175 relating to all businesses for which it issues a license; provided, however, that the board of
176 selectmen may delegate their licensing authority, unless specifically prohibited by law; and

177 (iv) may investigate the affairs of the town and the conduct of a town agency,
178 including doubtful claims against the town, and for this purpose may subpoena witnesses,
179 administer oaths, take testimony and require the production of evidence; provided, however, that
180 the report of the results of such an investigation shall be placed on file in the office of the town
181 manager and a report summarizing the results of such investigation shall be printed in the next
182 annual town report.

183 (c) Vacancies in the office of selectmen, other than those occurring in the 3 months
184 immediately preceding the annual town election, shall be filled by a special election in
185 accordance with the General Laws.

186 Section 3-3. Moderator.

187 There shall be a moderator elected for a term of 3 years. The moderator shall preside and
188 regulate the procedure at all sessions of the town meeting and shall have all of the powers and
189 duties that are given to moderators under the constitution and the law and such additional powers
190 and duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

191 Section 3-4. Town Clerk.

192 There shall be a town clerk elected for a term of 3 years. The town clerk shall be the
193 keeper of vital statistics of the town and the custodian of the town seal, be the clerk of the town
194 meeting and shall have all of the powers and duties given to town clerks under the constitution
195 and the law and such additional powers and duties as may be authorized by the charter, by by-
196 law or by other vote of the town meeting.

197 Section 3-5. School Committee.

198 There shall be a school committee consisting of 5 members elected for terms of 3 years
199 each, so arranged that the term of office of as nearly an equal number of members as is possible
200 shall expire each year. The school committee shall have general charge and superintendence of
201 the public schools and for this purpose shall have all of the powers and duties which are given to
202 school committees under the constitution and the law and such additional powers and duties as
203 may be authorized by the charter, by by-law or by other vote of the town meeting.

204 Section 3-6. Board of Assessors.

205 There shall be a board of assessors which shall consist of 3 members elected for terms of
206 3 years each, so arranged that 1 term shall expire each year. The board of assessors shall
207 annually make a fair cash valuation of all property, both real and personal, within the town and
208 shall have all of the powers and duties which are given to boards of assessors under the
209 constitution and the law and such additional powers and duties as may be authorized by the
210 charter, by by-law or by other vote of the town meeting.

211 Section 3-7. Board of Health.

212 There shall be a board of health which shall consist of 5 members elected for terms of 3
213 years each, so arranged that the term of office of as nearly an equal number of members as is
214 possible shall expire each year. The board of health shall be responsible for the formulation and
215 enforcement of rules and regulations affecting the environment and the public health and shall
216 have all of the powers and duties which are given to boards of health under the constitution and
217 the law and such additional powers and duties as may be authorized by the charter, by by-law or
218 by other vote of the town meeting.

219 Section 3-8. Board of Library Trustees.

220 There shall be a board of library trustees which shall consist of 9 members elected for
221 terms of 3 years each, so arranged that the term of office of as nearly an equal number of
222 members as is possible shall expire each year. The board of library trustees shall have general
223 charge of the care and management of the town library and of all property of the town relating to
224 the library, in consultation with the town manager. The board of library trustees shall have all of
225 the powers and duties which are given to library trustees under the constitution, chapter 78 of the
226 General Laws and any other relevant chapter of the General Laws and shall have such additional
227 powers and duties as may be authorized by the charter, by by-law or by other vote of the town
228 meeting. The board of library trustees shall appoint, in consultation with the town manager, the
229 library director who shall act in the capacity of the principal personnel officer of the town under
230 section 4-1 of Art. IV.

231 Section 3-9. Board of Sewer Commissioners.

232 There shall be a board of sewer commissioners consisting of 5 members elected for terms
233 of 3 years each, so arranged that the term of office of as nearly an equal number of members as is
234 possible shall expire each year. The board of sewer commissioners shall have general charge of
235 the care and management of the municipal sewer system and of all property of the town relating
236 thereto. The board of sewer commissioners shall have all of the powers and duties which are
237 given to boards of sewer commissioners under the constitution and the law and such additional
238 powers and duties as may be authorized by the charter, by by-law or by other vote of the town
239 meeting.

240 Section 3-10. Board of Water Commissioners.

241 There shall be a board of water commissioners consisting of 3 members elected for terms
242 of 3 years each, so arranged that 1 term shall expire each year. The board of water
243 commissioners shall have general charge of the care and management of the municipal water
244 system and of all property of the town relating thereto. The board of water commissioners shall
245 have all of the powers and duties which are given to boards of water commissioners under the
246 constitution and the law and such additional powers and duties as may be authorized by the
247 charter, by by-law or by other vote of the town meeting.

248 Section 3-11. Housing Authority.

249 There shall be a housing authority consisting of 5 members whose composition shall be
250 subject to section 3 of chapter 121B of the General Laws. The housing authority shall have all of
251 the powers and duties which are given to housing authorities under the constitution and the law.

252 Section 3-12. Planning Board.

253 There shall be a planning board consisting of 5 members elected for terms of 5 years
254 each, so arranged that the term of office of as nearly an equal number of members as is possible
255 shall expire each year. The planning board shall make studies and prepare plans concerning the
256 resources, possibilities and needs of the town. The planning board shall prepare, and may from
257 time to time amend and perfect, a comprehensive plan which shall set forth in graphic and
258 textual form information concerning the present development of the entire town and its parts.
259 The comprehensive plan shall include recommendations of the planning board concerning the
260 future development of the entire town and its parts including, but not limited to, the physical,
261 economic and environmental aspects of development.

262 The planning board shall annually report to the town on the condition of the town and any
263 plans or proposals known to it affecting the resources, possibilities and needs of the town and
264 shall specify amendments made to the comprehensive plan by the planning board during the
265 preceding year.

266 The planning board shall have all of the other powers and duties which are given to
267 planning boards under the constitution and the law and shall have such additional powers and
268 duties as may be authorized by the charter, by by-law or by other vote of the town meeting.

269 Section 3-13. Recall of Elected Officials

270 3-13-1. Who can be Recalled.

271 A person who holds a town elective office listed in section 3-1 of Article III may be
272 recalled by the voters as provided by this section.

273 3-13-2. Recall Affidavit and Petition.

274 Twenty-five registered voters of the town may file with the town clerk an affidavit signed
275 under oath or sworn to before a notary public bearing the name of the officer sought to be
276 recalled and a statement of the grounds for the recall. Within 3 days following this filing, the
277 registrars of voters and town clerk shall determine whether the filing is sufficient and valid.

278 If the filing is determined to be sufficient, the town clerk shall make available to the first
279 voter who signed the affidavit, who shall be known as the lead petitioner, copies of petition
280 blanks demanding the recall. The petition blanks shall be available at the office of the town
281 clerk. The petition blanks shall include the clerk's signature and the official town seal. A copy of
282 the petition shall be considered a permanent record of the town.

283 The petition blanks shall be dated, addressed to the board of selectmen and contain the
284 names of the first 10 signers of the affidavit, the name of the person whose recall is sought, the
285 grounds for recall as stated in the affidavit and demand the election of a successor to the office.
286 The recall petition shall be returned and filed with the town clerk not later than 5:00 p.m. on the
287 twentieth day after the petitions are made available. A valid petition shall include the signatures
288 of not less than 20 per cent of the registered voters of the town, determined as of the date the
289 affidavit was filed, and the number and street, if any, of the signatories' residences.

290 The town clerk shall submit the recall petition to the registrars of voters in the town by
291 the end of the next business day following the deadline for filing and the registrars shall certify
292 the number of signatures which are names of registered voters of the town not more than 7 days
293 after receipt.

294 3-13-3. Selectmen's Action on Receiving Petition.

295 If the petition shall be found and certified by the registrars of voters to be sufficient, the
296 registrars shall submit the petition with their certificate to the board of selectmen without delay.
297 The board of selectmen shall meet and give written notice of the receipt of the certificate to the
298 officer sought to be recalled. If the officer does not resign within 7 days after receipt of the
299 notice, the board of selectmen shall order an election to be held on a date fixed by the board of
300 selectmen and in accordance with the General Laws. The recall election shall not be held more
301 than 14 days after adherence to the minimum statutory requirements found in chapter 41, section
302 10, and chapter 53, sections 7 and 10 of the General Laws; provided, however, that if another
303 municipal election is scheduled to occur within 100 days of the date the board votes to schedule
304 the election, the question of recall may be presented to the voters on the same date and on the

305 same ballot, at the discretion of the board. If a vacancy occurs in the office after a recall election
306 has been ordered, the election shall proceed as provided in this section.

307 3-13-4. Nomination of Candidates.

308 The officer whose recall is sought may be a candidate in the recall election and, unless
309 the officer requests otherwise in writing, the town clerk shall place the name of the officer on the
310 ballot without nomination. The nomination of other candidates, the publication of the warrant for
311 the recall election and the conduct of the election shall comply with the General Laws, unless
312 otherwise provided in this section.

313 3-13-5. Incumbent Holds Office Until Election.

314 The officer whose recall is sought shall continue to perform the duties of the office until
315 the recall election. If the officer is not recalled, the officer shall continue in office for the
316 remainder of the unexpired term, subject to recall as before, except as provided for in section 3-
317 13-7. If the officer is recalled, such person shall be deemed removed immediately.

318 3-13-6. Propositions on Ballot.

319 Ballots used in a recall election shall state the proposition in the order indicated:

320 For the recall of (name of officer, office)

321 Against the recall of (name of officer, office)

322 Immediately to the right of each proposition, there shall be a space in which the voter, by
323 making a mark, may vote for either of the propositions. Under the propositions shall appear: (i)
324 the word "Candidates"; (ii) the directions to voters required by section 42 of chapter 54 of the

325 General Laws; and (iii) the names of candidates nominated for the office. If a majority of the
326 votes cast upon the question of recall is in the affirmative, the candidate receiving the highest
327 number of votes shall be declared elected and shall upon qualification serve the balance of the
328 unexpired term. If the successor shall fail to qualify within 10 days of receiving notification of
329 election, the office shall be deemed vacant and shall be filled in the manner provided in section
330 3-14. If a majority of the votes cast upon the question of recall is in the negative, the officer
331 whose recall was sought shall not be recalled and the ballots for candidates shall not be counted
332 and shall have no legal effect.

333 3-13-7. Timing of Recall Petition.

334 No recall petition shall be filed against an officer earlier than 3 months after the officer
335 takes office or later than 6 months prior to the end of the officer's elected term. In the case of an
336 officer subjected to a recall election and not recalled, a recall petition shall not be filed earlier
337 than 3 months from the date of the election at which the question of recall was submitted to the
338 voters of the town.

339 3-13-8. Appointment of Person Recalled.

340 A person who has been recalled from an office or who has resigned from office at any
341 time after a valid recall affidavit has been certified shall not be appointed to a town office for at
342 least 2 years after the recall or resignation.

343 Section 3-14. Vacancy in Office.

344 If there is a vacancy in the office of town clerk or town moderator the board of selectmen
345 shall provide for notice of the vacancy as provided in section 7-9 of Article VII by posting the

346 vacancy on the town bulletin board. A person who wants to be considered to fill the vacancy
347 shall, within 10 days following the date the notice is posted, file with the board of selectmen a
348 statement which sets forth in clear and specific terms the qualifications which the person holds
349 for the position. The board of selectmen shall fill the vacancy not sooner than 14 days and not
350 later than 30 days from the date that the notice was posted. The person appointed to fill the
351 vacancy shall be the person who receives a majority of the votes cast at a meeting of the board of
352 selectmen called for the purpose of appointing an individual to fill the vacancy. The person
353 appointed to fill the vacancy shall hold office until the next regularly scheduled annual town
354 election at which time the vacant position shall be included on the ballot as provided in section
355 3-1 of Article III.

356 If there is a vacancy in an elected multiple-member body, other than the board of
357 selectmen, the remaining members shall give notice of the vacancy to the board of selectmen.
358 The board of selectmen shall provide for notice of the vacancy as provided in section 7-11 of
359 Article VII by posting the vacancy on the town bulletin board. A person who wants to be
360 considered to fill the vacancy shall, within 10 days after the date the notice is posted, file a
361 statement which sets forth in clear and specific terms the qualifications which the person holds
362 for the position with the board of selectmen and the board or committee with the vacancy. Not
363 sooner than 14 days and not later than 30 days from the date that the notice is posted, the board
364 of selectmen and the remaining members of the board or committee with the vacancy shall fill
365 that vacancy at a joint meeting of the board of selectmen and the board or committee. The filling
366 of the vacancy shall be by a joint vote of the members of the board of selectmen and the
367 remaining members of the board or committee who are in attendance; provided, however, that a
368 quorum of the board of selectmen shall be present. The person appointed to fill the vacancy shall

369 be the person who receives a majority of the votes cast at the meeting. The person appointed to
370 fill the vacancy shall hold office until the next regularly scheduled annual town election at which
371 time the vacant position shall be included on the ballot as provided for in section 3-1 of Article
372 III.

373 An elected official who is no longer a resident of the town shall be deemed to have
374 vacated the office to which the official was elected. When doubt exists as to the residency of an
375 elected official, the board of registrars of voters of the town shall decide the issue of residency in
376 accordance with the law.

377 Article IV. TOWN MANAGER

378 Section 4-1. Appointment, Qualification, Term of Office.

379 The board of selectmen shall appoint the town manager for a term not to exceed 5 years.
380 A committee shall present to the board of selectmen no fewer than 3 candidates chosen from the
381 applicants for the position of town manager; provided, however, that an interview of each
382 applicant shall be conducted by the committee before the applicants are presented to the board of
383 selectmen. The committee shall consist of 1 member of the school committee selected by vote of
384 the school committee, 1 member of the finance committee selected by vote of the finance
385 committee and 5 residents appointed by the board of selectmen.

386 The town manager shall be the chief administrative officer of the town and shall be
387 responsible to the board of selectmen for the administration of town affairs placed in the town
388 manager's charge under the charter. The town manager shall be a person especially qualified by
389 education, which shall include a bachelor's degree from an accredited degree granting college or
390 university. The town manager's professional experience shall include not less than 5 years of

391 full-time, compensated service in a managerial capacity in public or business administration.
392 The town manager shall not have served in an elected office in the town of Abington during the
393 24 months prior to appointment. The town manager does not have to be a resident of the town or
394 of the commonwealth; provided, however, that the town manager shall be a citizen of the United
395 States.

396 The town manager shall devote full time to the duties of the office and shall not hold any
397 other elective or appointive town office, nor shall the town manager engage in any other business
398 unless approved in advance in writing by the board of selectmen.

399 The town manager shall execute a bond in favor of the town for the faithful performance
400 of the town manager's duties in such sum and with such surety as shall be fixed or approved by
401 the board of selectmen, who shall not waive the requirement of a performance bond.

402 Section 4-2. Powers and Responsibilities, Generally.

403 (a) The town manager shall be the chief administrative officer of the town. The town
404 manager shall be responsible and accountable to the board of selectmen generally and shall be
405 responsible specifically for the efficient and orderly conduct of the departments, offices and
406 functions placed in the charge of the town manager by this charter, a vote of the board of
407 selectmen, by bylaw or vote of the town meeting.

408 (b) The town manager shall act as the personnel director of the town, including being
409 responsible for the administration of personnel matters and adhering to personnel by-laws,
410 policies and regulations that the board of selectmen may adopt.

411 (c) The town manager shall exercise general supervision of all town agencies for which
412 the town manager is the appointing or employing authority.

413 (d) The town manager shall appoint and may remove, subject to the civil service laws and
414 section 7-10 of Article VII, where applicable, all department heads, officers, subordinates and
415 employees of the town, except those appointments for which another method of appointment is
416 provided by this charter, including the library director under section 3-8 and employees of the
417 housing authority under section 3-11 of Article III, and employees of the school department;
418 provided, however, that appointments of department heads of elected multiple-member bodies
419 shall be made after consultation with the respective multiple-member body. Appointments of
420 department heads or officers shall become effective 15 days after the date that notice of the
421 appointment is filed with the board of selectmen, unless prior to that date the board of selectmen
422 votes to reject the appointment by a vote of 2/3 of its members. The board of selectmen may
423 waive its power to reject the appointment of a department head or officer if, prior to the effective
424 date of the appointment, 2/3 of the members of the board of selectmen vote to waive the power
425 to reject the appointment, in which case the appointment shall take effect immediately. All other
426 appointments shall become effective immediately.

427 (e) The town manager shall make appointments based on merit and fitness.

428 (f) The town manager shall ensure that all appointments are submitted to the board of
429 selectmen and posted on the town bulletin board.

430 Section 4-3. Administrative Powers and Duties.

431 The town manager shall be the chief administrative officer of the town and shall be
432 responsible to the board of selectmen for the effective management of all town affairs placed in

433 the manager's charge by this charter, the board of selectmen, by by-law or vote of the town
434 meeting, and for the implementation of town policies placed in the town manager's charge by the
435 board of selectmen. The administrative powers, duties and responsibilities of the town manager
436 shall include, but not be limited to, the following:

437 (i) supervising, directing and being responsible for the efficient administration of all
438 officers appointed by the town manager and their representative departments and of all functions
439 for which the town manager is given responsibility, authority or control by this charter, by by-
440 law, by town meeting vote or by vote of the board of selectmen;

441 (ii) administering and enforcing, either directly or through a person supervised by the
442 town manager, all general or special laws applicable to the town, all by-laws and all regulations
443 established by the board of selectmen;

444 (iii) coordinating operational and strategic planning for the town;

445 (iv) attending meetings of the board of selectmen, except when excused, and participating
446 in discussions; provided, however, that the town manager shall not have the right to vote;

447 (v) attending all sessions of the town meeting and answering all questions addressed to
448 the town manager which are related to the warrant articles and to matters under the general
449 supervision of the town manager;

450 (vi) keeping the board of selectmen fully informed regarding all departmental operations,
451 fiscal affairs, general problems, administrative actions and the availability of federal and state
452 funds and how those funds might relate to unmet long-term needs and submit quarterly reports
453 to the board of selectmen;

454 (vii) ensuring the complete and full records of the financial and administrative activity of
455 the town are maintained and rendering reports to the board of selectmen as may be required,
456 including a full report of the town's administrative operations during the period reported on and
457 the report shall be submitted not less than quarterly and shall be made available to the public;

458 (viii) ensuring that a full and complete inventory of all property of the town, both real and
459 personal, is kept, including all property under the jurisdiction of the school committee;

460 (ix) responsibility for the rental, use, maintenance, repair and the development of a
461 comprehensive maintenance program for town facilities, except those under the jurisdiction of
462 the housing authority, school committee, sewer commission or water commission, unless
463 requested by those agencies;

464 (x) responsibility for purchasing for all functions and departments, pursuant to chapter
465 30B of the General Laws and all other applicable laws, procedures and by-laws; provided,
466 however, that the town manager shall, at the request of the school committee, delegate the duties
467 for school department purchasing to an employee of the school committee under said chapter
468 30B;

469 (xi) administering the town's personnel system, personnel evaluation policies and
470 practices under section 4-2, enforcing labor contracts, labor relations, collective bargaining and
471 state and federal employment laws; provided, however, that the town manager shall not
472 administer or enforce school department agreements entered into by the town;

473 (xii) fixing annual compensation of all town employees and officers appointed by the
474 town manager within the limits established by appropriation, any applicable compensation plan,
475 collective bargaining agreements or town meeting; provided, however, that an interim revision to

476 a compensation plan or collective bargaining agreement shall require approval of the board of
477 selectmen;

478 (xiii) signing payroll and accounts payable warrants concerning the everyday operations
479 of the town;

480 (xiv) negotiating all contracts with town employees relative to wages and other terms and
481 conditions of employment, except employees of the school department; provided, however, that,
482 subject to the approval of the board of selectmen, the town manager may employ special counsel
483 to assist in the performance of these duties; and provided further, that any contract negotiated by
484 the town manager shall be subject to the approval of the board of selectmen;

485 (xv) preparing and submitting annual operating budgets and capital improvement
486 programs as provided in Article VI;

487 (xvi) keeping the board of selectmen and finance committee fully informed as to the
488 financial condition of the town and making recommendations to the board of selectmen as the
489 town manager deems necessary;

490 (xvii) coordinating the activities of town agencies serving under the town manager and
491 the board of selectmen with those under the control of other officers and multiple-member bodies
492 elected directly by the voters; provided, however, that, for coordination and cooperation among
493 all agencies, the town manager shall have the authority to require persons elected directly by the
494 voters or their representatives, to meet with the town manager, at reasonable times, to submit
495 reports of the agencies doings and summaries of action taken as may be deemed to be necessary
496 or desirable for coordination;

497 (xviii) investigating or inquiring into the affairs of a town department or office;

498 (xix) litigating matters to which the town is a party, upon request and with approval of
499 the board of selectmen;

500 (xx) delegating, authorizing or directing a subordinate or employee of the town to
501 exercise a power, duty or responsibility which the town manager is authorized to exercise,
502 provided, however, that acts that are performed under such delegation shall be deemed to be the
503 acts of the town manager; and

504 (xxi) performing such other duties as may be necessary and assigned by this charter, by-
505 law, town meeting vote or by vote of the board of selectmen.

506 Section 4-4. Financial Powers and Duties.

507 The town manager shall be the chief financial officer of the town and be responsible for
508 the design and preparation of the annual budget, filing grant applications and controlling budget
509 expenditures, including approval of the warrant and the payment of funds prepared by the town
510 accountant in accordance with section 56 of chapter 41 of the General Laws; provided, however,
511 that if the town manager is absent or a vacancy exists in the office of town manager, the board of
512 selectmen shall approve all warrants prepared and signed by the town accountant.

513 Section 4-5. Temporary Absence.

514 The town manager may designate by filing a letter with the board of selectmen and the
515 town clerk a qualified officer of the town to perform the duties of the town manager during a
516 temporary absence or disability. If the temporary absence or disability exceeds 30 days, the
517 designation made by the town manager shall be subject to the approval of the board of

518 selectmen. If the town manager fails to make such a designation or if the person so designated is
519 for any reason unable to serve, the board of selectmen may designate some other qualified person
520 to perform the duties of town manager until the town manager returns.

521 The powers of a temporary town manager appointed under this section shall be limited to
522 matters not admitting of delay and shall include authority to make necessary temporary,
523 emergency appointments or designations to town office or employment but shall not include the
524 authority to make permanent appointments or designations.

525 Section 4-6. Vacancy in Office and the Appointment of an Acting Town Manager.

526 A permanent vacancy in the office of town manager shall be filled as soon as possible by
527 the board of selectmen. The vacancy shall be filled under section 4-1.

528 When there is a permanent vacancy in the office of the town manager, the board of
529 selectmen shall appoint a qualified town administrative officer or employee or other qualified
530 individual to perform the duties of the town manager on an acting basis until the appointment of
531 a permanent town manager. The temporary appointment shall not exceed a term of 6 months;
532 provided, however, that upon the expiration of the 6-month term, the board of selectmen may
533 vote to extend the temporary appointment by a term of 6 months. The term of an acting town
534 manager shall not exceed 1 year. Compensation for the acting town manager shall be set by the
535 board of selectmen but shall not exceed the compensation paid to the most recent incumbent
536 town manager.

537 The powers of an acting town manager appointed under this section shall be limited to
538 matters not admitting of delay and shall include authority to make temporary, emergency
539 appointments or designations to town office or employment but shall not include the authority to

540 make permanent appointments or designations unless specifically authorized by the board of
541 selectmen.

542 Section 4-7. Suspension and Removal.

543 The board of selectmen may terminate, remove or suspend the town manager from office
544 by an affirmative vote of not less than 3 members and in accordance with conditions applicable
545 to termination, removal or suspension that may be agreed to in a contract between the board of
546 selectmen and the town manager.

547 Article V. ADMINISTRATIVE ORGANIZATION

548 Section 5-1. Police Department Organization.

549 5-1-1. Organization; Chief of Police.

550 The police department shall be organized under section 97A of chapter 41 of the General
551 Laws. There shall be a chief of police, appointed by the town manager, for an indefinite term.
552 The town manager, in consultation with the board of selectmen, shall determine the
553 qualifications for appointment of the chief of police. The chief of police, once appointed, may
554 only be removed from office for just cause and after a hearing under section 7-11 of Article VII.

555 The town manager shall evaluate candidates for the position of chief of police using an
556 assessment process that incorporates not less than 3 police professionals who are not employed
557 by the town of Abington. The chief of police shall be appointed on the basis of qualifications and
558 fitness for service.

559 The town manager may enter into a contract for employment with the chief of police
560 under clause (xiv) of section 4-3 of Article IV; provided, however, that the contract shall not
561 include a defined term of office.

562 5-1-2. Deputy Chief of Police.

563 The chief of police shall appoint a deputy chief of police. The chief of police shall
564 determine the qualifications for appointment of the deputy chief of police; provided, however,
565 that the chief of police shall evaluate candidates for the position of deputy chief of police using
566 an assessment process that incorporates not less than 3 police professionals who are not
567 employed by the town of Abington. The deputy chief shall be appointed on the basis of
568 qualifications and fitness for service. The decision of the chief of police in the selection of the
569 deputy chief of police shall be final. The deputy chief of police, once appointed, may only be
570 removed from office for just cause and after a hearing under section 7-11 of Article VII.

571 5-1-3. Police Department Personnel and Officers.

572 The chief of police shall appoint all other personnel and officers of the department.
573 Sergeants and patrol officers shall be appointed under chapter 31 of the General Laws.

574 Section 5-2. Fire Department Organization.

575 There shall be a fire department organized under sections 42, 43 and 44 of chapter 48 of
576 the General Laws. The town manager shall appoint a fire chief under said chapter 48 who shall
577 be subject to chapter 31 of the General Laws.

578 The fire chief shall be the appointing authority for all fire department personnel and shall
579 have full authority to appoint, demote, suspend and terminate all fire department employees,

580 including firefighters, captains, superior officers and the deputy fire chief. The officers and
581 firefighters shall be appointed under and subject to said chapter 31.

582 The fire chief shall be responsible for the management and supervision of fire department
583 personnel and all operations of the fire department. The fire chief shall serve as the town's forest
584 fire warden and perform all fire-related duties and tasks considered necessary by the town
585 manager.

586 Section 5-3 Department of Public Works Organization.

587 5-3-1. Organization; Director of Public Works.

588 (a) There shall be a department of public works under the supervision of a director. The
589 department shall include the board of sewer commissioners, board of parks and recreation, park
590 superintendent, superintendent of highways, tree warden and trustees of veterans' memorials and
591 each of their respective functions. The department of public works shall be responsible for: (i)
592 the repair, alteration and maintenance of all town-owned public works-related equipment,
593 property and vehicles; (ii) central purchasing of all public works-related supplies, materials and
594 equipment; and (iii) management of all contracts and projects for the repair, alteration,
595 remodeling, construction, reconstruction, maintenance or renovation of all town public ways,
596 sewer lines, grounds, facilities and equipment except those under the jurisdiction of the school
597 department and the board of water commissioners.

598 (b) Notwithstanding that the board of sewer commissioners, board of parks and
599 recreation, park superintendent, superintendent of highways, tree warden and trustees of
600 veterans' memorials shall be part of the department of public works, these multiple-member

601 bodies and officers shall exercise their respective policy-making duties and responsibilities under
602 the General Laws except as otherwise provided in this charter.

603 (c) Additional public works functions, including solid waste collection and disposal,
604 recycling, engineering and building maintenance, may be transferred to the department after a
605 public hearing and by a vote of the board of selectmen upon a recommendation from the town
606 manager and the director of the department of public works.

607 (d) The department, with the approval of the town manager and the board of selectmen,
608 may be organized into 1 or more operational divisions.

609 5-3-2. Director; Powers and Duties.

610 (a) The director of public works shall exercise and perform, under the policy direction of
611 the boards and committees identified in section 5-3-1 of Article V and the policy direction and
612 supervision of the town manager, all of the powers, rights and duties to be exercised by the
613 department in this section and said section 5-3-1 except as otherwise provided. The director
614 shall be appointed by the town manager pursuant to section 4-2(b) of Article IV and may be
615 removed by the town manager.

616 (b) The director shall not hold any other elective or appointive office in the town and
617 shall not be engaged in any other business or occupation; provided, however, that the director
618 shall be eligible to be appointed as the head of any division of the department of public works
619 and service in that division shall constitute a single position with the town. The director shall
620 give to the town a bond with a surety company authorized to transact business in the
621 commonwealth as surety for the faithful performance of the director's duties, in a sum and upon
622 conditions as the town administrator shall require. The director shall report to the town manager

623 as to the doings of the office at times as the town manager may require. The director shall
624 supervise day-to-day operations and provide administrative coordination of the various boards
625 and committees and functions assigned to the department and, for that purpose, shall supervise
626 department division heads or directors.

627 5-3-3. Department Personnel; Appointment and Removal.

628 The town manager, pursuant to section 4-2(b) of Article IV, shall appoint department
629 staff, including division heads, directors, principal deputies or principal agents, for any division
630 or function of the department for which a multiple-member body or officer provides policy
631 direction and, in addition to any requirements set forth in said section 4-2(b) of Article IV, the
632 town manager shall consult with the director of the department and the appropriate policy-
633 making multiple-member body or officer. The town manager shall provide notice to any policy-
634 making multiple-member board or officer of the department of any suspension or removal of
635 employees assigned to a division of the department. The decision of the town manager in
636 suspending or removing a person appointed by the town manager made in accordance with the
637 provisions of section 7-11 of Article VII shall be final.

638 Article VI. FINANCE AND FISCAL PROCEDURES

639 Section 6-1. Fiscal Year.

640 The fiscal year of the town shall begin on July 1 and shall end on June 30, unless another
641 period is required by the General Laws.

642 Section 6-2. Submission of Budget.

643 The town manager shall submit to the board of selectmen, 30 days prior to the date a
644 budget is required to be submitted to the finance committee, as specified by by-law, a written
645 proposed budget for town government for the next fiscal year, including the budget proposed by
646 the school committee. The proposed budget shall detail all estimated revenues from all sources
647 and all expenditures, including debt service for the previous, current and next fiscal years. It shall
648 include proposed expenditures for both current operations and capital outlays during the next
649 year, detailed by agency, department, committee, purpose and position together with estimated
650 revenues and free cash available at the close of the fiscal year, including estimated balances in
651 special accounts. The town may establish by by-law additional financial reports to be provided
652 by the town manager.

653 The boards, officers and committees of the town, including the school committee, shall
654 assist the town manager in preparing the proposed annual budget of revenues and expenditures
655 by preparing a detailed estimate of the appropriations required and available funds, furnishing
656 the relevant information in their possession and submitting it to the town manager in writing and
657 in the form requested by the town manager.

658 The town manager shall report on the probable amount required to be levied and raised
659 by taxation to defray all expenses and liabilities of the town, together with an estimate of the tax
660 rate necessary to raise that amount.

661 Within the time fixed by by-law, the town manager, with the advice and consent of the
662 board of selectmen, shall submit to the finance committee a proposed, balanced operating budget
663 for the ensuing fiscal year with an accompanying budget message and supporting documents.

664 The town manager shall provide a general summary of the proposed budget on the town's
665 website.

666 Section 6-3. Budget Message.

667 The budget message of the town manager shall explain the budget for all town agencies,
668 both in fiscal terms and in terms of work programs. The budget message shall outline proposed
669 financial policies of the town for the next fiscal year, describe important features of the budget,
670 indicate major variations from the current year in financial policies, expenditures and revenues
671 and the reasons for those changes, summarize the town's debt position and include other material
672 as the town manager deems desirable or the board of selectmen may reasonably require.

673 Section 6-4. The Budget.

674 The proposed operating budget shall provide a complete financial plan for all town funds
675 and activities for the next fiscal year. Except as may be otherwise required by the General Laws,
676 this charter, or by by-law, the proposed operating budget shall be in the form determined by the
677 town manager or required by the board of selectmen. The town manager shall, when presenting
678 the budget, utilize modern concepts of fiscal presentation so as to furnish maximum information
679 and the best financial control. The budget shall show in detail all estimated income from the
680 proposed property tax levy and other sources and all proposed expenditures, including debt
681 service, for the following year. The budget shall be arranged to show the actual and estimated
682 income and expenditures for the previous, current and next fiscal years and shall indicate in
683 separate sections: (i) the proposed expenditures for current operations during the next fiscal year,
684 detailed by town agency and position and the method of financing those expenditures; and (ii)

685 the estimated surplus revenue and free cash anticipated at the end of the current fiscal year,
686 including estimated balances in any special accounts established for specific purposes.

687 Section 6-5. Action on the Budget.

688 The finance committee shall, upon receipt of the budget from the town manager, consider
689 in public meetings detailed expenditures for each town department and agency and may require
690 the town manager, or any other town agency, to furnish the committee with additional
691 information as the committee may deem necessary to assist the committee in its review and
692 consideration of the proposed budget. The finance committee shall file a report containing its
693 recommendations for action to be taken on each line item in the proposed operating budget as
694 submitted by the town manager with the town clerk at least 10 days prior to town meeting. After
695 the report is filed with the town clerk, the report shall be made available at town meeting and to
696 the voters of the town in the manner provided in the town by-laws. The budget shall be voted on
697 as required under the town by-laws.

698 Section 6-6. Capital Improvement Program.

699 The town manager shall submit a capital improvement program to the board of selectmen
700 and the finance committee not less than 6 months before the start of the fiscal year. The capital
701 improvement program shall be based on material prepared by the capital improvement
702 committee established by by-law, if any such committee is established. The capital improvement
703 program shall include:

704 (i) a clear, concise general summary of the program's contents;

705 (ii) a list of the capital improvements proposed to be undertaken during the next 5 years,
706 with supporting information as to the need for each capital improvement;

707 (iii) cost estimates, methods of financing and recommended time schedules for each
708 improvement; and

709 (iv) the estimated annual cost of operating and maintaining each facility and piece of
710 major equipment involved.

711 The town manager shall annually revise the information to reflect capital improvements
712 that are still pending or that are in the process of being acquired, improved or constructed.

713 Section 6-7. Audits.

714 The board of selectmen shall annually provide for an independent audit of the financial
715 books and records of the town. The board of selectmen may order additional audits of the whole
716 town or of any particular town agency if the board of selectmen determines additional audits are
717 necessary.

718 Audits of the town's financial books and records shall be conducted by a certified public
719 accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the
720 town.

721 Article VII. GENERAL PROVISIONS

722 Section 7-1. Charter Changes.

723 This charter may be replaced, revised or amended in accordance with the procedures
724 made available by Article LXXXIX of the Amendments to the Constitution of the
725 Commonwealth and chapter 43B of the General Laws.

726 Section 7-2. Specific Provisions Shall Prevail.

727 To the extent that a specific provision of the charter shall conflict with a provision
728 expressed in general terms, the specific provision shall prevail.

729 Section 7-3. References to General Laws.

730 All references to the General Laws contained in the charter refer to the General Laws of
731 the commonwealth and are intended to include any amendments or revisions to the General Laws
732 enacted subsequent to the adoption of the charter.

733 Section 7-4. Computations of Time.

734 To compute time under the charter, if the time to be computed is not 7 days or more then
735 the word “days” shall refer to secular days and shall not include Saturdays, Sundays or legal
736 holidays. If the time to be computed is more than 7 days then each day shall be counted.

737 Section 7-5. Rules and Regulations.

738 A copy of the rules and regulations adopted by a town agency shall be filed in the office
739 of the town clerk and made available for review by any person who requests the information.
740 The rules and regulations shall not become effective until 10 days after the date the rules and
741 regulations are filed with the town clerk.

742 Section 7-6. Periodic Review, Charter and By-laws.

743 7-6-1. Charter Review.

744 Commencing in the year 2014 and not less than 1 time every 10 years thereafter, a special
745 charter review committee shall be established to review this charter and make a report, with
746 recommendations, to the town meeting concerning proposed amendments which the committee
747 may determine to be necessary or desirable. The committee shall consist of 5 members who
748 shall be chosen by the town moderator. The committee shall meet following the final
749 adjournment of the annual town meeting and shall report its recommendations to the annual town
750 meeting the following year.

751 7-6-2. By-Law Review.

752 At intervals of not more than 5 years from the date of adoption of this charter, proposed
753 revisions or recodifications of the by-laws of the town shall be presented to the town meeting for
754 re-enactment. The revisions or recodifications shall be prepared by a special by-law review
755 committee appointed by the board of selectmen for that purpose. The by-law review committee
756 shall conduct its review under the supervision of the town counsel or, if the board of selectmen
757 shall so direct, under the supervision of special counsel appointed for that purpose. The
758 committee shall be appointed immediately following the adjournment of the annual town
759 meeting in the year preceding the year in which their report is to be filed.

760 Not more than 8 months after the appointment of the by-law review committee members,
761 the committee shall publish on the town's website and in a newspaper of general circulation
762 within the town: (i) notice of a report summarizing the committee's recommendations; (ii) the
763 times and places within the town where complete copies of the report are available for inspection
764 by the public; and (iii) the date, time and place of a public hearing on the report. The committee

765 shall hold the public hearing not less than 2 weeks after the date of publication in the newspaper
766 of general circulation.

767 By-laws enacted by town meeting shall be forwarded to the attorney general of the
768 commonwealth for review and approval. The town clerk shall make copies of the revised by-
769 laws available for public distribution. The town clerk shall annually publish a supplement that
770 shall include all by-laws and amendments to by-laws that have been adopted during the previous
771 year.

772 Section 7-7. Procedures.

773 7-7-1. Meetings.

774 All multiple-member bodies of the town, whether elected or appointed or otherwise
775 constituted, shall meet regularly at times and places within the town as prescribed by the
776 multiple-member body. Special meetings of any multiple-member body shall be held: (i) at the
777 call of the respective chair; (ii) at the call of 1/3 of the members by suitably written notice
778 delivered to the residence or place of business of each member of the body not less than 48 hours
779 in advance of the meeting time; or (iii) upon the filing of a petition with the town clerk of not
780 less than 50 voters that states the purpose for which a meeting shall be called. A meeting called
781 under clause (iii) shall convene not more than 1 week after the date the petition was filed with
782 the town clerk. Meeting notices shall be posted on the town bulletin board and shall be subject to
783 sections 18 to 25, inclusive, of chapter 30A of the General Laws. Except as otherwise authorized
784 by law, all meetings of multiple-member bodies shall be open and public.

785 7-7-2. Open Meeting Law.

786 Multiple-member bodies shall be subject to sections 18 to 25, inclusive, of chapter 30A
787 of the General Laws, the Open Meeting Law, as such law may from time to time be amended.

788 7-7-3. Rules and Journal.

789 Each multiple-member body shall determine its own rules and order of business unless
790 otherwise provided by the charter or by-law and shall provide for the keeping of minutes at its
791 proceedings. The minutes shall be voted on and approved within 60 days following the date of
792 the proceedings. These rules and minutes shall be a public record kept available in a place
793 convenient to the public at all reasonable times and copies shall be available in the town library.

794 7-7-4. Voting.

795 Except on procedural matters, votes of multiple-member bodies shall be taken by voice or
796 roll-call vote, the result of which shall be recorded in the minutes; provided, however, that if the
797 vote is unanimous, only that fact need be recorded.

798 7-7-5. Quorum.

799 A majority of the members of the multiple-member body shall constitute a quorum, but a
800 smaller number may adjourn from time to time. No other action of the multiple-member body
801 shall be valid or binding unless ratified by the affirmative vote of the majority of the full
802 multiple-member body.

803 Section 7-8. Committees; Appointing Authority, In General.

804 Notwithstanding a vote of town meeting to the contrary, if a multiple-member body is
805 established by a vote of town meeting or under a by-law with the primary purpose of performing

806 an administrative or executive function, the members of the multiple-member body shall be
807 appointed by the board of selectmen.

808 Notwithstanding a vote of town meeting to the contrary, if a multiple-member body is
809 established by a vote of town meeting or under a by-law with the primary purpose of performing
810 a legislative function, the members of the multiple-member body shall be appointed by the
811 moderator.

812 Nothing in this section shall prevent the town meeting, by vote or by bylaw, to provide
813 that a multiple-member body shall include, as a portion of its membership, certain persons to
814 serve ex-officio if that authority is not used to defeat the clear purpose of this section.

815 Section 7-9. Notice of Vacancies.

816 Except as otherwise provided in this charter, if a vacancy occurs in a town office,
817 employment or on a multiple-member body by reason of death, resignation, expiration of a fixed
818 term for which a person has been appointed or otherwise, the board of selectmen or other
819 appointing authority shall cause public notice of the vacancy to be posted on the town bulletin
820 board; provided, however, that this section shall not apply to positions subject to the civil service
821 laws of the commonwealth. A permanent appointment to fill a position shall not be effective
822 until at least 14 days have elapsed following the posting. A person who wants to be considered
823 for appointment to a vacant position shall, not more than 10 days following the date the notice is
824 posted, file with the board of selectmen or other appointing authority a statement which sets forth
825 in clear and specific terms the qualifications which the person holds for the position.

826 Section 7-10. Appointments and Removals.

827 Except as otherwise provided in this charter, the town manager shall appoint, subject to
828 section 4-2 of Article IV, all persons categorized as the head of a department. Appointments
829 made by the town manager shall be for a term not more than 5 years; provided, however, that this
830 shall not apply to positions subject to the civil service laws of the commonwealth. The town
831 manager may suspend or remove a person appointed by the town manager in accordance with the
832 procedure established in section 7-11. The decision of the town manager to suspend or remove a
833 department head shall be final.

834 Department heads shall, subject to the consent of the town manager, appoint all
835 assistants, subordinates and other employees of the department. The department head may
836 suspend or remove an assistant, subordinate or other employee of the department for which the
837 department head is responsible under said section 7-11. The decision of the department head to
838 suspend or remove an assistant, subordinate or other employee shall be subject to review by the
839 town manager. A person notified of the decision by a department head to suspend or remove that
840 person may seek review of the determination by the town manager by filing a petition for review
841 in the office of the town manager, in writing, within 10 days following receipt of notice of
842 suspension or removal. The review by the town manager shall follow the procedures established
843 in section 7-11. The decision of the town manager shall be final.

844 Section 7-11. Removals and Suspensions.

845 An appointed town officer, member of a multiple-member body or employee of the town,
846 whether appointed for a fixed or indefinite term, may suspended for good cause be or, after
847 notice and the opportunity for a hearing, removed from office without compensation by the
848 individual's appointing authority; provided, however, that this section shall not apply if the civil

849 service laws or terms of a collective bargaining agreement apply and provide for an alternative
850 process. As used in this section the term "good cause" shall include, but not be limited to,
851 incapacity, other than temporary illness, inefficiency, insubordination and conduct unbecoming
852 the office.

853 Any appointed officer, member of a multiple-member body or employee of the town may
854 be suspended from office by the appointing authority if the suspension is deemed by the
855 appointing authority to be necessary to protect the interests of the town; provided, however, that
856 other than the town manager, as provided in section 4-7 of Article IV, no suspension shall be for
857 more than 15 days. Suspension may be coterminous with removal.

858 Nothing in this section shall be construed as granting a right to a hearing when a person
859 who has been appointed for a fixed term is not reappointed when the original term expires.

860 Section 7-12. Loss of office, excessive absence.

861 If a member of a multiple-member body fails to attend 4 or more consecutive meetings or
862 1/2 of the meetings of the multiple-member body convened in a calendar year, the remaining
863 members of the multiple-member body may, by a majority vote of the remaining members,
864 notify the appointing authority of the position. Prior to a vote to notify the appointing authority
865 of the excessive absence, the multiple-member body shall mail notice of the proposed vote to the
866 last known address of the person that is the subject of the vote. Notice shall be provided not less
867 than 10 days prior to the date of the vote.

868 SECTION 4. Upon the effective date of this act, the term of members elected to the
869 parks and recreation commission and the board trustees of veterans' memorials shall terminate
870 and members of the parks and recreation commission and the board of trustees of veterans'

871 memorials shall be appointed as provided in the charter. Members of the park and recreation
872 commission and board of trustees of veterans' memorials serving on the effective date of this act
873 shall become appointees to that respective multiple-member body for a term equal to the
874 remainder of their elected terms or sooner resignation, retirement or removal. As vacancies arise
875 on those multiple-member bodies the vacancy shall be filled under section 7-9 of Article VII of
876 the charter.

877 SECTION 5. No contracts or liabilities in force upon the effective date of this act shall
878 be affected by the change in the manner of selection of the parks and recreation commission and
879 the board of trustees of veterans' memorials. All records, property and equipment of an office,
880 department or part thereof assigned to the elected parks and recreation commission and board of
881 trustees of veterans' memorials shall by operation of law be assigned to the department of public
882 works and appointed successor multiple-member bodies.

883 SECTION 6. Sections 1 to 5, inclusive, shall be submitted to the voters of the town of
884 Abington at the April 30, 2016 annual town election in the form of the following question:

885 "Shall an act passed by the general court in the year 2016 entitled 'An Act Relative to the
886 Charter of the Town of Abington' be accepted?"

887 A fair and concise summary of the act prepared by town counsel shall appear beneath the
888 question. If a majority of votes cast in answer to that question is in the affirmative, sections 1 to
889 5, inclusive, shall take effect, but not otherwise.

890 SECTION 7. This act shall take effect on April 29, 2016.