

**SENATE . . . . . No. 2562**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Marc R. Pacheco*

*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 amending the charter of the town of Wareham.

PETITION OF:

NAME:

*Marc R. Pacheco*

*Susan Williams Gifford*

DISTRICT/ADDRESS:

*First Plymouth and Bristol*

*2nd Plymouth*

**SENATE . . . . . No. 2562**

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By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2562) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to amend the charter of the town of Wareham. Municipalities and Regional Government. [Local Approval Received.]

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The Commonwealth of Massachusetts

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

An Act amending the charter of the town of Wareham.

*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. The charter of the town of Wareham is hereby repealed.

2 SECTION 2. The following shall be the charter of the town of Wareham:-

3 ARTICLE 1

4 INCORPORATION AND

5 POWERS OF THE TOWN

6 Section 1 - 1 Incorporation

7 The inhabitants of the town of Wareham, within the territorial limits established by law,  
8 shall continue to be a corporate and politic body under the same name "town of Wareham."

9 Section 1 - 2 Short Title

10           This document shall be known and may be cited as the Wareham Home Rule Charter. For  
11 the purposes of this document, it is referred to as “the charter”.

12           Section 1 - 3 Division of Powers

13           The administration of all the fiscal, prudential and municipal affairs of the town shall be  
14 vested in an executive branch headed by a select board. The legislative powers of the town shall  
15 be exercised by an open town meeting.

16           Section 1 - 4 Powers of the Town: Intent of the Voters

17           It is the intent and the purpose of the voters of the town of Wareham, through the  
18 adoption of this charter, to secure for the town all of the powers possible to secure under the  
19 constitution and statutes of the commonwealth, as fully and as completely as though each such  
20 power were specifically and individually enumerated herein.

21           Section 1 - 5 Interpretation of Powers

22           The powers of the town under the charter shall be construed and interpreted liberally in  
23 favor of the town and the specific mention of any particular power is not intended to limit in any  
24 way the general powers of the town as stated in section 1-4.

25           Section 1 - 6 Intergovernmental Relations

26           The town may enter into agreements with any other unit of government to perform jointly  
27 or in cooperation, by contract or otherwise, any of its powers or functions.

28           Section 1 - 7 Definitions

29 “Charter”, this charter and any amendments to it made through any of the methods  
30 provided under article LXXXIX of the amendments to the Massachusetts constitution.

31 “Days”, (i) business days, not including Saturdays, Sundays and legal holidays, when the  
32 time set is less than 7 days; or (ii) every day, including Saturdays, Sundays and legal holidays  
33 when the time set is 7 days or more.

34 “Department Head”, the head of a department or section, the supervisor.

35 “Emergency”, a sudden, unexpected, unforeseen happening, occurrence or condition  
36 which necessitates immediate action.

37 “Facilities”, any piece of town property that has been improved with a fixture.

38 “Fixture”, an improvement that is attached to the ground.

39 “general laws”, when lower case shall mean laws which apply alike to all cities and  
40 towns, to all towns, or to a class of municipalities of which the town of Wareham is a member.

41 “General Laws” when capitalized, shall refer to the General Laws of the commonwealth  
42 as they exist at the time this charter is adopted and are intended to include all applicable  
43 amendments and revisions or to the corresponding chapters and sections of any recodification or  
44 rearrangement of statutes adopted subsequent to the adoption of this charter.

45 “Local newspaper”, a newspaper of general circulation in the town of Wareham.

46 “Majority vote”, a majority of those present and voting, providing a quorum of the body  
47 is present.

48           “Multiple member body”, any body consisting of not less than 2 persons, whether  
49 elected, appointed or otherwise constituted.

50           “Town”, the town of Wareham.

51           “Policy”, the general principles by which a government is guided in its management of  
52 public affairs. This term, as applied to law, ordinance, by-law, town charter, or rule of law,  
53 denotes a general purpose or tendency considered as directed to the welfare or prosperity of the  
54 commonwealth or community.

55           “Qualify”, to take an oath of office.

56           “Voters”, persons registered to vote in the town of Wareham.

## 57           ARTICLE 2

### 58           LEGISLATIVE BRANCH

#### 59           Section 2 - 1 Town Meeting

60           The legislative powers of the town shall continue to be exercised by a town meeting open  
61 to all voters.

#### 62           Section 2 - 2 Presiding Officer

63           A town moderator, chosen as provided in section 3-4, shall preside at all town meetings,  
64 regulate the proceedings, decide all questions of order and make public declarations of all votes.  
65 In the event of the absence or the disability of the town moderator, the duties shall fall to the  
66 deputy town moderator, and if that individual is unable to serve thereafter, to the town clerk.

67 This individual shall call the meeting to order and shall preside until a temporary town moderator  
68 is chosen, as prescribed in section 14 of chapter 39 of the General Laws.

69 Section 2 - 3 Time of Meeting

70 The town meeting shall meet not less than twice in each calendar year. The first such  
71 meeting, which shall be construed to be the annual town meeting, shall be held during the month  
72 of April, at a time fixed by by-law, and shall primarily be concerned with the determination of all  
73 matters that have a fiscal effect on the town, including, but not limited to, the adoption of an  
74 annual operating budget covering all town agencies.

75 The second such meeting, which shall be the annual fall town meeting, shall be held in  
76 the month of October, at a time fixed by by-law.

77 The select board may call additional town meetings, at other times to act on the  
78 legislative business of the town in an orderly and expeditious manner by the issuance of  
79 warrants.

80 Section 2 - 4 Town Meeting Warrants

81 (a) In General

82 Every town meeting shall be called by a warrant issued by the select board which shall  
83 state the time and place of the meeting and, by separate articles, the subjects which are to be  
84 acted upon.

85 (b) Initiation of Warrant Articles

86 Warrant articles shall be initiated as provided for by state law, including but not limited  
87 to section 10 of chapter 39 of the General Laws.

88 (c) Warrants

89 After voting to open any spring or fall annual Town Meeting warrant the select board,  
90 within the ensuing 24 hours, shall post notice of such vote on the town's principle bulletin board  
91 and on the town's website.

92 The notice shall identify the opening and closing dates of the warrant and shall identify  
93 the place or places where citizen petitioned articles may be submitted. No spring or fall annual  
94 town meeting warrant may close until such notice has been posted for not less than 10  
95 calendar days.

96 Subsequent to the posted warrant opening and closing dates, the select board may vote to  
97 reopen and close the warrant in order to receive additional warrant articles.

98 (d) Circulation of Warrant

99 Annual and special town meeting warrants shall be posted on the principle town bulletin  
100 board, posted on the town's website and posted as may be further set out in the by-laws.

101 (e) Delivery of Warrant

102 Not later than the second Monday in March for the spring annual town meeting and the  
103 final Monday in September for the fall annual town meeting, the select board shall deliver the  
104 warrant to the finance committee and moderator.

105 Copies of the warrant for any special town meeting shall be delivered to the finance  
106 committee and moderator not less than 21 calendar days before the commencement date of such  
107 meeting.

108 Section 2-5 Committees

109 (a) Appointment to Committees

110 Unless noted elsewhere in the charter, members of any committee established with the  
111 primary purpose to perform a legislative function shall be appointed by the town moderator. The  
112 town has the authority, by direct vote, to determine that certain members of particular  
113 committees shall serve by virtue of another office which they hold. This authority may not be  
114 used to defeat the clear intent of this provision.

115 The following committees shall be permanent committees of the town:

116 1. Finance Committee

117 Appointing Authority – The appointing authority shall consist of the town moderator,  
118 who shall serve as chair of the appointing authority, the chair of the select board and the chair of  
119 the finance committee.

120 Membership – The number of members, the term of office and further conditions of  
121 appointment and service shall be provided by by-law.

122 Duties – The duties of the finance committee shall be to: (i) review and study all articles  
123 contained in the warrant for an upcoming town meeting; (ii) at a time fixed by by-law and prior  
124 to town meeting, report its recommendations on each article in the warrant in a manner  
125 determined by by-law; and (iii) for any articles in the warrant which would require raising of



126 funds by borrowing (except in the case of tax anticipation notes as provided in section 4 of  
127 chapter 44 of the General Laws, hold a public hearing on each such warrant article; provided  
128 however, that the committee may choose to hold other public hearings for town meeting warrant  
129 articles.

## 130 2. Planning Board

131 Appointing Authority – The appointing authority shall consist of the town moderator,  
132 who shall serve as chair of the appointing authority, the chair of the select board and the chair of  
133 the planning board. The town may, by by-law, provide other conditions regarding appointments  
134 to the planning board.

135 Membership – The board shall consist of 5 members, each of whom shall serve for a term  
136 of office of 3 years. The appointments shall be arranged so that the term of a nearly equal  
137 number of members shall expire each year, as possible.

138 Duties – The duties of the planning board shall be to: (i) review and study all articles in  
139 the town meeting warrant which relate to land use, land regulation, land development, planning,  
140 zoning, subdivision control and similar and related matters; (ii) at a time fixed by by-law and  
141 prior to town meeting, report its recommendations on each article in the warrant in a manner  
142 determined by by-law; and (iii) hold other powers, duties and responsibilities as provided by  
143 general laws, by by-law or by other town meeting vote.

## 144 3. Capital Planning Committee

145 Appointments – The capital planning committee shall consist of the following 7  
146 members: the finance director and the town administrator who shall serve by virtue of their

147 offices; a member who shall be appointed by the planning board from their membership; a  
148 member who shall be appointed by and finance committee from their membership; and 3  
149 members who shall be appointed by the appointing authority, which appointing authority shall  
150 consist of the town moderator, who shall serve as chair of the appointing authority, the chair of  
151 the select board and the chair of the finance committee. The town may, by by-law, provide for  
152 other conditions regarding these appointments.

153           Membership – Members from the finance committee and the planning board shall each  
154 serve for a term of at least 1 year. The remaining members shall serve 3-year terms. The  
155 appointments shall be arranged, as possible, so that the term of a nearly equal number of  
156 members shall expire each year.

157           Duties – The duties of the capital planning committee shall be to: (i) review and study all  
158 articles in the town meeting warrant which relate to capital expenditures, as that term may be  
159 defined by by-law from time to time; at a time fixed by by-law and prior to town meeting, report  
160 its recommendations on each article in the warrant in a manner as may be determined by by-law;  
161 and (iii) be responsible for the development of a capital outlay program as provided in section 5-  
162 7.

### 163           Section 2 - 5 Availability of Town Officials

164           All department heads shall attend the sessions of each town meeting for the purpose of  
165 providing the town meeting with information pertinent to warrant articles. If any such person is  
166 deterred by illness or other reasonable cause, that person shall designate a deputy to attend in  
167 their place. If someone required to attend the town meeting sessions under this section is not a  
168 resident of the town they shall, notwithstanding, be entitled to speak in order to provide the town

169 meeting with information on matters pertinent to their responsibilities. The town moderator shall  
170 call for a roll call at each town meeting session.

171 Section 2 - 6 Clerk of the Meeting

172 The town clerk shall be the clerk of the town meeting. The clerk shall give notice of all  
173 adjourned sessions of any town meeting, in the manner determined by by-law, keep the journal  
174 of its proceedings and perform such other duties as may be provided by general law, by charter,  
175 by by-law or by other town meeting vote.

176 Section 2 - 7 Rules of Procedure

177 The town meeting shall, by by-law, adopt and may from time to time, amend and revise  
178 rules to govern the conduct of town meeting sessions.

179 ARTICLE 3

180 ELECTED OFFICERS

181 Section 3 - 1 General Provisions

182 (a) Elective Offices

183 The offices to be filled by voters shall be a select board, a school committee, a town  
184 moderator, a deputy moderator, a board of assessors, a town clerk, a board of sewer  
185 commissioners, a housing authority and such other members of regional authorities or districts,  
186 as may be established by statute, intergovernmental agreement or otherwise.

187 (b) Eligibility

188 Any voter shall be eligible to hold any elective town office.

189 (c) Town Election

190 The annual election for town officers and for determination of other questions by ballot,  
191 shall be held on such date as may be fixed by by-law.

192 (d) Nomination Procedure

193 The number of signatures of voters required to place the name of a candidate for any  
194 town office on the official ballot for use at any town election shall be not less than 50.

195 (e) Compensation

196 Elected town officers shall receive for their services such compensation as may annually  
197 be provided for that purpose by appropriation.

198 (f) Appointments to Certain Positions

199 No elected official shall be eligible for appointment to any municipal position of  
200 employment while holding office. No former elected official shall be eligible for appointment to  
201 a municipal position of employment until 30 days from the termination of elected service. This  
202 section shall not apply if such appointment has first been approved by an annual meeting of the  
203 town.

204 Section 3 – 2 Select Board

205 (a) Composition, Term of Office

206           There shall be a select board consisting of 5 members elected for 3-year terms, so  
207 arranged that as nearly an equal number of terms as possible shall expire each year. The office  
208 of select board member shall be construed to be part-time.

209           (b) Powers and Duties

210           The executive powers of the town shall be vested in the select board. The select board  
211 shall have all of the executive powers given to select boards or boards of selectmen by general  
212 law or otherwise. The select board shall serve as the chief policy making agency of the town,  
213 responsible for the establishment of policy directives and guidelines to be followed by all town  
214 agencies serving under it. No individual member of the select board, nor a majority of it, shall, at  
215 any time, attempt to issue orders, instructions, commands, or mandates to town employees  
216 involved in the administration of the affairs of the town. The select board shall at all times act by  
217 majority through the town administrator or the established policy directives and guidelines.

218           (c) Appointing Powers

219           The select board shall appoint the town administrator, the registrar of voters (but not the  
220 town clerk and other elected officers), the board of health, and the members of all other multiple-  
221 member bodies for whom no other method of selection is provided by the charter.

222           (d) Licensing Authority

223           The select board shall be the license board of the town and shall have the power to issue  
224 licenses, to make all necessary rules and regulations regarding the issuance of such licenses and  
225 to attach conditions and impose restrictions thereto as it deems to be in the public interest, and to  
226 enforce the laws relating to all businesses for which it issues licenses.

227 Section 3 - 3 School Committee

228 (a) Composition, Term of Office

229 There shall be a school committee consisting of 5 members elected for 3 year terms, so  
230 arranged

231 that as nearly an equal number of terms as possible shall expire each year.

232 (b) Powers and Duties

233 The school committee shall have all of the powers and duties school committees are  
234 given under general laws and such additional powers and duties as may be authorized by this  
235 charter, by by-law or by other town meeting vote. The powers of the school committee shall  
236 include, but not be limited to: (i) appointing a superintendent of the schools and all other officers  
237 and employees as prescribed by law; (ii) fixing the compensation of school department  
238 employees, define their duties and make rules concerning their employment status, including  
239 holding the power to discharge the superintendent; and (iii) making all reasonable rules and  
240 regulations, consistent with law, for the administration and management of the public schools of  
241 the town.

242 Section 3 - 4 Town Moderator

243 (a) Term of Office

244 There shall be a town moderator and a deputy town moderator, each elected for a 3 year  
245 term.

246 (b) Powers and Duties

247           The town moderator, as provided in section 2-2 shall preside and regulate the proceedings  
248 at all town meetings and shall have all of the powers and duties given to town moderators by  
249 general laws and such additional powers and duties as may be provided by charter, by by-law or  
250 by other town meeting vote. In the town moderator's absence, the deputy town moderator shall  
251 have the powers and perform the duties of the town moderator.

252           Section 3 - 5 Board of Assessors

253           (a) Composition, Term of Office

254           There shall be a board of assessors consisting of 5 members elected for 3 year terms, so  
255 arranged that as nearly an equal number of terms as possible shall expire each year.

256           (b) Powers and Duties

257           The board of assessors shall have the following powers and duties: (i) to implement the  
258 policies and guidelines as issued by the department of revenue, including the fair cash valuation  
259 of all of the estate, both real and personal, subject to taxation within the town; (ii) to determine  
260 the annual tax rate and submit required information to the commonwealth in concert with the  
261 finance director or persons designated by the commonwealth; (iii) to hear and decide all  
262 applications for the abatement of such taxes; and (iv) all of the other powers and duties which are  
263 given to boards of assessors by general laws and such other powers, duties and responsibilities as  
264 may be provided by charter, by by-law or by other town meeting vote.

265           (c) Director of Assessment

266           The town administrator shall appoint a director of assessment. An appointment by the  
267 town administrator shall become effective on the fifteenth day on which notice of the

268 appointment is filed with the board of assessors, unless the board of assessors shall, within said  
269 period, by a majority vote of the full board, vote to reject any such appointment, or has sooner  
270 voted to affirm it.

271 The director of assessment shall be a person of proven professional ability, especially  
272 fitted by education, training, and previous experience in municipal assessment and taxation to  
273 perform the duties of the office.

274 The director of assessment shall be responsible to the town administrator for the day to  
275 day operations of the assessing department and shall be responsible for the efficient  
276 administration of all functions of that department.

277 The director of assessment shall perform or supervise the fair cash valuation of all real  
278 estate and personal property and shall perform such other duties as the board of assessors should  
279 require from time to time.

280 The director of assessment shall keep the board of assessors fully informed as to the  
281 condition of the assessing department and matters relating to assessment, valuation, taxation, and  
282 abatement. The director of assessment shall implement votes of the board of assessors which  
283 require action.

284 (d) Notwithstanding any other provision of the charter, the town administrator shall  
285 appoint all other employees of the assessing department.

### 286 Section 3 - 6 Town Clerk

#### 287 (a) Term of Office

288 A town clerk shall be appointed by the town administrator for a term of 3 years.



289 (b) Powers and Duties

290 The town clerk shall: (i) be the keeper of vital statistics for the town; (ii) be the custodian  
291 of the town seal and all records of the town; (iii) administer the oath of the office to all town  
292 officers, elected or appointed; (iv) issue such licenses and permits as are required by law to be  
293 issued by town clerks; (v) supervise and manage the conduct of all elections, and matters  
294 relating thereto; (vi) be the clerk of the town meeting, keep its records and, in the absence of the  
295 town moderator, serve as temporary presiding officer.

296 The town clerk shall have all of the other powers and duties which are given to town  
297 clerks by general laws and such other powers, duties and responsibilities as may be provided by  
298 charter, by by-law or by other town meeting vote.

299 Section 3 - 7 Board of Sewer Commissioners

300 (a) Composition, Term of Office

301 There shall be a board of sewer commissioners consisting of 5 uncompensated members,  
302 with no group health or insurance benefits, who shall be elected to 3-year terms, so arranged that  
303 the terms of as nearly an equal number of members as possible shall expire each year. Not less  
304 than 3 commissioners shall be sewer users and at least 1 commissioner shall be a non-sewer user.

305 (b) Powers and Duties

306 The board of sewer commissioners shall: (i) make careful studies of the resources,  
307 possibilities and needs of the town related to the availability of sanitary sewers and for the  
308 maintenance of a sanitary sewer system; (ii) develop a comprehensive or master plan for a town-  
309 wide system of sanitary sewers which shall include, in graphic and textual form, policies to

310 govern the future growth and development of the entire town; (iii) in conjunction with other land  
311 use bodies, assist in developing a long-range strategic plan for guiding town growth and  
312 development; (iv) provide oversight of the Sewer Enterprise Fund; (v) set rates and charges for  
313 the use of the sanitary sewer system; (vi) hold the responsibility for the appointment of the sewer  
314 superintendent pursuant to subsection (d); and (vii) provide advice to the select board relating to  
315 the intergovernmental agreements concerning sanitary sewers.

316 (c) Appointments – Upon an opening on the board for which there is no candidate, that  
317 position shall be filled by the select board and the existing members of the board of sewer  
318 commissioners. The person appointed to the opening shall serve in that position until the next  
319 election.

320 (d) Sewer Superintendent – The appointment of a sewer superintendent shall be made by  
321 the town administrator and shall become effective 15 days after notice of the appointment has  
322 been filed with the board of sewer commissioners, unless the board of sewer commissioners  
323 shall, within that period and by a majority vote of all its members, reject the appointment or if  
324 the board of sewer commissioners has earlier voted to affirm.

325 The sewer superintendent shall be responsible for the efficient technical administration of  
326 the sewer system and facilities, and for implementing votes of the sewer commissioners that are  
327 within that commission’s jurisdiction. Except as expressly provided in this charter, the board of  
328 sewer commissioners shall not have control over personnel matters.

329 (e) The town administrator shall have the authority to appoint and remove, subject to the  
330 civil service law, if applicable, all sewer department subordinates and employees.

331 (f) Annually, by January 5, the board of sewer commissioners shall provide a detailed and  
332 balanced budget for the sewer system and the Sewer Enterprise Fund to the town administrator.

333 (g) The removal of the sewer superintendent shall be governed by section 7-9.

334 Section 3 - 8 Wareham Housing Authority

335 (a) Composition, Term of Office

336 There shall be a housing authority consisting of 5 members. Four of these members shall  
337 be chosen by ballot and the fifth member shall be a town resident appointed in the manner  
338 provided by law. Housing authority members shall serve for terms of 5 years, so arranged that  
339 one term of office shall expire each year.

340 (b) Powers and Duties

341 The housing authority shall have all of the powers and duties given to housing authorities  
342 by general laws and such additional powers and duties as may be authorized by charter, by by-  
343 law or by other town meeting vote.

344 ARTICLE 4

345 TOWN ADMINISTRATOR

346 Section 4-1 – Town Administrator

347 (a) Appointment

348           The select board, with the agreement of 4 of its members, shall hire a town administrator  
349 (“administrator”). The appointment shall be based solely on the applicant’s executive and  
350 administrative qualifications.

351           (b) Contract

352           The initial employment contract for the town administrator shall be for a term of not  
353 more than 3 years and it shall be renegotiated 6 months prior to the termination of the existing  
354 contract with the agreement of a majority of the select board.

355           (c) Qualifications

356           The qualifications for the position of town administrator shall be a combination of  
357 education, training and previous proven professional experience in municipal administration.

358           (d) Other Offices and Positions

359           The administrator shall not have served in any elective office in the town for not less than  
360 12 months prior to appointment.

361           The position of administrator shall be full-time and the administrator shall not engage in  
362 any other business, occupation or profession during the term of appointment, unless approved in  
363 advance and in writing by the select board.

364           The administrator shall not hold any other public office, elective or appointive, during the  
365 administrator’s term.

366           The select board may, from time to time, establish additional qualifications as seem  
367 necessary and appropriate.

368 Section 4 - 2 Powers and Duties of the Town Administrator

369 (a) The town administrator shall be the chief administrative officer of the town and shall  
370 be responsible to the select board for the proper discharge of all duties of the office and for the  
371 proper administration of all town affairs placed under the administrator's charge or as identified  
372 under the charter.

373 The administrator's powers and duties shall include, but shall not be limited to: (i)  
374 supervising, directing and being responsible for the efficient administration of all functions under  
375 the administrator's control, as may be authorized by: (1) the town charter; (2) town by-laws; (3)  
376 other town meeting vote; (4) vote of the select board; (5) any other applicable general law; (ii)  
377 appointing and removing, subject to the civil service law where applicable, all officers and  
378 employees for whom no other method of selection has been provided by the charter; provided,  
379 however, that for appointment of department heads and the town clerk, within 15 days following  
380 the day on which the town administrator files notice of the appointment with the select board, the  
381 select board shall have the opportunity, by a majority vote of the full board, to (1) affirm any  
382 such appointment, in which case the appointment becomes effective immediately; or (2) reject it;  
383 provided, however, that, should the select board choose neither to affirm or reject the  
384 appointment, on the fifteenth day, the appointment as made by the town administrator shall  
385 become effective; (iii) administering the town personnel system, including but not limited to  
386 personnel policy and practices, rules and regulations, and all collective bargaining agreements  
387 entered into on behalf of the town and to maintain an up-to-date employee handbook; (iv) fixing  
388 the compensation of all town officers and employees appointed by the town administrator within  
389 the limits established by appropriation and the provisions of town by-laws; (v) attending all  
390 regular and special meetings of the select board, unless excused at his own request; provided,

391 however, that the administrator shall have a voice, but no vote, in all of its discussions; (vi)  
392 attending all sessions of the town meeting and answer all questions concerning warrant articles  
393 which are directed to the administrator and which relate to matters under the administrator's  
394 general supervision; (vii) ensuring that all provisions of the general laws, the charter, the by-laws  
395 and other votes of the town meeting and votes of the select board which require enforcement by  
396 him, or officers and employees subject to his direction and supervision, are faithfully carried out  
397 and performed; (viii) preparing and submitting, in the manner provided in article 5, a proposed  
398 annual operating budget and a proposed capital outlay program; (ix) keeping the select board  
399 fully informed as to the financial condition and needs of the town, and make such  
400 recommendations to the select board, for actions to be taken by it as the administrator deems to  
401 be necessary, advisable or expedient; (x) Ensuring that full and complete records of the financial  
402 and administrative activities of the town are kept and render full reports to the select board at the  
403 end of each fiscal year and at such other times as it may reasonably require; (xi) having full  
404 jurisdiction over the rental and use of all town facilities, except schools and be responsible for  
405 the preparation of all plans for capital improvement work on any existing town facility, or new  
406 town facility, except schools and for the supervision of all capital improvement work on existing  
407 town facilities, and new town facilities, except school buildings; (xii)

408 inquiring into the conduct of office of any town officer, employee, department or other  
409 agency under the administrator's control at any time; (xiii) ensuring that a full and complete  
410 inventory of all property of the town, both real and personal, is kept, including all property under  
411 the jurisdiction of the school committee; (xiv) being responsible for negotiating all contracts  
412 involving any subject within his jurisdiction, including the negotiation with town employees over  
413 wages, hours and other terms and conditions of employment; provided, however, that all labor

414 contracts as may be proposed by the town administrator shall be subject to final approval and  
415 execution by the select board; (xv) being responsible for the purchase of and award all contract  
416 for all supplies, materials and equipment for all departments and activities of the town, except in  
417 case of emergency; provided however, that the town administrator shall examine and inspect, or  
418 cause to be examined and inspected, the quantity and condition of all supplies, materials and  
419 equipment delivered to or received by any town agency; and (xvi) performing any other duties  
420 required of the town administrator by the charter, by-law, other town meeting vote or by vote of  
421 the select board.

422           Section 4 -3   Acting Town Administrator

423           (a) Temporary Absence

424           In the event of a temporary absence of the town administrator, the town administrator  
425 shall designate a qualified town administrative officer or employee to exercise the powers and  
426 perform the duties of the office during this temporary absence by filing a letter filed with the  
427 town clerk and the select board,. During the temporary absence of the town administrator, the  
428 select board may not revoke such designation until at least 10 days have elapsed whereupon it  
429 may appoint another qualified town administrative officer or employee to serve as acting town  
430 administrator until the town administrator shall return.

431           (b) Vacancy

432           When the office of the town administrator is vacant as a result of death, resignation or  
433 otherwise, or during the time a town administrator is under suspension, as provided in section 4-  
434 4, the select board shall appoint a qualified town administrative officer or employee to serve as  
435 acting town administrator until the vacancy is filled or the suspension has been terminated.

436 Section 4 - 4 Removal and Suspension

437 The select board may remove or suspend the town administrator from office after  
438 applying the following procedures:

439 1. Notice

440 The select board may, at a regularly scheduled meeting attended by the full board, adopt,  
441 by the affirmative votes of 4 members, a preliminary resolution of removal or suspension setting  
442 forth in reasonable detail the reasons for removal or suspension. The resolution may suspend the  
443 town administrator from duties for a period of not more than 45 days.

444 A copy of the preliminary resolution shall be delivered to the town administrator  
445 immediately following its adoption. Failure to adopt such a resolution shall prevent the  
446 suspension or removal of the town administrator.

447 2. Public Hearing

448 Within 5 days following the adoption of a preliminary resolution of removal or  
449 suspension, the town administrator may request a public hearing on the reasons given for the  
450 removal or suspension, by filing a written request for such hearing with the select board.

451 The hearing shall be convened by the select board, not less than 20 and not more than 30  
452 days after such request is filed. A written notice of not less than 5 days before the date on which  
453 the hearing will begin shall be given by the select board to the town administrator; provided,  
454 however that these time limitations may be waived by the town administrator.

455 The town administrator may file a written statement with the select board responding to  
456 the reasons cited for the removal or suspension; provided, however, that this statement is



457 received by the select board not less than 48 hours in advance of the time set for the public  
458 hearing to begin. The town administrator may be represented by counsel, shall be entitled to  
459 present evidence, call witnesses and, personally, or through counsel, question any witness  
460 appearing at the hearing.

### 461 3. Removal

462 If the administrator has requested a public hearing, 5 days following the date of the  
463 adjournment of the public hearing, the select board may, at a regularly scheduled meeting  
464 attended by the full board, adopt, by the affirmative votes of 4 members, a final resolution of  
465 removal or suspension. The resolution shall be effective upon adoption.

466 If the town administrator does not request a public hearing, then upon the expiration of 10  
467 days following the date of delivery to the administrator of the preliminary resolution, the select  
468 board may, at a regularly scheduled meeting attended by the full board, adopt, by the affirmative  
469 votes of 4 members, a final resolution of removal or suspension. Such resolution shall be  
470 effective upon adoption.

471 Failure to adopt a final resolution within the time limitations imposed by this section shall  
472 nullify the preliminary resolution of removal or suspension. Removal or suspension of the town  
473 administrator pursuant to this section shall be final. All authority and all responsibility for the  
474 suspension or removal of a town administrator shall be vested and fixed in the select board. The  
475 town administrator shall continue to receive their salary until at least 1 month, but not more than  
476 3 months after the date of the final resolution of removal, as the select board shall deem proper.

## 477 ARTICLE 5

478 FISCAL PROCEDURES

479 Section 5 – 1 Fiscal Year

480 The fiscal year of the town shall begin on the first day of July and shall end on the  
481 thirtieth day of June, unless another provision is made by general law.

482 Section 5 - 2 School Committee Budget

483 (a) Submission to the town administrator

484 The budget adopted by the school committee shall be submitted to the town administrator  
485 not later than 20 days before the required date of submission of the proposed town budget per  
486 section 5-3 in order to prepare a total town budget.

487 (b) Public Hearing by School Committee

488 Not less than 14 days prior to the meeting at which the school committee is to vote on its  
489 final budget request, the school committee shall cause to be published in a local newspaper a  
490 general summary of its proposed budget. The summary shall specifically indicate any major  
491 variations from the current budget and a notice stating the times and places where complete  
492 copies of the proposed budget shall be available for public examination. The school committee  
493 shall conduct a public hearing at which the proposed budget shall be discussed.

494 Participants at the hearing shall include the superintendent of schools and the school  
495 department business manager, the select board, the finance committee, the town administrator  
496 and the finance director.

497 (c) Adoption

498 The action of the school committee in adopting the budget following the public  
499 hearing shall be summarized and the vote of each member on any amendments offered to  
500 the proposed budget shall be recorded.

501 Section 5 - 3 Submission of Proposed Town Budget

502 Within a time fixed by by-law before the date on which the town meeting is to be held in  
503 the spring of each year, and not later than January 25 every year, the town administrator, under  
504 the direction the of the select board, shall submit to the finance committee a proposed budget for  
505 the ensuing fiscal year with an accompanying budget message and supporting documents. The  
506 administrator shall simultaneously provide for the posting of a general summary of the proposed  
507 budget and of a notice stating the times and places where complete copies of the proposed budget  
508 are available for public examination. This may include but need not be limited to the offices of  
509 the select board, town clerk, town administrator and the library.

510 Section 5 - 4 Budget Message

511 The budget message submitted by the town administrator shall explain the proposed  
512 budget for all town agencies, both in fiscal terms and in terms of work programs. It shall: (i)  
513 include features of the proposed budget; (ii) indicate any major variations from the current  
514 budget in financial policies, expenditures and revenues together with the reasons for such  
515 changes; (iii) summarize the town's debt position; and (iv) include such other material as the  
516 town administrator deems desirable.

517 Section 5 – 5 The Proposed Budget

518           The proposed budget shall provide a complete financial plan of all town funds and  
519 activities, including the budget as requested by the school committee. Except as may otherwise  
520 be required by general law or by the charter, the budget shall be in the form the town  
521 administrator deems desirable or the select board may require. In the presentation of the  
522 proposed budget, the town administrator shall make use of modern concepts of fiscal  
523 presentation so as to furnish a maximum amount of information and the best financial control.  
524 The budget shall be arranged to show the actual and estimated income and expenditures for the  
525 previous, current and ensuing fiscal years. The budget shall indicate in separate sections: (i)  
526 proposed expenditures for current operations during the ensuing fiscal year, detailed by town  
527 agency, function and work programs and the proposed methods of financing such expenditures;  
528 (ii) proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and  
529 the proposed method of financing each such capital expenditure; and (iii) the estimated surplus  
530 revenue and free cash at the end of the current fiscal year, including estimated balances in any  
531 special accounts established for specific purposes.

532           Section 5 – 6 Action of the Proposed Budget

533           (a) Public Hearing

534           The finance committee shall immediately upon receipt of the proposed budget, provide  
535 for

536           publication a notice on the town website and the principal bulletin stating the date, time  
537 and

538           place, not less than 7 nor more than 15 days following such publication, when a public  
539 hearing

540 shall be held by the finance committee on the proposed budget.

541 (b) Finance Committee Meetings

542 The finance committee shall consider in public meetings the detailed expenditures for

543 each

544 town agency as proposed by the town administrator, and may confer with representatives

545 of any

546 such agency in connection with its considerations. The finance committee may require

547 the town

548 administrator or any other town agency to furnish to it such additional information as it

549 deems to

550 be necessary in furtherance of its responsibility.

551 (c) Presentation to Town Meeting

552 The Finance Committee shall file a report containing its recommendations for action on

553 the proposed budget which shall be available not less than 7 days prior to the date on which the

554 town meeting is to act on the proposed budget. When the proposed budget is before the town

555 meeting for action, it shall first be subject to amendments, if any, as may be proposed to it by the

556 finance committee.

557 Section 5 – 7 Capital Improvement Program

558 The town administrator shall submit a capital improvement program to the select board

559 and the finance committee not less than 30 days before the date fixed for the submission of he

560 town administrator's proposed budget. It shall be based on material prepared by the capital  
561 planning committee as provided in section 2-5 (d).

562 The capital improvement program shall include: (i) a clear, concise general summary of  
563 its contents; (ii) a list of all capital expenditures to be made during the 5 fiscal years next  
564 ensuing, with supporting information as to the need for each such expenditure; (iii) cost  
565 estimates, methods of financing and recommended time scheduling; and (iv) the estimated  
566 annual cost of operating and maintaining each facility and piece of major equipment involved.

567 This information shall be annually revised with regard to each item still pending or in the  
568 process of being acquired, improved or constructed.

#### 569 Section 5 - 8 Financial Public Records

570 Statements summarizing the budget, the capital improvement program and related  
571 warrant articles, as adopted by the town meeting, shall be made available in the office of the  
572 town administrator for public examination within 20 days following their adoption.

#### 573 Section 5 - 9 Approval of Financial Warrants

574 A copy of each warrant for the payment of town funds prepared by the town accountant  
575 shall be submitted promptly to the town administrator who shall make recommendation to the  
576 select board with respect to the approval or disapproval by them of each such warrant or any  
577 item or items in any such warrants.

### 578 ARTICLE 6

### 579 ADMINISTRATIVE ORGANIZATION

580           Section 6 - 1   Creation of Departments, Divisions, Agencies, offices, etc.

581           The organization of the town into operating agencies for the provision of services and the  
582 administration of the government may be accomplished through either of the methods provided  
583 in this article.

584           Section 6 - 2   By-Laws

585           Subject only to express prohibition in general law or this charter, the town meeting may,  
586 by by-law: (i) reorganize, consolidate, abolish, create, merge, divide, alter the term of office, the  
587 manner of selection, or, if a multiple member body, the number of members, of any town  
588 agency, in whole or in part; (ii) establish such new town agencies as it deems necessary or  
589 advisable; and (iii) prescribe the functions, powers, duties and responsibilities of any such town  
590 agency except any town agency described in article 2 or 3 of the charter.

591           Section 6 - 3   Administrative Code

592           The town administrator, after consultation with the select board, may prepare and submit  
593 to the town meeting, plans for organization or reorganization, which establish town agencies for  
594 the orderly or convenient conduct of the business of the town. Whenever the town administrator  
595 prepares such a plan, the town administrator shall, in conjunction with the select board, hold at  
596 least 1 public hearing. The notice of such hearings shall, if applicable, be published: (i) in a local  
597 newspaper, both in electronic and paper format; (ii) on the bulleting board outside the town  
598 clerk's office; (iii) on the town website; and (iv) on  
599 a town of Wareham community local access television station.

600 A reorganization proposal may be amended or altered prior to its submission by the select  
601 board to the next town meeting held following the public hearing. The town meeting at which  
602 the reorganization plan is submitted may vote only to approve or to disapprove of it, and shall  
603 not vote to amend or to alter it. A re-organization plan shall become effective at the expiration  
604 of 60 days following the date of the town meeting at which it is submitted unless the town  
605 meeting has, within that period, voted to disapprove of it. Subject only to express prohibition of a  
606 general laws or this charter, a re-organization proposal submitted under this provision may: (i)  
607 re-organize, consolidate, abolish, create, merge, divide, alter the term of office or the manner of  
608 selection of officers, and, if a multiple member body, the number of members thereof, of any  
609 town agency, in whole or in part; (ii) establish new town agencies; and (iii) prescribe the  
610 functions, powers, duties and responsibilities of any town agency, except any town agency  
611 described in article 2 or 3 of the charter.

612 Section 6 - 4 Personnel Organization Plan

613 The town administrator shall prepare, maintain and keep current a plan establishing the  
614 personnel staffing requirements of each town agency, except those under the jurisdiction of the  
615 school committee.

616 Section 6 - 5 Merit Principle

617 All appointments and promotions in the town service shall be made solely on the basis of  
618 merit and fitness demonstrated by examination or other evidence of competence and suitability  
619 to perform the duties of the office or of the employment.

620 ARTICLE 7



621 GENERAL PROVISIONS

622 Section 7 - 1 Charter Changes

623 (a) In General

624 This charter may be replaced, revised or amended in accordance with the procedures  
625 made

626 available by article LXXXIX (89) of the amendments to the Massachusetts Constitution  
627 and any

628 legislation enacted to implement said amendment.

629 (b) Periodic Review

630 The select board shall, in every year which ends in 9, appoint a charter review committee.

631 This committee shall submit a report to the first annual town meeting that ends in 0. The select  
632 board may also appoint a charter review committee at any other time deemed necessary and shall  
633 determine at the same time to which upcoming town meeting their report shall be submitted.

634 The charter review committee shall make recommendations in their report concerning any  
635 proposed amendments or revisions to the charter which it believes to be necessary or desirable.

636 Section 7 – 2 Severability

637 The provisions of the charter are severable. If any provision of the charter is held invalid,  
638 the other provisions of the charter shall not be affected thereby. If the application of the charter  
639 or any of its provisions to any person or circumstance is held invalid, the application of the  
640 charter and its provisions to other persons and circumstances shall not be affected thereby.

641 Section 7 - 3 Specific Provisions to Prevail

642 To the extent that any specific provision of the charter shall conflict with any provision  
643 expressed in general terms, the specific provision shall prevail.

644 Section 7 - 4 Rules and Regulations

645 A copy of all rules and regulations adopted by town agencies shall be placed on file in the  
646 office of the town clerk and made available for review by any person who requests such  
647 information. No rule or regulation adopted by any town agency shall be effective until 10 days  
648 following the date it has been published, in full, in local media and on the town website and  
649 placed on file in the office of the town clerk, or the latest of the 3.

650 Section 7 - 5 Uniform Procedures Governing Multiple Member Bodies

651 (a) Meetings

652 All multiple member bodies of the town, whether elected, appointed, or otherwise  
653 constituted, shall meet regularly at such times and places within the town as they may prescribe.  
654 Special meetings of any multiple member body shall be held on the call of the respective chair or  
655 by 1/3 of the members thereof. Such call shall be by written notice delivered in hand or to the  
656 place of business or residence of each member not less than 48 hours before the time set. Such  
657 call shall contain notice of the subjects which are to be acted upon and no other business shall be  
658 in order. A copy of the notice shall be posted on the town bulletin board. Except as may  
659 otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be  
660 open to the public and to the press.

661 (b) Rules and Recordkeeping

662 Each multiple member body shall determine its own rules and order of business, unless  
663 otherwise provided by law or by the charter, and shall provide for keeping a record of its  
664 proceedings. These rules and records shall be public, certified by the town clerk, and kept  
665 available in the office of the town clerk and online.

666 Section 7 – 7 Number and Gender

667 Words importing the singular number may extend and be applied to several persons or  
668 things; words importing the plural number may include the singular. All language in the charter  
669 aspires to be gender neutral and will extend to and be applied to all people.

670 Section 7 - 8 Notice of vacancies

671 (a) Posting

672 Whenever a vacancy occurs, or is about to occur, in any town office, including  
673 membership on any multiple member body, or town employment, the appointing authority shall  
674 immediately post such vacancy, or impending vacancy, on the town bulletin board and shall give  
675 such further public notice as may be provided by by-law. This requirement shall not apply to  
676 vacancies for positions covered under the state civil service law or otherwise provided for under  
677 a collective bargaining agreement.

678 (b) Application for Consideration

679 Any person who desires to be considered for appointment to the said office or  
680 employment may, within 10 days following the date notice was posted, file with the appointing  
681 authority a statement setting forth in clear and specific terms his qualifications for the office or  
682 the employment.

683 (c) Appointment to Vacancy

684 All persons who have filed statements for consideration pursuant to subsection (b) shall  
685 be considered. No permanent appointment to fill a vacancy in a town office or in town  
686 employment shall be effective until at least 14 days have elapsed following a posting of such  
687 vacancy.

688 Section 7 - 9 Removals and Suspensions

689 Any appointed full time, part-time, seasonal or at will employee of the town, not subject  
690 to the provisions of the civil service law, whether appointed for a fixed or for an indefinite term,  
691 may be removed or suspended from his duties by the appointing authority. The appointing  
692 authority when acting to remove or suspend any appointed officer or full time town employee  
693 shall act in accordance with the following procedure:

694 1. A written notice of the intent to remove or to suspend and a statement of the causes  
695 therefore shall be delivered in hand or by registered or certified mail, to the officer or employee.

696 2. The officer or employee shall be afforded the opportunity to request a public hearing  
697 by submitting a request to the appointing authority within 5 days following the delivery of the  
698 notice and by filing a copy of such request in the office of the town clerk.

699 3. The appointing authority shall hold a public hearing not less than 7 nor more than 14  
700 days following the date of receipt of a request for a public hearing pursuant to this section, and  
701 shall give not less than 5 days notice of such public hearing to the officer or employee affected.  
702 The officer or employee shall have a right to be represented by counsel at such hearing, to call

703 witnesses, to introduce evidence and to examine any witnesses who might appear at the public  
704 hearing.

705 4. Not more than 14 days following the public hearing, or if the officer or employee has  
706 failed to request a public hearing, then not more than 14 days following delivery of the original  
707 notice of intent to remove or suspend, the appointing authority shall take final action concerning  
708 the removal or suspension and shall immediately notify the officer or employee that the removal  
709 or suspension is to be effective or, that the notice is rescinded.

710 Nothing in this section shall be construed to grant a right to such a hearing to any person  
711 who has been appointed to a fixed term, who, upon the expiration of that term of office, is not  
712 reappointed, nor shall it apply to the town administrator whose suspension and removal shall be  
713 governed by section 4-4. The action of the appointing authority, in suspending or removing an  
714 officer or employee, shall be final. All authority and all responsibility for appointment,  
715 suspension and removal of officers and employees shall be vested and fixed in the appropriate  
716 appointing authority.

#### 717 Section 7 – 10 Recall of Elected Officials

##### 718 (a) Application

719 Any person who holds an elected town office, with more than 6 months remaining of the  
720 term of office, may be recalled from the office, by the voters, in the manner provided in this  
721 section.

##### 722 (b) Recall Petitions

723 Not less than 25 voters may file with the town clerk an affidavit containing the name of  
724 the officer whose recall is sought and a statement of the grounds upon which the petition is  
725 based. The town clerk shall deliver to petition blanks to these voters demanding the recall, and  
726 the town clerk shall keep printed forms of the petition blanks available.

727 A copy of the petition shall be kept on file in the office of the town clerk in a record book  
728 maintained for that purpose. Notwithstanding any general or special law or charter provision or  
729 by-law of the town of Wareham, recall petitions shall be returned and filed in the office of the  
730 town clerk within 14 days following the date the petitions were issued. The recall petitions must  
731 be signed by not less than 10 per cent of the total number of registered voters duly recorded on  
732 the registration list of the town clerk as of the preceding town election. The town clerk shall,  
733 within 25 hours following the filing, submit the petitions to the registrar of voters who shall  
734 immediately certify thereon the number of signatures which are names of voters.

735 (c) Petition Blanks Requirements

736 Petition blanks: (i) may be completed by writing or typewriting; (ii) shall be addressed to  
737 the select board; (iii) shall contain the names of the persons who filed the affidavit and the  
738 grounds for recall as stated in the affidavit; (iv) shall demand the election of a successor to the  
739 office; (v) shall be dated and signed by the town clerk.

740 (d) Recall Election

741 If the petition is certified by the registrar of voters to be sufficient, the town clerk shall  
742 immediately submit the petition to the select board. Upon its receipt of the certified petition, the  
743 select board shall immediately give written notice of said petition and certificate to the person  
744 whose recall is sought.

745           If said officer does not resign within 5 days following delivery of the recall petition, the  
746 select board shall order an election to be held not less than 35 nor more than 60 days after the  
747 date of the registrar’s certificate of the sufficiency of the petition. If, however, another town  
748 election is to occur within 60 days after the date of the said certificate, the select board shall hold  
749 the recall election on the date of said other town election. If a vacancy occurs in the office after  
750 a recall election has been ordered, the election shall nevertheless proceed as provided in this  
751 section, but only the ballots for candidates shall need be counted.

752           (e) Nomination of Candidates

753           An officer whose recall is sought may not be a candidate at the  
754 recall election. The nomination of candidates, the publication of the warrant for the recall  
755 election, and the conduct of the same shall all be in accordance with the provisions of  
756 other laws  
757 relating to elections, unless otherwise provided in this section.

758           (f) Propositions on ballot

759           Ballots used at a recall election shall state the following propositions in the order  
760 indicated:

761           For the recall of (name of officer)     / /

762           Against the recall of (name of officer) / /

763           Adjacent to each proposition, there shall be a place to vote for either of the said  
764 propositions. After the propositions, shall appear the word "candidates" and the words “vote for

765 one”, and beneath said words, the names of the candidates listed alphabetically by surname. If a  
766 majority of the votes cast upon the question of a recall is in the affirmative, the candidate  
767 receiving the highest number of votes shall be declared elected. If a majority of votes on the  
768 question are in the negative, the recall fails.

769 There shall be a separate proposition for each incumbent being recalled. Candidates must  
770 declare 1, and only 1, officer they choose to replace.

771 (g) Officeholder

772 The incumbent shall continue to perform the duties of the office until the recall election.  
773 An incumbent not recalled in the election shall continue in office for the remainder of the  
774 unexpired term, subject to recall as before, except as provided in this section. An officer  
775 recalled in the election shall be deemed removed upon the qualification of the successor who  
776 shall hold office during the unexpired term. If the successor fails to qualify within 5 days after  
777 receiving notification of election, the incumbent shall thereupon be deemed removed and the  
778 office vacant.

779 (h) Repeat of Recall Petition

780 No recall petition shall be filed against an officer within 3 months after the officer takes  
781 office. No recall petition shall be filed in the case of an officer subjected to a recall election and  
782 not recalled thereby, until not less than 6 months after the election at which the initial recall was  
783 submitted to the voters.

784 ARTICLE 8

785 TRANSITIONAL PROVISIONS



786 Section 8 - 1 Continuation of Existing Laws

787 All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining  
788 to the town which are in force when this charter takes effect and which are not specifically or by  
789 clear implication repealed hereby, shall continue in full force and effect until amended, repealed,  
790 or rescinded by due course of law or expire by their own limitation.

791 Section 8 - 2 Continuation of Government

792 All town agencies shall continue to perform their duties until re-appointed, or re-elected,  
793 or until successors to their respective positions are duly appointed or elected or their duties have  
794 been transferred and assumed by another town agency.

795 Section 8 - 3 Continuation of Personnel

796 Any person holding a town office or employment under the town shall retain such office  
797 or employment and shall continue to perform his duties until provision shall have been made, in  
798 accordance with the charter, for the performance of the duties by another person or agency;  
799 provided, however, that no person in the permanent, full-time service of the town shall, as a  
800 result of the adoption of the charter, forfeit his pay grade or time in service. All such persons  
801 shall be retained in a capacity as similar to their former capacity as it is practical so to do.

802 Section 8 - 4 Time of Taking Effect

803 The provisions of this charter shall become effective upon the approval of the voters of  
804 the town voting hereon, except as is hereinafter provided.

805 All persons serving in an elected town office which, under the charter is to become an  
806 appointive office, shall continue to serve and shall continue to perform the duties of the office

807 until the expiration of the term for which they were elected. When such term has expired the  
808 appointing authority shall appoint a suitable person to fill the vacancy, giving due consideration  
809 to the incumbent whose term has expired

810 Not more than 45 days following the election at which the charter is amended, the select  
811 board shall appoint a special committee of not less than 3 members to review the existing by-  
812 laws of the town, in order to bring them into conformity with this charter. The committee shall  
813 file a report, with recommendations, at the following town meeting.

814 The position of executive secretary to the select board is hereby abolished effective not  
815 more than 2 weeks following the appointment of the town administrator, or November 1st,  
816 whichever occurs first. The executive secretary may be a candidate for the office of town  
817 administrator, but nothing contained in the charter shall be deemed to grant to the incumbent of  
818 said office at the time the charter is adopted a right to assume such office automatically.

819 Until such time as another provision is made, by by-law, in accordance with the  
820 requirement of section 2-3, the fall session of the town meeting shall be held annually on the  
821 fourth Monday of October.