



TOWN OF NORTON CHARTER

October 22, 2020

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[Provided for informational purposes only and is not considered “part” of the Charter.]

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ARTICLE 1 - INCORPORATION AND AUTHORITY

SECTION 1-1. INCORPORATION

The inhabitants of the Town Norton, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the "Town of Norton".

SECTION 1-2. DIVISION OF POWERS

All legislative powers of the Town shall be exercised by a Town Council. The administration of all Town fiscal, business and municipal affairs shall be vested in the executive branch headed by the Town Manager.

SECTION 1-3. POWERS OF THE TOWN

The intent and purpose of this Charter is to secure for the voters of the Town of Norton all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the Commonwealth.

SECTION 1-4. INTERPRETATION OF POWERS

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of a particular power is not intended to limit in any way the general powers of the Town as enumerated in Section 1-3.

In places where the General Laws differentiate between city and town forms of government, the laws relative to city forms of government shall apply.

SECTION 1-5. INTERGOVERNMENTAL RELATIONS

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

SECTION 1-6. ETHICAL STANDARDS

Elected and appointed officers and employees of the Town shall demonstrate the highest ethical standards, in compliance with all state and federal laws, and faithfully discharge the duties of their offices or positions regardless of personal financial interest or other considerations.

SECTION 1-7. DEFINITIONS

As used in the Charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Bylaw”: A law enacted by the Town Council, or pursuant to other lawful means in accordance with this Charter, applicable only to the Town; provided, however, that G.L. c. 40, §32 shall not apply to such an enactment.

“Charter”: This Charter and any amendments thereto as may be made from time to time.

“Department Head”: Person in charge of Town department operations and administration, by whatever name, including, but not limited to, department head, agency head, director, agent, superintendent or officer, and excluding the Superintendent of Schools.

“Emergency”: A sudden, unexpected, unforeseen happening, occurrence or condition that necessitates immediate action.

“Majority vote”: A majority of those present and voting, provided a quorum is present, unless a higher number is required by law, this Charter, or by the Town Council's own rules.

“Measure”: a bylaw, order, resolution or other vote or proceeding adopted, or which may be adopted, by the Town Council.

“Multiple member body”: Any board, commission or committee in the Town, whether elected or appointed.

“Open Meeting Law”: General Laws c.30A, §§18-25, as it may be amended from time to time.

“Town”: the body politic and corporate called the Town of Norton.

“Town agency or agency”: a board, commission, committee, department or office of Town government, whether elected, appointed or otherwise constituted.

“Town officer”: An individual who has been elected or appointed who exercises a portion of the sovereign authority of the Town and whose duties are not simply ministerial in nature.

“Voters”: registered voters of the Town.

ARTICLE II - LEGISLATIVE BRANCH

SECTION 2-1. COMPOSITION; ELIGIBILITY; TERM OF OFFICE

(a) Composition. There shall be a Town Council consisting of 7 members elected at large, which Council shall exercise the legislative powers of the Town.

(b) Eligibility. Any voter shall be eligible to hold the office of Town Councilor.

(c) Term of Office. The term of office for all Councilors shall be staggered, for three years beginning on July 1 following their election and through June 30 in the third year, and until their successors are elected and qualified.

SECTION 2-2. GENERAL POWERS AND DUTIES

Except as otherwise provided by law or by this Charter, all powers of the Town shall be vested in the Town Council which shall provide for their exercise and for the performance of all duties and obligations imposed on the Town by law.

SECTION 2-3. COUNCIL PRESIDENT; ELECTION; ELIGIBILITY; TERM OF OFFICE; POWERS AND DUTIES; COUNCIL VICE PRESIDENT; FILLING VACANCIES

(a) Council President; Powers and Duties. The Council President shall be chosen annually, by the members of the Council, at the first meeting held after July 1, and may be reorganized from time to time with the approval of 5 members of the Council. The Council President shall: be recognized as the official head of the Town for all ceremonial purposes and by the courts for the purposes of serving civil process; be the presiding officer of the Town Council, set the agenda for Council meetings, and have the same powers as any other member of the Town Council to vote upon all measures coming before the Council; appoint members and officers of council committees, whether standing or ad-hoc; jointly with the Town Manager present an annual state of the Town message; call for one public hearing annually for the Town Council to receive input on policy; schedule no fewer than two meetings each year with the School Committee, or its designee; and perform such other duties consistent with the office as may be provided by this Charter, bylaw, or vote of the Town Council.

(b) Council Vice President. The Council Vice-President shall be chosen annually, by the members of the Council, at the first meeting held after July 1. The Vice President shall act as

president during the absence or disability of the Council President, and assist the President as may be requested from time to time.

(c) Filling Vacancy in Position of Council President or Council Vice President. In the event of a vacancy in the office of Council President, it shall be filled by the Council Vice President; a vacancy in the office of the Council Vice President shall be filled by the Council until the next regular election occurring at least 64 days following the vote of the Council.

SECTION 2-4. FILLING OF VACANCIES IN OFFICE OF TOWN COUNCILOR

A vacancy occurring in the office of a Town Councilor with more than 6 months remaining in their elected term, other than in the position of Council President or Council Vice President, shall be filled by the remaining members of the Town Council from amongst the registered voters of the Town. A person elected by the Town Council to fill a vacancy under this section shall serve only until the next regular election occurring at least 64 days following the vote of the Town Council, and such person shall not be entitled to have the words “candidate for re-election” printed against their name on the election ballot. A vacancy occurring in the office of a Town Councilor with less than 6 months left in the term shall remain vacant until the next regular election. Nothing in this paragraph shall prevent the Town Council from calling a special election to fill the vacancy or from placing the office on the ballot at a special election occurring at least 64 days after the vote.

SECTION 2-5. EXERCISE OF POWERS; QUORUM; RULES OF PROCEDURE

(a) Exercise of Powers. Except as otherwise provided by any general or special law or this Charter, the legislative powers of the Town Council may be exercised in a manner determined by it.

(b) Quorum. The presence of 4 members shall constitute a quorum for the transaction of business.

(c) Rules of Procedure. The Town Council shall from time to time establish written rules for its proceedings and shall make the same available on the Town website, at its offices, and upon request. Regular meetings of the Town Council shall be posted on the Town website. Special meetings may be held on the call of the Council President, and notice of the time and place of any special meeting shall be provided to the members of the Town Council in accordance with Council Rules.

(d) Role.

(i) Appointments. The Town Council shall not direct or request the appointment or employment of any person, or the removal of any person, or in any manner attempt to participate in the appointment or removal of a person in the administrative service of the Town for which the Town Manager is responsible, excluding the Town Accountant.

(ii) Officers and Employees. The Town Council shall deal with the officers and employees serving under the Town Manager solely through the Town Manager and the Council President and members of the Town Council shall not give any orders or directions to any such officer or employee, either publicly or privately.

(e) The Town Council shall have such authority and perform such other duties consistent with the office as may be provided by this Charter or by bylaw consistent herewith.

SECTION 2-6. MEASURES; EMERGENCY MEASURES; CHARTER OBJECTION

(a) Bylaws and Other Measures: Proposed bylaws and other measures shall be introduced in writing in the form necessary for final adoption. A proposed bylaw to amend or repeal a portion

of any general or zoning bylaw shall set out in full the portion to be so amended or repealed, or shall have such portion attached thereto. Notice of any proposed bylaw, except an emergency measure, shall be posted for no less than 14 days prior to final passage on the Town website and in manner required by the Open Meeting Law for posting of meeting notices. Prior to final passage, each proposed bylaw shall be read at 2 separate Council meetings, except as provided in Section 2-6(b), below.

The affirmative vote of a majority of the full Town Council shall be necessary for the final passage of any bylaw, except in the event a higher quantum of vote is required by general laws or this Charter.

Unless otherwise provided by general law or this Charter, every vote adopting, amending, or rescinding a bylaw shall become effective at the expiration of 21 days after final passage or a later date specified therein.

(b) Emergency Measures: An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain a separate statement after the enacting clause declaring that an emergency exists and describing the scope and nature of the emergency in specific terms. The preamble that declares the emergency shall be separately approved by a 2/3 vote of those Town Councilors present, but in no event less than 4 councilors. An emergency measure shall become effective upon adoption or at such later time as it may specify. An emergency measure may be passed, with or without amendment, or rejected, at the same meeting at which such measure is introduced. Emergency measures shall stand repealed on the 61st day following their adoption, unless an earlier date is specified in the measure or the measure is sooner acted upon in accord with Section 2-6(a).

(c) Right to Postpone: On the first occasion that the question on adoption of a non-emergency measure is put to the Town Council, if a single member present objects to the taking of the vote, a so-called "Charter privilege", the vote shall be postponed until the next meeting of the Town Council, whether regular or special. This procedure shall not be used more than once for any specific measure whether or not such measure is amended. The use of this right to postpone shall have privilege over all motions, must be raised prior to or at the call by the Council President for the vote, and, once invoked, all debate on the measure shall cease.

SECTION 2-7. COUNCIL APPOINTMENTS AND CONFIRMATIONS

(a) Council Appointments. The Town Council shall appoint an independent Town Auditor as provided in Section 6-9 a Town Manager as provided in Section 4-1, and a Town Accountant. Subject to appropriation, the Council may, in consultation with the Town Manager, appoint a Council Clerk; in the absence of such an appropriation or appointment, the Town Clerk shall serve as the Town Council Clerk.

(b) Confirmation of Certain Town Manager Appointments. Appointments made by the Town Manager of department heads and members of multiple member bodies shall be subject to confirmation of the Town Council, all as provided in Section 4-3(a).

SECTION 2-8. BYLAW PUBLICATION REQUIREMENTS

Each proposed bylaw, appropriation order or loan authorization, except when proposed as an emergency measure as provided in Section 2-6(b), shall be posted on the Town website at least five days before final passage in its entirety, along with a notice stating the times and places at which paper copies may be obtained or reviewed. After final passage, such bylaw, appropriation order or loan authorization shall be posted on the Town website and be available upon request in the office of the Town Clerk.

SECTION 2-9. STANDING AND AD-HOC COMMITTEES

The Town Council shall by bylaw provide for the establishment of standing committees, including but not limited to a finance or ways and means committee, a bylaws and rules committee, by whatever names, all to be appointed by the Council President. In each case, the bylaw shall establish the size of the committee and scope of duties, provided that no committee, other than a committee of the whole, shall be composed of a quorum of the full Town Council. Residents of the Town may be appointed by the Council President to standing committees of the Town Council, but the majority of members of each committee shall be composed of Councilors. All such committees shall be subject to the Open Meeting Law and shall provide a period at each regular meeting for public commentary subject to such rules as may be adopted by the Town Council from time to time and to such limitations as may be imposed by the committee chairperson in the chairperson's sole discretion. Committees established under these provisions shall consist of an odd number of persons to be appointed for one-year terms who may be removed therefrom by the Council President at the President's sole discretion. Nothing herein shall prohibit the Council from creating ad hoc advisory committees, to be appointed by the Council President, to assist the Council in carrying out its duties under the Charter as it determines necessary or appropriate.

SECTION 2-10. INQUIRIES AND INVESTIGATIONS

(a) Inquiries. The Town Council may require any Town officer or member of an appointed board, commission or committee to appear before it and give such information as the Town Council may reasonably require in relation to the office held by or administered by such person, its function and performance.

Except in cases of emergency, the Town Council shall give not less than five days notice in writing to any person it may request to appear before it under the provisions of this section. The notice shall include specific questions on which the Town Council seeks information, and no person called to appear before the Town Council under this section shall be required to respond to any question not relevant or related to those presented to the person in advance and in writing. Notice shall be by delivery in hand, by electronic mail, (with notification of receipt requested), or by registered or certified mail to the last known place of residence of any such person. If the person whose presence is requested is appointed by the Town Manager, the notice required by this section shall instead be provided to the Town Manager.

(b) Investigations. The Town Council may make investigations into the affairs of the Town and the conduct of any Town agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

SECTION 2-11. OTHER POWERS

(a) Board of Public Works. The Town Council shall act as a board of public works. Except as otherwise provided herein, the Council shall have the powers and duties vested by general or special laws with respect to following boards, departments and offices: road commissioners, surveyors of highways, superintendent of streets, water commissioners, sewer commissioners, cemetery commissioners, tree warden, moth superintendent and forestry department, as well as such other duties as may be determined by the Town Council. The Town Council shall be responsible for establishing policy for the Department of Public Works, while the day-to-day administration of the Department shall be the responsibility of the Director of Public Works under the direction of the Town Manager. The Council shall be responsible for all rate setting

for Department services, following consultation with the Director. Any appeal associated with Department services shall be made to the Director in the first instance, and any further appeal of the Director's determination may be made to the Town Council.

(b) Licensing Authority. The Town Council shall act as the local licensing authority, or, may, at its discretion, create by bylaw a separate licensing board for such purposes.

SECTION 2-12. PROHIBITIONS

No Councilor shall, while a member of the Town Council, hold any other Town office or position other than a member of an elected Charter Commission or in an *ex officio* capacity, provided however, that election or appointment to a regional or state office shall not be a Town office or position for purposes of this section. No former Councilor shall hold any compensated appointive Town office or Town employment until 1 year after the expiration of the Councilor's service on the Town Council. This provision shall not prevent a Town officer or employee who has taken a leave of absence from such duties in order to serve as a member of the Town Council from returning to such office or employment immediately following service as a member of the Town Council.

ARTICLE III – ELECTIONS, RECALL AND ELECTED OFFICIALS

SECTION 3-1. GENERAL PROVISIONS

(a) Annual and special elections. The Annual Town Election for the election of Town officials and for the consideration of such questions as may be appropriate shall be held in April on a date fixed by bylaw. The Town Council may also call special elections at such times as it deems necessary or desirable, in the manner provided by law.

(b) Elective Town offices. The Town offices to be filled by the voters shall be a Board of Assessors, a Planning Board, and a School Committee. Each person elected hereunder shall enter upon the performance of their duties on the day after their election, or as soon thereafter as they are qualified, and shall hold office during the term fixed by law, which shall begin on the day after said election, and until another person is qualified in their stead.

(c) Other offices filled at Town elections. In addition to the Town offices enumerated above, such other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement, may also be filled by ballot at Town elections.

(d) Eligibility. Unless specifically prohibited by this Charter, any voter shall be eligible to hold any elective Town office under Section 3-1(b) or (c); provided, however, no person shall simultaneously hold more than one elected Town office as defined in Section 3-1(b), nor shall any person holding a position as a Norton Town official or Town officer simultaneously serve as an elected member of the Town Council or the Planning Board. Notwithstanding any other provision of this section to the contrary, a person elected under Sections 2-1, 3-1(b) or 3-1(c) shall be eligible to also serve as a member of an elected Charter Commission.

SECTION 3-2. COORDINATION WITH TOWN MANAGER

Notwithstanding their election by the voters, the Town officers named in this section shall be required to meet with the Town Manager at the request of same, at any reasonable time, for consultation and discussion on any matter relating to their respective offices.

SECTION 3-3. BALLOT POSITION

The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the Board of Registrars at a properly posted meeting for which the matter appears on the meeting notice posted in accordance with the Open Meeting Law.

SECTION 3-4. INFORMATION TO VOTERS

There shall be printed below each question appearing on an annual or special Town election ballot a fair and concise summary thereof prepared by the Town Attorney, including one sentence statements describing the effect of a “yes” vote and “no” vote

SECTION 3-5. FILLING OF VACANCIES

If a vacancy occurs in an elected office under Section 3-1(b), the vacancy shall be filled from amongst the registered voters of the Town until the next annual election by joint appointment of the Town Council and the remaining members of the multiple member body on which the vacancy exists. The multiple member body with the vacancy shall recommend to the Council a proposed appointee, which proposed appointee the Council may approve or reject, at its discretion; provided, however, that notice of such vacancy and the deadline for submitting an application for appointment thereto shall be posted on the Town website for no less than seven days prior to the appointment. Persons appointed hereunder shall not be entitled to have the words “candidate for re-election” printed against their names on the election ballot.

SECTION 3-6. RECALL OF ELECTED OFFICIALS

(a) Who can be recalled. Any holder of an elective Town office, as defined in Sections 2-1 and 3-1(b) of this Charter, who has been in office for at least six months and has more than six months remaining of the term for which elected, may be recalled therefrom by the voters as herein provided.

(b) Recall affidavit and petition. Any 100 voters may file with the Town Clerk an affidavit bearing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall review the affidavit and provide for certification of the signatures thereon within three business days after the receipt. If the affidavit contains at least the required number of certified signatures, following consultation with the Town Attorney to confirm that the affidavit meets the requirements set forth herein, the Town Clerk shall make available to the persons submitting copies of petition blanks demanding such recall. When issued, the blanks shall contain the signature and Official Seal of the Town Clerk. They shall be dated, shall be addressed to the Town Council and shall contain the names of the 10 persons first named on the said affidavit, as specified by the person submitting the same, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of Town Clerk. The recall petition shall be returned and filed with the Town Clerk within 21 days after the certification of the affidavit and shall have been signed by at least 10% of the total number of persons registered to vote in Norton as of the date of the most recent Town election. In signing such petitions, voters shall add to their signatures the street and number, if any, of their residences.

The Town Clerk shall submit the petition to the Registrars of Voters in the Town by the end of the business day following the day on which the petition was received in the Town Clerk's office. The Registrars shall forthwith, but in no event in more than five business days, certify thereon the number of signatures that are the names of voters. If the petition shall be found and certified by the Registrars of Voters to be sufficient, they shall submit the petition with their certificate to the Town Council by the end of the business day following the one on which the petition was certified.

(c) Initial action upon receiving petition. Upon receipt of a certified petition from the Registrars of Voters, the Town Council Clerk shall forward a copy of the certified petition to the Town Council and the Town Manager. The Town Council Clerk shall cause written notice of the receipt of the certificate to be delivered to the officer sought to be recalled or to the address of

said officer as shown on the list of registered voters. If the officer does not resign, in writing, within five days thereafter, the Town Council shall meet forthwith in compliance with the Open Meeting Law to order an election to be held on a date fixed by it not less than 35 days after the date the election is called, provided said date meets all requirements of state election laws. However, if any other Town election is to occur within 70 days after the date of the certificate, the Town Council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(d) Incumbent holds office until election; Filling Vacancies. The incumbent shall continue to perform the duties of the office until the recall election. If not then recalled, such person shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. If recalled, such person shall be deemed removed immediately, and the resulting vacancy shall be filled in accordance with Sections 2-4 or 3-5 of this Charter, as applicable.

(e) Propositions on ballot. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

The voter may vote for either of the said propositions

(f) Repeat of recall petition. In the case of an officer subjected to a recall election and not recalled thereby, no recall petition may again be filed until at least six months after the election at which the recall was submitted to the voters.

SECTION 3-7. BOARD OF ASSESSORS

(a) Composition, term of office. There shall be a Board of Assessors consisting of three members elected for terms of three years each, so arranged that the term of office of one member shall expire each year.

(b) Powers and duties. The Board of Assessors shall annually make a fair cash valuation of all the estate, real and personal, subject to taxation within the Town. It shall determine, based on such valuations and such sums as may be authorized to be expended by the Town Council and consideration of other income and expenses of the Town, annually, the rate of taxation to apply against property in the Town. The Board of Assessors shall have such other powers and duties which are given to boards of assessors by general law, by this Charter, by Town bylaw or by other vote of the Town Council.

SECTION 3-8. PLANNING BOARD

(a) Composition, term of office. There shall be a Planning Board consisting of seven members who shall be elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and duties. The Planning Board shall make careful studies of the resources, possibilities and needs of the Town and shall make plans for the development of the Town. The Planning Board shall make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the entire Town. The Planning Board shall have the power to regulate the subdivision of land within the Town by the adoption of rules and regulations governing such development and the administration of such rules and regulations. The Planning Board shall make recommendations to the Town Council on all matters affecting land use and development, including the Zoning Bylaws of the Town.

The Planning Board shall make an annual report, giving information regarding the condition of the Town and any plans or proposals for its development and estimates of their costs. The Planning Board shall have all of the other powers and duties planning boards are given by general law, by this Charter, by bylaw or by other vote of the Town Council.

SECTION 3-9. SCHOOL COMMITTEE

(a) Composition, term of office. There shall be a School Committee consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) Powers and duties. The School Committee shall have all of the powers and duties which are given to school committees by general laws and it shall have such additional powers and duties as may be authorized by the Charter, by bylaw, or by other Town Council vote. The powers of the School Committee shall include, but are not intended to be limited to, the following:

- (i) To select, appoint and terminate a Superintendent of Schools;
- (ii) To make all reasonable rules and regulations consistent with law for the administration and management of the public school system and for the conduct of its own business and affairs;
- (iii) To review and approve budgets for the public education with the school district;
- (iv) To negotiate all contracts involving employees of the School Department.

ARTICLE IV - TOWN MANAGER

SECTION 4-1. APPOINTMENT; QUALIFICATIONS; TERM OF OFFICE

The Town Council shall, by a majority vote of the full Town Council, appoint a Town Manager for an indefinite term. The Town Manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a City or Town Manager or an Assistant City or Town Manager or the equivalent public or private sector level experience. The Town Council may from time to time establish additional qualifications as deemed necessary and appropriate. The Town Manager shall devote full-time to the duties of the office and shall not hold any other elective or appointive office in the Town, other than in an *ex officio* capacity, nor shall the Town Manager engage in other business unless such business is approved in advance by a majority vote in public session of the Town Council. The Town Manager need not be a resident of the Town.

SECTION 4-2. ADMINISTRATIVE POWERS AND DUTIES

The Town Manager shall be the chief executive officer of the Town and shall be responsible to the Town Council for the proper operation of Town affairs for which the Town Manager is given responsibility under this Charter. In carrying out the following powers and duties, the Town Manager shall communicate regularly with the public regarding local issues, proposals, actions and challenges. The powers, duties and responsibilities of the Town Manager shall include, but shall not be limited to, the following:

- (a) To supervise, direct and be responsible for the efficient administration of all officers and employees appointed by the Town Manager and the Town Council (other than the independent auditor and the Council Clerk, if any) and their respective departments and of all functions for which the Town Manager is given responsibility under this Charter, by bylaw or by vote of the Town Council;

- (b) To be entrusted with the administration of a Town personnel system, including, but not limited to adopting and administering personnel policies, practices or rules and regulations, any compensation plan, and related matters for all Town employees, and to administer all collective bargaining agreements entered into by the Town. The Town Manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town agency, except the School Department;
- (c) To fix the compensation of all officers and employees appointed by the Town Manager within the limits established by appropriations, and, at the discretion of the Town Manager, to enter into individual employment contracts with employees subject to such plan for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and leave;
- (d) To attend all regular and special meetings of the Town Council, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings;
- (e) To assure that full and complete records of the financial and administrative activities of the Town are kept and to render as often as may be required by the Town Council, but not less than annually, a full report of all Town administrative operations during the period reported on, which report shall be made available to the public;
- (f) To keep the Town Council fully advised as to the needs of the Town and shall recommend to the Town Council and to other elected Town officers and agencies for adoption, such measures requiring action by them as the Town Manager may deem necessary or expedient;
- (g) To have full jurisdiction over the rental and use of all Town facilities and property except property under the control of the School Committee, the Board of Library Directors, or the Conservation Commission. The Town Manager shall be responsible for the maintenance and repair of all Town buildings and facilities placed under the Town Manager's control by this Charter, by bylaw, by vote of the Town or otherwise and may, at the request of and in accord with an applicable memorandum of understanding, provide for such maintenance and repair of buildings or facilities under the control of the School Committee, Board of Library Directors or Conservation Commission;
- (h) To prepare and present, in the manner provided in Article 6, and in conjunction with the Council President, an annual operating budget for the Town, as well as a proposed capital outlay program for the five fiscal years next ensuing. Following consultation with the Town Council, department heads, town multiple-member bodies, and residents, the Town Manager shall also prepare or update a long range plan every 5 years;
- (i) To assure that a full and complete inventory of all property of the Town, both real and personal, is kept, including all property under the jurisdiction of the School Committee;
- (j) To negotiate all contracts involving any subject within the jurisdiction of the office of Town Manager, including contracts with Town employees, other than employees of the School Department, involving wages, hours and other terms and conditions of employment. The Town Manager may utilize other professional services, including legal counsel, to participate in any or all contract negotiations under the Town Manager's jurisdiction. Insofar as any such

contracts require appropriations, such contracts shall be subject to the approval of the Town Council;

(k) To serve as the Chief Procurement Officer for purposes of G.L. c.30B, and in connection therewith to be responsible for the purchase of all services, supplies, materials and equipment and approve, award, and execute all such contracts, but excluding contracts for the Library and the School Department; and, further, shall have authority to execute all other construction contracts. Provided, however, insofar as any contract requires a specific appropriation, such contracts shall be subject to the approval of the Town Council. The Town Manager shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any Town agency;

(l) To execute warrants for payment of bills and payrolls, provided, however, that the Town Manager shall report the same to the Town Council, in such detail as the Council shall request, at the first meeting following such action; and to sign all bonds and notes for the borrowing of money;

(m) To see that all of the provisions of the General Laws, of this Charter, Town bylaws and other votes of the Town Council which require enforcement by the Town Manager or officers subject to the direction and supervision of the Town Manager, are faithfully executed, performed or otherwise carried out;

(n) To ensure that the Town Council is kept fully informed of and fully involved in the Town's emergency preparedness planning and preparation;

(o) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other Town agency, whether appointed or elected; provided, however, that if the Town Council or any member thereof is being investigated hereunder, the Town Council President, or, if appropriate, the Town Council Vice President, shall be notified;

(p) To coordinate the activities of all Town agencies serving under the office of Town Manager with those under the control of other officers and multiple-member bodies elected directly by the voters; and in so doing, to promote dialogue and partnerships between the Town Council, Town employees, residents, businesses and other local entities. For this purpose, the Town Manager shall have authority to require the persons so elected, or their representatives, to meet with the Town Manager, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the Town;

(q) To serve as the Town's liaison to any regional entity of which the Town is a member and to explore opportunities for intergovernmental cooperation;

(r) To prosecute, defend, and compromise all litigation to which the Town is a party; provided, however, that the Council shall approve in advance any settlements in excess of any dollar amount established by the Town Council by bylaw;

(s) To delegate, authorize or direct a subordinate or employee of the Town to exercise any power, duty or responsibility which the office of Town Manager may exercise; provided, however, that all acts that are performed under the delegation shall be considered to be the acts of the Town Manager;

(t) To communicate regularly with the public regarding local issues, proposals, actions, and challenges;

- (u) To promote dialogue and partnerships among the Town Council, Town Employees, residents, businesses, and other entities; and
- (v) To perform any other duties as are required to be performed by the Town Manager by bylaws, administrative code, votes of the Town Council, or otherwise.

SECTION 4-3. POWERS OF APPOINTMENT

(a) Appointment of Certain Department Heads and Multiple Member Bodies. The Town Manager shall have the power to make the appointments below, subject to confirmation by the Town Council, which may, within 14 days of notice of such appointment, vote to reject the same or sooner confirm; failure to take any action within said period shall constitute confirmation for purposes of this section; copies of the notices of all such appointments shall be posted on the Town bulletin boards when submitted to the Town Council:

- (i) Department Heads. Except as otherwise provided by this Charter, and, as appropriate, in accordance with applicable provisions of the Civil Service Law, collective bargaining agreement or employment contract, the Town Manager shall appoint, based upon merit and fitness alone, the Department of Public Works Director, Fire Chief, Planning Director, Police Chief, and Treasurer/Tax Collector. The Town Manager shall consult with multiple member bodies before the appointment of department heads who perform tasks under their jurisdiction, or, at the Manager's discretion, engage in a joint recruitment and selection process.
- (ii) Multiple-member Bodies. Except as otherwise provided by this Charter, the Town Manager shall appoint all members of multiple member bodies of the Town from amongst the residents of the Town.

(b) Appointment of Officers, Subordinates and Employees. The Town Manager shall appoint the Town Clerk, Town Attorney, and officers, subordinates and employees for whom no other method of selection is provided in this Charter, other than persons serving in the School Department.

(c) Consultation. The Town Manager shall consult with residents, department heads, and/or others concerning the recruitment, evaluation and selection of individuals for appointment and shall strive to make appointments that are inclusive of the diversity of the population of the Town.

SECTION 4-4. POWERS OF SUSPENSION; REMOVAL

The Town Manager shall have the authority to suspend or remove persons appointed under Section 4-3 for cause in accord with any applicable provision of the Civil Service Law, collective bargaining agreement or employment contract, and consistent with procedures established for such purposes in personnel rules adopted pursuant to Section 4-2(b), if any. The Town Manager may authorize an administrative officer subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

SECTION 4-5. COMPENSATION

The Town Manager shall receive such compensation for services as the Town Council shall determine within the limits of appropriations made therefor.

SECTION 4-6. VACANCY IN OFFICE; ACTING TOWN MANAGER

A vacancy in the office of Town Manager shall be filled as soon as possible by the Town Council. Pending appointment of the Town Manager or the filling of any vacancy, the Town Council shall forthwith appoint some other qualified person to perform the duties of the Town Manager. The appointment of an acting Town Manager shall be for a term not to exceed six months; provided, however, that a renewal, not to exceed an additional six months, may be issued if no permanent appointment has been made at the expiration of the first term hereunder.

SECTION 4-7. TEMPORARY ABSENCE; TEMPORARY TOWN MANAGER

The Town Manager shall designate by letter filed with the Town Council and Town Clerk, a qualified officer of the Town to perform the duties of the Town Manager during a temporary absence or disability not in excess of 14 days. Thereafter, the Town Council may extend such designation, or appoint another officer of the Town or another person to perform the duties of the Town Manager. In the event of failure of the Town Manager to make such designation or if the person so designated is for any reason unable to serve, or is deemed not qualified by the Town Council, the Town Council may designate some other qualified person to temporarily perform the duties of the Town Manager until the Town Manager returns.

SECTION 4-8. REMOVAL OF TOWN MANAGER

The Town Council, by affirmative vote of no less than five members of the Town Council, may terminate, remove or suspend the Town Manager from office, and may establish by contract any other terms and conditions applicable thereto.

ARTICLE V - ADMINISTRATIVE ORGANIZATION

SECTION 5-1. CHANGES TO OPERATING AGENCIES

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

(a) Bylaws. Subject only to express prohibitions in a general law or the provisions of this Charter, the Town Council may, by bylaw, reorganize, consolidate, create, merge, divide or abolish any Town agency, in whole or in part; establish such new Town agencies as it deems necessary or advisable, determine the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this Charter to a particular Town agency may be discontinued, or assigned to any other Town agency, unless this Charter specifically so provides.

(b) Administrative changes. The Town Manager, after consultation with department heads, may from time to time prepare and submit to the Town Council plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the Town.

Whenever the Town Manager prepares such a plan, the Town Council shall hold one or more public hearings on the proposal by posting on the Town website and in any other places in which the warrant for a Town election must be posted, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than 14 days following said posting. Following such public hearing, the proposal may be approved or rejected by the Town Council and may not be amended or altered.

An organization or reorganization plan shall become effective no earlier than 30 days following the date it was approved.

SECTION 5-2. MERIT PRINCIPLE

All appointments and promotions of Town officers and employees shall be made on the basis of merit and fitness demonstrated by examination, or by other evidence of competence and suitability.

ARTICLE VI - FINANCIAL MANAGEMENT

SECTION 6-1. BUDGET DEVELOPMENT

The Town Manager shall develop guidelines for the preparation of departmental budget requests, and an initial budget development schedule. No later than December 31 in any year, department heads shall submit to the Town Manager budget requests consistent with such guidelines and schedule.

SECTION 6-2. ANNUAL BUDGET POLICY

The Council President shall call for a joint meeting of the Town Council, the School Committee, and Town Manager, and any other person determined by the Town Council or Town Manager to be necessary to the process, to be held no later than January 15, to review the financial condition of the Town, revenue and expenditure forecasts and other relevant information in order to develop a coordinated budget.

SECTION 6-3. SUBMISSION OF PRELIMINARY PROPOSED BUDGET; BUDGET MESSAGE

(a) Submission of Preliminary Proposed Budget. On or before February 15 as the Council President and the Town Manager shall agree, the Town Manager shall submit to the Town Council a proposed operating budget for the ensuing fiscal year for all Town agencies and an accompanying message, as well as a proposed five-year capital budget. The preliminary proposed operating budget shall provide a complete fiscal plan of all Town funds and activities and shall be in the form the Town Manager, following consultation with the Council President, deems desirable and facilitates effective financial planning, management, and reporting, which shall include but not be limited to the following, to the extent practicable:

- (i) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures and methods to measure outcomes and performance related to the goals;
- (ii) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and
- (iii) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the Town and methods to measure outcomes and performance related to the goals; provided, however, that for any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

(b) Preliminary Budget Message. The Town Manager's preliminary budget message shall:

- (i) Explain the budget both in fiscal terms and work programs, linking those programs to organizational goals and community priorities;
- (ii) Outline the proposed financial policies of the Town for the ensuing fiscal year and the impact of those policies on future years;
- (iii) Describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes;
- (iv) Summarize the Town's debt position, including factors affecting the ability to raise resources through debt issues; and
- (v) Include such other material as the Town Manager deems desirable.

SECTION 6-4. SUBMISSION OF FINAL PROPOSED BUDGET; CAPITAL IMPROVEMENT PLAN; BUDGET MESSAGE

- (a) Submission of Final Proposed Budget. The Town Manager shall no later than the first Town Council meeting in April, submit to the Town Council by filing with the Town Clerk the final proposed budget and budget message. The Council President may approve a request from the Town Manager for an extension of time still permitting of reasonable and timely review of the proposed budget. Accompanying such final proposed budget shall be a five-year capital improvement program as described in Section 6-7.
- (b) Content of Final Proposed Budget. The budget shall begin with a general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year and shall show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year, and shall include in separate sections those items in Section 6-3(a)(i)-(iii).
- (c) Final Budget Message. The Town Manager's final budget message shall include all of the information required in Section 6-3, updated as appropriate.

SECTION 6-5. ACTION OF THE BUDGET

- (a) Notice/Public Hearing. Immediately following receipt of the final proposed budget and budget message, and no later than 14 days prior to the date of its public hearing thereon, the Town Council shall at a minimum: (1) post in the Town Clerk's office and on the Town website the complete final budget and budget message, and (2) post in the manner required by the Open Meeting Law for notices of meetings, notice of the availability of such budget and budget message, the time and place that copies of the complete package will be made available, including at the Town Clerk's office, and the date, time and place of the Town Council public hearing thereon.
- (b) Adoption of the Budget. The Town Council shall adopt the budget, with or without amendments, no later than 15 days prior to the start of the fiscal year. The Town Council may delete or decrease any programs or amounts except expenditures required by law or for debt service, and shall not increase any line item. If the Town Council fails to take action with respect to any item in the budget by the deadline set forth herein, the amount shall, without any action by the Town Council become a part of the appropriations for the year and be available for the purposes specified. The adopted budget shall be posted on the Town website.
- (c) Budget to Actual Assessments. The Town Manager shall conduct a mid-year budget to actual comparison, showing significant variances, for review and presentation to the Town

Council at a regular or special meeting, and more often as requested. The midyear assessment shall be posted on the Town website following the meeting.

SECTION 6-6. SUPPLEMENTARY BUDGETS AND APPROPRIATIONS

(a) Procedure. Whenever the Town Manager submits to the Town Council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item not included therein, the Town Council shall not act upon the request until it has given notice and held a public hearing in the manner set forth in Section 6-5(a) concerning the request:

- (i) Supplemental Appropriations. If during the fiscal year or before the fiscal year begins, the Town Manager certifies that there are available for appropriation additional revenues the Town Council may make supplemental appropriations for the year.
- (ii) Emergency Appropriations. To address a public emergency affecting life, health, property or the public welfare, the Town Council may make emergency appropriations. Such appropriations shall be accompanied by a separate vote declaring the nature of the emergency, and otherwise be undertaken in accordance with Section 2-6(b) and consistent with applicable law.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Town Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Town Manager shall report the same to the Town Council without delay, and seek appropriate action to reduce appropriations as necessary.

(c) Transfer of Appropriations. At any time during a fiscal year, the Town Manager may transfer up to a maximum amount set by the Town Council, and subject to any rules adopted by the Town Council with respect to such transfers, from the unencumbered appropriation balance of one line in the operating budget, to any other line in the operating budget, whether the same or a different department or budget category. The Town Manager shall report the transfers to the Town Council in writing within 7 days. Further, on recommendation of the Town Manager, the Town Council may at any time during a fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, transfer any amount appropriated for the use of any department to another appropriation for the same or a different department.

(d) Limitation; Effective Date. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption through the adoption of an emergency preamble as provided in Section 2-6(b).

SECTION 6-7. CAPITAL IMPROVEMENTS PROGRAM

(a) Preparation of Capital Improvements Program. The Town Manager shall prepare a Capital Improvements Program that shall include any capital improvement meeting one or more of the following criteria, and, for such purposes, may appoint a Capital Improvements Committee to assist the Town Manager with such efforts:

- (i) Any expenditure to be funded by permanent borrowing;
- (ii) An acquisition of the fee interest in land;
- (iii) New construction, major reconstruction, or renovation of buildings, water and sewer facilities, streets, or bridges, including planning, design and construction management, as well as any permanent related operating cost increases, and all

- incidental and related costs, which costs are anticipated to exceed a minimum amount established by the Town Council from time to time; and
- (iv) The purchase of equipment or vehicles with a useful life of at least three (3) years and a cost exceeding a minimum amount established by the Town Council from time to time.

(b) Content. The Town Manager shall submit annually to the Town Council a five-year capital improvements program to include: (1) a list of all capital improvements proposed to be undertaken during the next 5 years, together with supporting data; (2) cost estimates, methods of financing, and recommended time schedule; and (3) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year.

(c) Adoption; Posting. The Capital Improvements Program shall be considered and adopted in connection with the annual budget as provided in Sections 6-3 through 6-5 and shall be posted on the Town website following its submission to the Town Council and upon final approval.

SECTION 6-8. LONG TERM FINANCIAL FORECAST

The Town Manager shall annually prepare a 5-year financial forecast of Town revenue, expenditures and the general financial condition of the Town. The forecast shall include, but not be limited to: (1) an identification of factors which will impact on the financial condition of the Town; (2) revenue and expenditure trends; and (3) potential sources of new or expanded revenues and any long or short-term actions which may be taken that may enhance the financial condition of the Town. The forecast shall be submitted to the Town Council and shall be available to the public for inspection. The long-term financial forecast shall be published on the Town's website and when updates occur, they shall be posted in a timely manner.

SECTION 6-9. ANNUAL INDEPENDENT AUDIT

The Town Council shall designate, no later than 30 days after the beginning of the fiscal year, an independent auditor to conduct an annual audit of all Town accounts, and may provide for more frequent audits as it deems necessary, which audit(s) shall be performed in accordance with generally-accepted auditing and governmental auditing standards.

SECTION 6-10. FINANCIAL MANAGEMENT STANDARDS

The Town Council may by rule or bylaw establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

ARTICLE VII - CITIZEN PARTICIPATION MECHANISMS

SECTION 7-1. CITIZEN OR FREE PETITION

The Town Council or School Committee, as applicable, shall hold a public hearing and act with respect to every citizen petition addressed to it, which petition shall not be required to take any particular form, is signed by no less than 100 voters, and seeks the passage of a measure or policy other than personnel matters, and those relating to the internal rules of the Council or Committee. The hearing shall be held by the Town Council or School Committee or by a subcommittee thereof. Action shall be taken on a citizen petition filed under this section not later than three months after the petition is filed with the Town Council or School

Committee. Hearings on two or more petitions filed under this section may be held at the same time and place. The Town Clerk shall provide notice to the lead petitioner by e-mail or first class mail at least 48 week-day hours prior to the hearing.

SECTION 7-2. PUBLIC PARTICIPATION

At each regular meeting of the Town Council a period of time shall be provided for residents and voters to speak to matters not listed on the agenda. Comments with respect to a pending agenda item may be permitted by vote of the Town Council. The duration of such public participation period, and any rules relative to such participation, shall be set by Council rule; provided, however, that nothing in this paragraph shall be deemed to limit the authority of the Council President as the presiding officer for purposes of the Open Meeting Law.

SECTION 7-3. INITIATIVE PETITION

(a) Commencement. Initiative procedures shall be started by the filing of an initiative petition with the Town Clerk. The petition shall be addressed to the Council, shall contain a request for the passage of a particular measure, which shall be set forth in full in the petition, and shall be signed by at least 250 registered voters. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same (the "lead petitioner"). With each signature on the petition there shall also appear the street and number of the residence of each signer.

Within 10 days following the filing of the petition the Board of Registrars shall certify the number of valid signatures of registered voters signing the petition. The Board shall attach its certificate to the petition. A copy of the certificate shall also be provided to the lead petitioner.

(b) Referral to Town Attorney. Following issuance of the certificate of the Board of Registrars, the Town Clerk shall deliver a copy of the petition to the Town Attorney. Within 15 days thereafter, the Town Attorney shall, in writing, advise the Town Council whether, in the opinion of the Town Attorney, the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may be lawfully adopted by the Town Council. If the opinion of the Town Attorney is that the measure is not in proper form to be lawfully adopted by the Town Council under Section 7-3, the Town Attorney shall state the reasons in full in the reply, and the remaining provisions of Section 7-3 shall not apply to said petition. A copy of the opinion shall also be provided to the lead petitioner.

(c) Action on Petitions. Within 30 days following the date a petition has been returned to the Town Clerk by the Town Attorney, and after posting as required by Section 2-8, the Town Council shall act with respect to each initiative petition by: (1) passing it without change, (2) passing a measure stated to be in lieu of the initiative measure, (3) rejecting it, or (4) submitting it to the voters in accord with Section 7-6. The passage of a measure in lieu of the initiative measure shall be deemed to be a rejection of the initiative measure. If, at the expiration of the said 30 days the Town Council has not voted on such petition, the Council President shall include such matter on the Council's next meeting agenda and the Council shall take action on no other business until such measure has been addressed. The Charter privilege described in Section 2-6(c) shall not be available in connection with Town Council action on an initiative petition.

(d) Supplementary Petitions. Within 45 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the Town Clerk. The supplemental initiative petition shall be signed by a number of voters equal to ten percent (10%) of the total number of voters as of the date of the most recent annual Town election. If the Board of Registrars certifies on such petition a sufficient number of signatures, the Town Council shall call a special election to be held on a date fixed by it not less than 35 nor more than 45 days following the date the election is called, and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other Town election is to be held within 120 days following the date of the said certificate, the Town Council may omit the calling of such special election and cause said question to appear on the ballot at such approaching election for determination by the voters.

(e) Publication. The full text of any initiative measure submitted to the voters shall be posted on the Town website along with a notice stating the times and places at which paper copies may be obtained or reviewed, and shall be available upon request in the office of the Town Clerk.

(f) Form of Question. The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, proposed by initiative petition by voters of the Town of Norton in conformance with Section 7-3 of the Town Charter, take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary, as determined and prepared by the Town Attorney.)

(g) Time of Taking Effect. If at least 15% of the total number of voters as of the last annual Town election participate in the election at which the question appears, and a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective forthwith, unless a later date is specified in such measure.

SECTION 7-4. REFERENDUM

(a) Petition, Effect on Final Vote. If, within 21 days following the date on which the Town Council has voted finally to approve of any measure, a petition is filed with the Town Clerk signed by a number of voters equal to 7.5% of the total number of voters as of the date of the most recent annual Town election and addressed to the Town Council, against the measure, or any part thereof, the effective date of such measure shall be temporarily suspended. The Town Council shall forthwith reconsider its vote on such measure or part thereof, and, if such measure is not rescinded, the Town Council shall provide for the submission of the question to the voters at a special election or at the next regular Town election; pending the vote at such election, the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply. The petition described in this section shall be termed a referendum petition and insofar as applicable, Section 7-3(a), (b), (e) shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative" in each instance in which such words occur in said sections.

(c) Form of Question. The question that shall appear on the ballot shall take the following form:

Shall the following measure enacted by the Town Council take effect?

(Here insert the full text of the proposed measure, or a fair, concise summary of the measure, as determined and prepared by the Town Attorney)

If a majority of the voters casting ballots shall vote in the negative, the measure shall not take effect, provided that not less than twenty percent (20%) of the number of total number voters as of the date of the most recent annual Town election shall have participated in the special election.

SECTION 7-5. INELIGIBLE MATTERS

None of the following shall be subject to the initiative or the referendum procedures set forth herein: (1) proceedings relating to the internal organization or operation of the Town Council; (2) the Town budget as a whole, including the School Department budget, or any appropriation contained therein or the capital improvements program or any item contained therein; (3) emergency measures approved in accord with Section 2-6(b); (4) revenue loan orders; (5) any appropriation for the payment of the Town's debt or debt service; (6) an appropriation of funds to implement a collective bargaining agreement; (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action, or any other action that is executive rather than legislative in nature; (8) any proceedings repealing or rescinding a measure or part thereof that is protested by referendum procedure; (9) any proceedings providing for the submission or referral of any measure to the voters at an election; and (10) resolutions, memorial actions, citations, and other non-binding actions meant to convey a sense of the Council rather than to establish rules for the operation of government.

SECTION 7-6. SUBMISSION OF OTHER MATTERS TO THE VOTERS

The Town Council may of its own motion submit to the voters at any regular or special Town election for adoption or rejection any measure or non-binding public opinion advisory question. If a majority of the voters casing ballots shall vote in the negative, the measure shall not take effect.

ARTICLE VIII - GENERAL PROVISIONS

SECTION 8-1. GENERAL PROVISIONS APPLICABLE TO APPOINTED AND ELECTED MULTIPLE MEMBER BODIES

(a) Role. It is the intention of this section to affirmatively establish that elected and appointed multiple-member bodies shall act only through the adoption of broad policy guidelines and the exercise of their respective statutory and regulatory responsibilities, subject to the provisions of this Charter, and the functions assigned to such bodies by this Charter or by bylaw. Such broad policy guidelines shall be implemented by officers and employees serving under such body; provided, however, that the Town Manager, or a department head so designated, shall oversee and be responsible for day-to-day administrative, personnel, and operational issues pursuant to Section 4-2(a)-(c), (p), and (s). Nothing in this Charter shall be construed to authorize any individual member of an elected or appointed multiple-member body, nor a majority of members of such body, to become involved in such day-to-day matters with respect to any Town agency, including appointment and supervision of department heads and staff, other than as provided in Section 4-2(p).

(b) Compensation; Expenses. Any Town official elected under Articles II or III of this Charter or appointed to a multiple member body under Section 4-3(a)(2) shall serve without

compensation, but shall be entitled, subject to appropriation therefor, to reimbursement of actual and necessary expenses incurred in the performance of their duties.

(c) Felony Conviction. Any Town official elected under Sections 2.1 or 3.1(b)-(c) of this Charter or appointed to a multiple member body under Section 4-3(a)(ii) who is finally convicted of a state or federal felony offense while holding office shall be deemed to have vacated their office, and their successor shall be chosen as provided in Section 2.3(c), 2.4 and 3.5, as appropriate.

SECTION 8-2. CHARTER REVISION OR AMENDMENT

(a) In General. The Charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution and any general or special law enacted to implement the constitutional amendment.

(b) Periodic Review. Charter Review Committee. The Town Council shall provide for review of the Charter in years ending in five and in zero, or more often as it deems necessary and appropriate. The Committee shall consist of seven members, one member of the Board of Assessors as designated by the Board, one member of the School Committee as designated by the Committee, one member of the Planning Board as designated by the Board, or their respective designees, as well as one member of the Town Council appointed by the Council President, one employee appointed by the Town Manager, and two registered voters who are not Town officials or employees, one appointed by the Council President and one appointed by the Town Manager.

The Charter Review Committee shall study the Charter and implementation thereof and make a report with recommendations for revisions, if any, within 12 months of its appointment, to the Town Manager and Town Council.

SECTION 8-3. RULES OF INTERPRETATION

The following rules shall apply when interpreting the Charter:

(a) Specific Provisions to Prevail. To the extent that a specific provision of the Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail;

(b) Number and Gender. Words imparting the singular number may extend and be applied to several persons or things, words imparting the plural number may include the singular and words imparting the masculine gender shall include the feminine gender;

(c) References to General Laws. All references to the general or special laws contained in the Charter refer to the general laws of the Commonwealth and are intended to include any amendments or revisions to the chapters and Sections or to the corresponding chapters and Sections of any rearrangement of the general laws enacted subsequent to the adoption of the Charter; and

(d) Computation of Time. Unless otherwise specified by the General Laws, in computing time under the Charter, if seven days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted; if more than seven days, every day shall be counted.

ARTICLE IX - TRANSITIONAL PROVISIONS

SECTION 9-1. CONTINUATION OF EXISTING LAWS

All bylaws, resolutions, rules, regulations and votes of the Town Meeting that are in force at the time this Charter is adopted, not inconsistent with the provisions of this Charter, shall continue in full force until amended or repealed. Where provisions of this Charter conflict with

provisions of Town bylaws, rules, regulations, orders or special acts or acceptances of laws, the Charter provisions shall govern. All provisions of Town by-laws, rules, regulations, orders and special acts not superseded by this Charter shall remain in force.

SECTION 9-2. CONTINUATION OF GOVERNMENT

All Town offices, boards, commissions or agencies shall continue to perform their duties until reappointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another Town office, board, commission or agency.

SECTION 9-3. CONTINUATION OF PERSONNEL

A person holding a Town office or a position in the administrative service of the Town, or a person holding full-time employment under the Town, shall retain the office, position or employment or be retained in a capacity as similar to their former capacity as it is practical to do so. The person shall continue to perform the duties of the office, position or employment until provisions have been made for the performance of those duties by another person or agency; provided, however, that no person in the permanent full-time service of the Town shall forfeit the person's pay grade or time in service of the Town.

SECTION 9-4. TRANSFER OF RECORDS AND PROPERTY

All records, property and equipment whatsoever of a Town office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another Town office, board, commission or agency, shall be transferred forthwith to the office, board, commission or agency.

SECTION 9-5. EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the Town before the adoption of this Charter and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the Town, shall be enforced and collected and all writs, prosecutions, actions and cause of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter and no legal act done by or in favor of the Town shall be rendered invalid by reason of the adoption of this Charter.

SECTION 9-6. TIME OF TAKING EFFECT

This Charter shall take effect immediately upon approval of the voters at the 2021 Annual Town Election and in accordance with the following schedule:

(a) Continuation of Government. All Town officers and employees shall continue to perform their duties in the same manner and to the same extent as they have performed prior to the adoption by the voters of the Charter, being mindful that upon the swearing in of the Town Council in July of 2021, the powers of the Town shall vest in the office of Town Manager and Town Council; in addition:

(i) Role of the Select Board and Town Meeting. The Select Board shall continue to serve and exercise all its powers and duties under the General Laws, including calling for and holding any needed Special Town Meeting, until the date on which the Town Council takes office in July of 2021; and the exercise by the Select Board, Town Manager and Annual or Special Town Meeting of any of their respective powers and duties under this Charter and any applicable general and special law shall be undertaken in such manner as to further, and not frustrate, this Charter and the transition process outlined herein;

(ii) Transfer of Authority to Office of Town Manager and Town Council. Upon the qualification of a quorum of members of the Town Council, (1) the term of all incumbent members of the Select Board, regardless of their date of election, shall be terminated and the office of the Select Board shall be abolished; (2) the Town Meeting shall be abolished; such powers shall vest, respectively, in the Town Manager and Town Council as set forth in this Charter; and (3) the term of all incumbent members of the Water and Sewer Commission, regardless of their date of election, shall terminate and the office of Water and Sewer Commission shall be abolished.

(b) Special Election. Following the effective date of this Charter, the Select Board shall meet forthwith to schedule a special election to be held on a convenient date in June 2021, no earlier than 64 days from the date the Board calls for the election. The offices of Town Council shall be included on the ballot at such election, with appropriate instructions for the voters, so that the top three vote getters will be elected to a three year term, the next two highest vote getters elected to a two year term, and the next two highest vote getters elected to a one year term.

Following the calling of the election, the Town Clerk shall prepare and release a schedule for such special election and shall make nomination papers available forthwith. Such efforts as may be reasonably made to notify the public of the availability of nomination papers and the schedule for and holding of the special election shall be undertaken by the Town Clerk and Town Manager, including posting the notice and election schedule on the Town website, the web pages of the Select Board, Town Clerk and Town Manager, at all places where warrants are posted, on the Town Clerk bulletin board, and at the Library and Senior Center.

(c) Change of Housing Authority from Elected to Appointed. Effective July 1, 2021, the elected Housing Authority shall hereinafter be an appointed Housing Authority, provided, however, that the incumbent elected members of the Housing Authority as of the effective date of this Charter shall complete the remainder of their respective terms of office. Upon expiration of such terms, or their sooner vacating of office, four members of the Housing Authority shall be appointed by the Town Manager pursuant to the provisions of Section 4.3(a)(ii), and consistent with G.L. c.121B, §5, and the fifth member of the Housing Authority shall be appointed by the Secretary of the Department of Housing and Community Development of the Commonwealth pursuant to said statute. Nothing herein shall be deemed to prohibit the Town Manager, pursuant to Section 4.3(a)(ii), from appointing a formerly elected member of the Housing Authority should the Manager deem the same to be in the best interests of the Town.

(d) Acting Town Manager. Upon the swearing in of the Town Council, the incumbent Town Manager shall become the Acting Town Manager; provided, however, that nothing herein shall be deemed to prohibit the Town Council from seeking to fill the permanent position in accordance with Section 4-1 in the manner it deems in the best interest of the Town, including but not limited to appointment of such Acting Town Manager as the Town Manager.

(e) Town Council Pre-Meeting Authorized. Forthwith following the election of the Town Council in June of 2021, the persons elected as Councilors shall begin the process of transition from the existing form of government to the new form of government and may, but need not, meet solely for the purpose of adopting interim rules that will govern the conduct of the business of the Town Council, other procedural issues, and reviewing matters essential to a smooth transition. Such meeting, if any, shall be called by the candidate receiving the highest number of votes at the election and shall be open to the public, although the business of any such meetings shall be confined to the topics identified here and no public participation period

shall be provided. The Town Clerk and Town Manager shall provide whatever support is needed in connection with this endeavor.

(f) Transition Committee. There shall be a Transition Committee that shall, immediately after passage of this Charter, meet to identify and prioritize those issues and matters required for a smooth transition to the Town Manager/Town Council form of government established hereunder, including the creation of a consolidated Department of Public Works. Membership on the Transition Committee shall include: the Select Board chair, or the Chair's designee; the Charter Commission chair, or the Chair's designee; two members of the Charter Commission as determined by the Commission; two members of the Finance Committee, or their designees; and the Town Moderator, or the Moderator's designee. However, if any of the Committee members listed herein shall file nomination papers for the office of Town Council member, such member(s) shall resign from the Committee, and the Town Manager shall appoint such person as, in the Manager's discretion, is most appropriate when considering the overall intent of this Charter provision to provide for a smooth transition, to fill the vacancy in the total membership. The Town Clerk and Town Manager shall provide whatever support is needed in connection with this endeavor. Such Transition Committee shall continue in existence after the Town Council takes office for a period of 30 days, unless, at the Council's request, the tenure of such committee is extended.