



Town of Norton  
Charter  
July 2013

Effective as of April, 2012  
Approved at Fall Annual Town Meeting 2011 and Annual Town Election 2012

Effective July 30, 2013  
Amendment to Section 6-4 subsections (d) and (e)  
Approved at the Fall Annual Town Meeting 2012  
Approved by the Commonwealth of Massachusetts ACT H1848, Chapter 59,  
An Act Relative to the Charter of the Town of Norton.

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**ARTICLE 1**  
**INCORPORATION; POWERS; DESCRIPTIONS**

**SECTION 1-1: INCORPORATION**

The inhabitants of the Town of Norton within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Norton".

**SECTION 1-2: SHORT TITLE**

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

**SECTION 1-3: POWERS OF THE TOWN**

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Norton to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

**SECTION 1-4: DIVISION OF POWERS**

The administration of all of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Board of Selectmen. The legislative powers of the town shall be vested in a town meeting open to all voters.

**SECTION 1-5: CONSTRUCTION**

The powers of the Town of Norton under this charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Norton as stated in section 1-3.

**SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject to the applicable requirements of any provision of the constitution or statutes of the Commonwealth, the Town of Norton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or any one or more agencies thereof.

## **SECTION 1-7: DEFINITIONS**

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

- (a) Charter - The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.
- (b) Days - The word "days", unless otherwise specified herein, shall mean all calendar days. The term "business days" shall mean any day that the Town Hall is open for its normally scheduled hours. For purposes of computing any period of time prescribed or allowed by this Charter the first day of the period shall be the day following the one in which the act, event, or default occurred, and the last day shall be the date on which the period ends, or, if the period ends on a day on which the Town Hall is closed, the first business day following.
- (c) Emergency - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) general Laws - The words "general laws" (all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Norton is a member.
- (e) General Laws - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (f) Local Newspaper - The words "local newspaper" shall mean a daily or weekly newspaper with a total circulation of at least 1,000 copies in the Town of Norton.
- (g) Majority Vote - The words "majority vote" unless otherwise required by law or this charter, shall mean a majority of those members of a multiple member body present and voting, provided that a quorum is present. Those abstaining or voting "present" shall not be counted as voting, although they shall be counted for purposes of determining a quorum.



- (h) Multiple Member Body - The words "multiple member body" shall mean any town body consisting of two or more persons whether styled as a board, commission, committee, sub-committee, or otherwise, and however elected or appointed or otherwise constituted.
- (i) Quorum - The word "quorum", unless otherwise required by law or this charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies which might then exist.
- (j) Town - The word "town" shall mean the Town of Norton.
- (k) Town Agency - The words "town agency" shall mean any board, commission, committee, department division or office of the town government.
- (l) Town Bulletin Boards - The words "town bulletin boards" shall mean the bulletin board in the town hall on which official town notices are posted, and those at other locations, either physical or electronic, which may from time to time be designated as town bulletin boards by by-law, by vote of the Board of Selectmen, or as otherwise required or permitted by law.
- (m) Town Officer or Town Official - The words "town officer" or "town official" when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the Town.
- (n) Voters - The word "voters" shall mean registered voters of the Town of Norton.

## **ARTICLE 2 LEGISLATIVE BRANCH**

### **SECTION 2-1: TOWN MEETING**

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

### **SECTION 2-2: PRESIDING OFFICER**

The moderator, elected as provided in section 3-6, shall preside at all sessions of

the town meeting. Annually, at the first session of the spring town meeting, the moderator shall appoint a deputy moderator to serve until the next spring town meeting as acting moderator in the event of the temporary absence or disability of the moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting. The deputy moderator shall have all of the powers of the moderator when presiding at town meeting sessions, but shall have no other powers or duties of the moderator.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law or by other vote of the town meeting.

### **SECTION 2-3: COMMITTEES**

- (a) In General - Subject to the provisions of this charter and such by-laws or other town meeting votes regarding committees as may be provided, the moderator shall appoint for fixed terms the members of such committees of the town meeting, special or standing, as may from time to time be established. In addition to such specific powers, duties and responsibilities as may be provided to a town meeting committee by the by-law or vote establishing it, each such committee when acting within the scope of its authority shall have a right to examine the pertinent records of any town agency and to consult with, at reasonable times, any town officer, employee or agent.
  
- (b) Finance Committee - There shall be a finance committee the members of which shall be appointed by the moderator. The number of members, the term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by by-law. The subject matter of all proposals to be submitted to a town meeting by warrant articles shall be referred to the finance committee by the Board of Selectmen within five business days following their receipt by the selectmen. The finance committee shall report its recommendations on every article contained in a town meeting warrant, in writing. Provisions for the distribution of such report shall be made by by-law. Before preparing its recommendations the finance committee shall hold one or more public hearings to permit public discussion of the subject matter of all articles contained in the warrant, excepting the election of officers, if applicable. The finance committee shall have such additional powers and duties as may be provided by general law or by by-law.

**SECTION 2-4: TIME OF ANNUAL MEETING**

The annual town meeting shall convene in regular session two times in each calendar year. The first session, to be held in either April, May, or June, as determined by the Board of Selectmen, shall be primarily, though not exclusively, concerned with the determination of matters involving the expenditure of town funds, including, but not limited to, the adoption of an annual operating budget for all town agencies. The second session shall be held in September, October, or November as determined by the Board of Selectmen.

**SECTION 2-5: SPECIAL MEETINGS**

Special town meetings may be held at the call of the Board of Selectmen at such times as it deems necessary, or desirable, in order to transact the legislative business of the town in an orderly manner. Special town meetings may also be held on the petition of two hundred (200) or more voters, in the manner provided by general law. The Town Clerk shall make forms for the calling of a special town meeting available to voters, upon request.

**SECTION 2-6: WARRANTS**

Every town meeting shall be called by a warrant issued by the Board of Selectmen which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every town meeting shall be in accordance with a town by-law governing such matters.

**SECTION 2-7: INITIATION OF WARRANT ARTICLES**

- (a) Initiation - The Board of Selectmen shall receive at any time all petitions addressed to it which request the submission of any article to the town meeting. The Board shall include all articles which are filed by: 1.) any multiple member body acting by a majority of its members; 2.) any ten (10) voters for a regular town meeting; and 3.) any one hundred (100) voters for a special town meeting.
- (b) Referral - Upon the closing of any town meeting warrant, the Board of Selectmen shall cause a copy of the proposed articles to be forwarded to the Finance Committee, the Town Moderator and the Town Clerk. In addition a copy shall be posted on the town bulletin boards.
- (c) Inclusion on Warrant - The Board of Selectmen shall close the warrant for an annual town meeting on the date established by by-law for such closing

preceeding the date on which the town meeting is scheduled, by by-law, to convene. The Board of Selectmen shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with it be included after said date. Whenever a special town meeting is to be called the Board of Selectmen shall give notice by publication in a local newspaper of such intention and shall notify all town agencies of its intention to do so. The Board of Selectmen shall include in the warrant for such special town meeting the subject matter of all petitions which are received at its office on or before the official close of business in the afternoon of the fifth business day following such publication which are in conformity with the provisions of section 2-7(a) and which specifically request that the subject matter be included on the warrant for said special town meeting.

#### **SECTION 2-8: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS**

All town officials and board or committee chairpersons, or a designee of any of these, shall attend all sessions of the town meeting at which warrant articles pertinent to their agency may be acted upon, and shall be prepared to provide the meeting with all relevant information concerning the same. If any such person is not a voter of the town, said person shall, notwithstanding, have the right to address the meeting for the purpose of compliance with this section.

#### **SECTION 2-9: CLERK OF THE MEETING**

The Town Clerk shall serve as clerk of the town meeting, give notice of all adjourned sessions thereof, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, by this charter, by by-law or by other town meeting vote.

#### **SECTION 2-10: RULES OF PROCEDURE**

The town meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of all town meetings.

#### **SECTION 2-11: GENERAL POWERS AND DUTIES**

All powers of the town, except as otherwise provided by law or this charter, shall be vested in the town meeting. The town meeting shall provide for the exercise of all of the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made in this charter, or by by-law.

**ARTICLE 3  
ELECTED OFFICERS**

**SECTION 3-1: IN GENERAL**

- (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 by-law. The Board of Selectmen may also call special elections at such times as the Board 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 selectmen, a school committee, a board of assessors, a planning board, a board of water and sewer commissioners, a town clerk, and a town moderator.
- (c) Other Offices Filled at Town Elections - In addition to the town offices enumerated above, members of a housing authority and such other officers or representatives to regional authorities or districts as may be established by law or by inter-local 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, 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 board of selectmen or the planning board.
- (e) Coordination - Notwithstanding their election by the voters, the town officers named in this section shall be required to meet with the Board of Selectmen and/or Town Manager at the request of same, at any reasonable time, for consultation and discussion on any matter relating to their respective offices.
- (f) Filling of Vacancies
  - (1) Multiple Member Body - If there is a vacancy in a board consisting of two or more members, other than the Board of Selectmen and unless under the terms of a will or other trust some other provision is made, the remaining members shall forthwith give written notice of the existence of any such vacancy to the Board of Selectmen.

After one week's notice the date on which the vote shall be taken, the Board of Selectmen with the remaining members or member of such board shall fill such vacancy by a joint vote. If such notice is not given within thirty days (30) following the date on which said vacancy occurs the Board of Selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

- (2) Board of Selectmen - If there is a failure to elect or if a vacancy occurs in the office of selectman, the remaining selectmen may call a special election to fill the vacancy and shall call such special election upon the request in writing of two hundred voters.
- (3) Town Officer - If there is a failure to elect or if a vacancy shall occur in the office of Town Clerk, the Board of Selectmen shall, in writing, appoint some suitable person to serve in such office until the next town election.

(g) Recall of Elected Officials

- (1) Who can be Recalled - Any holder of an elective town office, as defined in section 3-1(b), who has been in office for at least six (6) months and has more than six (6) months remaining of the term for which elected, may be recalled therefrom by the voters as herein provided.
- (2) Recall Petition - Any one hundred (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 (3) business days after the receipt. If the affidavit contains at least the required number of certified signatures, the Town Clerk shall make available to the persons submitting copies of petition blanks demanding such recall, printed forms of which shall be kept available. When issued the blanks shall contain the signature and official seal of the Town Clerk. They shall be dated, shall be addressed to the Board of Selectmen and shall contain the names of the ten 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, and shall demand the election of a successor in the said

office. 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 thirty (30) days after the filing of the affidavit and shall have been signed by at least fifteen per cent (15%) of the total number of persons registered to vote in Norton as of the date of the most recent town election, not more than fifty percent (50%) of which shall be voters in any one precinct into which the town is divided. 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 (5) 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 Board of Selectmen by the end of the business day following the one on which the petition was certified.

- (3) Selectmen's Action on Receiving Petition – Upon receipt of a certified petition from the Registrars of Voters, the Board of Selectmen shall meet forthwith, in compliance with the Open Meeting Law, and 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. Should the Board of Selectmen fail to take action within ten (10) business days of its receipt of a certified petition, the Town Clerk shall immediately notify the officer named on the petition in the prescribed manner. If the officer does not resign, in writing, within five days thereafter, the Board of Selectmen shall forthwith order an election to be held on a date fixed by it not less than sixty-four (64) days nor more than seventy-five (75) 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 one hundred (100) days after the date the election is called, the Board of Selectmen 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.

(4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to succeed to the office at the same election at which the question relating to the recall appears on the ballot. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(5) Incumbent Holds Office Until Election – 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. The candidate receiving the highest number of votes upon qualification shall serve for the balance of the unexpired term. If the successor fails to be sworn into office within ten (10) business days after receiving notification of election, the office shall be deemed to be vacant and shall be filled in the manner provided in section 3-1 (f), above.

(6) 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. Under the proposition shall appear the word "candidates" and beneath this the names of candidates nominated as hereinbefore provided, arranged alphabetically by surname. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted.

(7) 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 (6) months after the election at which the recall was submitted to the voters.

(8) Appointment of Person Recalled- No person who has been recalled



from an office, or who has resigned from office following the filing of a recall petition under section 3-1(g)(2), shall be appointed to any town office within two years after such recall or such resignation.

### **SECTION 3-2: BOARD OF SELECTMEN**

- (a) Composition, Term of Office - There shall be a board of selectmen consisting of five (5) members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.
  
- (b) Powers and Duties in General - The executive powers of the town shall be vested in the Board of Selectmen which shall be deemed to be the chief executive office of the town. The Board of Selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The Board of Selectmen shall serve as the chief policy making agency of the town. The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, or a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.
  
- (c) Licensing Authority - The Board of Selectmen shall be a licensing board for the town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.
  
- (d) Appointments - The Board of Selectmen shall have appointment authority for:

a town manager  
a town counsel  
a town accountant  
a capital improvements committee  
a board of health  
a conservation commission  
a board of registrars of voters and other election officers  
a zoning board of appeals  
a council on aging  
an industrial development commission  
a commission on disability  
a cable television committee  
constables  
an emergency response coordinator  
a regional emergency planning committee  
a cultural council  
an historic district commission  
a Norton historical commission  
a cemetery commission  
a solid waste advisory committee  
a parks and recreation committee

The Board of Selectmen shall also appoint, unless otherwise specified in this charter, members of multiple member bodies the functions of which do not involve direct operating responsibilities but are primarily policy making or advisory in nature, and other individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional or district authorities.

- (e) Investigations - The Board of Selectmen may investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. The report of the results of such investigation shall be placed on file in the office of the Board of Selectmen. A summary of such report, which summary shall include only matters that would otherwise be considered subject to mandatory disclosure under the Public Records Law, shall be placed on file in the office of the Town Clerk.

### **SECTION 3-3: SCHOOL COMMITTEE**

- (a) Composition, Term of Office - There shall be a school committee consisting of five (5) members elected for terms of three (3) 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 by-law, or by other town meeting 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.

### **SECTION 3-4: BOARD OF ASSESSORS**

- (a) Composition, Term of Office - There shall be a board of assessors consisting of three (3) members elected for terms of three (3) 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 town meeting 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 by-law or by other vote of the town meeting.

### **SECTION 3-5: TOWN CLERK**

- (a) Term of Office - There shall be a town clerk elected for a term of three (3) years.
- (b) Powers and Duties - The Town Clerk shall be the keeper of vital statistics for the town; the custodian of the town seal; shall administer the oath of office to all persons, elected or appointed, to any town office; shall issue such licenses and permits as are required by law to be issued by town clerks; supervise and manage the conduct of all elections and all other matters relating to elections; be the clerk of the town meeting, keep its records and in the absence of the town moderator or deputy town moderator to preside pending the election of a temporary town moderator. The Town Clerk shall have such other powers and duties as are given to town clerks by general law, by this charter, by by-law or by other vote of the town meeting.

### **SECTION 3-6: TOWN MODERATOR**

- (a) Term of Office - There shall be a town moderator elected for a term of three (3) years.
- (b) Powers and Duties - The Town Moderator shall be the presiding officer of the town meeting, as provided in section 2-2, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.

The moderator shall appoint the finance committee, all other standing committees of the town meeting, and all committees authorized by the town meeting for a primarily legislative purpose.

### **SECTION 3-7: PLANNING BOARD**

- (a) Composition, Term of Office - There shall be a planning board consisting of seven (7) members who shall be elected for terms of three (3) 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 sub-division 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 meeting on all matters affecting land use and development, including the zoning by-law 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 by-law or by other vote of the town meeting.

### **SECTION 3-8: BOARD OF WATER AND SEWER COMMISSIONERS**

- (a) Composition, Term of Office - There shall be a board of water and sewer commissioners consisting of three (3) members elected for terms of three (3) years each, so arranged that the term of office of one member shall expire each year.
- (b) Powers and Duties - The Board of Water and Sewer Commissioners shall have, as to sewers and drains, the powers and duties and shall be subject to the same penalties and liabilities of selectmen and road commissioners. The Board of Water and Sewer Commissioners shall have exclusive charge and control of the water department and water system, subject to all lawful by-laws and to such instructions, rules and regulations as the town may from time to time impose by its vote. The Board of Water and Sewer Commissioners shall have such other powers and duties as are given to water and sewer commissioners by general law, by this charter, by by-law or by other vote of the town meeting.

### **SECTION 3-9: NORTON HOUSING AUTHORITY**

- (a) Composition, Term of Office - There shall be a housing authority which shall consist of five (5) members serving for terms of five (5) years each so arranged that the term of one member shall expire each year. Four (4) of these members shall be elected by the voters and the fifth member shall be appointed by the Secretary of Communities and Development of the Commonwealth (or as may otherwise be provided by law).
- (b) Powers and Duties - The Housing Authority shall make studies of the housing needs of the community and shall provide programs to make

available housing for families of low income and for elderly persons of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by general law.

## **ARTICLE 4 TOWN MANAGER**

### **SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM**

The Board of Selectmen shall appoint a town manager from a list prepared by a screening committee in accordance with section 4-6. The Board of Selectmen shall appoint the town manager to serve for an indefinite term and shall fix the compensation for such person, annually, within the amount appropriated by the town. The Town Manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Town Manager shall be a person qualified by education, training and previous experience to perform the duties of the office. A town manager need not be a resident of the town or of the commonwealth at the time of appointment, nor at any time during the period of such service. The town manager shall not have served as a member of the board of selectmen in the town government for at least twelve (12) months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate.

The Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor be actively engaged in any other business or occupation during such service, unless such action is approved in advance and in writing by the Board of Selectmen.

The Board of Selectmen shall provide for an annual review of the job performance of the Town Manager which shall, at least in summary form, be a public record.

### **SECTION 4-2: POWERS AND DUTIES**

The Town Manager shall be the chief administrative officer of the town, directly responsible to the Board of Selectmen for the administration of all town affairs for which the office of town manager is given responsibility by or under this charter. The powers and duties of the town manager shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of town manager is given authority, responsibility or control by this charter, by by-law, by town meeting vote, by vote of the Board of Selectmen, or otherwise.
- (b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions and employees for whom no other method of selection is provided by this charter. Such appointments shall become effective on the fifteenth (15<sup>th</sup>) day following the day on which notice of the appointment is filed with the Board of Selectmen, unless, within that period, four (4) members of the Board of Selectmen shall vote to reject such appointment, or, a majority has sooner voted to affirm it. Copies of the notices of all such appointments shall be posted on the town bulletin boards when submitted to the Board of Selectmen.
- (c) To appoint, subject to the approval of the Board of Selectmen in accordance with the procedure set forth in section 4-2(b), the following town officers:
  - a police chief and police officers
  - a fire chief and other firefighters
  - a town treasurer/collector
  - an assistant to the town manager
  - a communications supervisor
  - a water and sewer superintendent
  - a highway superintendent
  - a town planner
  - an assistant assessor
  - a conservation agent
  - a health agent
  - an inspector of milk and dairy
  - a town nurse
  - an emergency management director
  - an inspector of buildings
  - a wiring inspector
  - a gas inspector
  - a plumbing inspector
  - a veteran's agent
  - a veteran's grave officer
  - a human resources director

a recreation director  
a dog officer  
an animal inspector  
a sealer of weights and measures  
a tree warden  
a town historian

- (d) To be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, provisions for an annual employee performance review, personnel by-law and 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.
- (e) To fix the compensation of all officers and employees appointed by the town manager within the limits established by appropriations.
- (f) To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.
- (g) 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 Board of Selectmen, but not less than quarterly, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.
- (h) To keep the Board of Selectmen fully advised as to the needs of the town and shall recommend to the Board of Selectmen and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town manager may deem necessary or expedient.
- (i) 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 by-law, by vote of the town or otherwise.



- (j) To prepare and present, in the manner provided in Article 6, an annual operating budget for the town and a proposed capital outlay program for the five (5) fiscal years next ensuing.
- (k) 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.
- (l) To negotiate all contracts involving any subject within the jurisdiction of the office of town manager, including contracts with town employees, except 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.

Members of the Board of Selectmen may attend negotiation sessions, but only as observers. Members of the Board of Selectmen may not directly participate in collective bargaining sessions. Attendance by members of the Board of Selectmen shall be limited in such a way that no more than two (2) designated members of the board will have attended any or all of the negotiations sessions leading to a particular collective bargaining agreement. All contracts shall be subject to ratification and execution by the Board of Selectmen.

- (m) To be responsible for purchasing all supplies, material and equipment for all departments and activities of the town, but not including food for schools, school and library books and other instructional material, supplies and equipment, unless otherwise specifically requested by the School Committee or the Library Trustees, as appropriate. The Town Manager shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency, except schools and libraries. The Town Manager shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any town agency.
- (n) To see that all of the provisions of the general laws, of this charter, town by-laws and other votes of the town meeting, and votes of the Board of Selectmen 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.

- (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.
- (p) To attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the town manager exercises any supervision.
- (q) To reorganize, consolidate or abolish, in the manner provided in Article 5, town agencies serving under the supervision of the town manager, in whole or in part, provide for new town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.
- (r) To coordinate the activities of all town agencies serving under the office of town manager and the office of board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. 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.
- (s) To perform any other duties as are required to be performed by the town manager by by-laws, administrative code, votes of the town meeting, or votes of the board of selectmen, or otherwise.
- (t) All actions taken by the town manager pursuant to the above stated authority shall be subject to review by the board of selectmen which may, by the affirmative vote of four (4) members taken within thirty (30) days following the particular action, order any such action to be rescinded.

**SECTION 4-3: DELEGATION OF AUTHORITY**

The Town Manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of town manager, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town manager.

**SECTION 4-4: ACTING TOWN MANAGER**

- (a) Temporary Absence - By letter filed with the Town Clerk, the Town Manager shall designate a qualified town administrative officer or employee

to exercise the powers and perform the duties of town manager during a temporary absence. During a temporary absence the Board of Selectmen may not revoke such designation until at least ten (10) working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town manager shall return.

- (b) Vacancy - Any vacancy in the office of town manager shall be filled as soon as possible by the Board of Selectmen in the manner provided in section 4-1, but, pending such regular appointment the Board of Selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed ninety (90) days, but one renewal may be voted by the Board of Selectmen not to exceed a second ninety days. Compensation for such person shall be set by the Board of Selectmen.
- (c) Powers and Duties - The powers of a temporary or acting town manager, under (a) and (b) above, shall be limited to matters which, if delayed, would result in the inability of town government to function properly and efficiently. Such authority shall include, but not be limited to, the making of temporary, emergency appointments or designations only to town offices or positions, and preparation of a budget in accordance with applicable provisions of this charter.

#### **SECTION 4-5: REMOVAL**

The Board of Selectmen by the affirmative votes of four (4) members may terminate and remove, or suspend, the town manager from office in accordance with the following procedure.

- (a) The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of four (4) of its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town manager for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the town manager forthwith.
- (b) Within five (5) days after receipt of the preliminary resolution the Town Manager may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not later than thirty (30) days after the request is filed nor earlier than twenty (20) days. The Town Manager may

file a written statement responding to the reasons stated in the resolution of removal with the Board of Selectmen provided the same is received at its office more than forty-eight (48) hours in advance of the public hearing.

- (c) The Board of Selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative votes of four (4) of its members not less than ten (10) nor more than twenty-one (21) days following the date of delivery of a copy of the preliminary resolution to the town manager, if the town manager has not requested a public hearing; or, within ten (10) days following the close of the public hearing if the Town Manager has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the Town Manager shall, at the expiration of said time, forthwith resume the duties of the office.

The Town Manager shall continue to receive a salary until the effective date of a final resolution of removal.

The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the Board of Selectmen.

#### **SECTION 4-6: SCREENING COMMITTEE**

Upon the resignation or removal of the Town Manager, the Board of Selectmen shall immediately call for the formation of a screening committee for the purpose of soliciting, receiving, and evaluating applications for the position of town manager. Said screening committee shall require that all candidates meet the minimum qualifications required by by-law or as set forth in the job description for the position of town manager.

The screening committee shall consist of nine (9) people who shall be chosen as follows: the board of selectmen, the school committee, the board of assessors, the planning board, and the finance committee shall each designate one (1) person, and four (4) people will be chosen by the Town Moderator. Three (3) of the people appointed by the moderator must not hold any other appointed or elected town position. People appointed by the town agencies may, or may not, be members of the agency by which they are designated. Appointments made by the Town Moderator shall be last in time so that the

moderator may, insofar as it may be feasible, appoint people who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town. No more than thirty (30) days after the date such vacancy, or pending vacancy, becomes known the Town Clerk shall call and convene a meeting of the several persons who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The screening committee shall proceed notwithstanding the failure of the moderator or any town agency to make an appointment hereunder.

The screening committee shall commence a screening process in accordance with the requirements of the Open Meeting Law. Not more than one hundred and fifty (150) days following the date on which the committee meets to organize, the committee shall submit to the Board of Selectmen the names of not less than three (3) nor more than five (5) persons whom it believes to be the best suited to perform the duties of the office of town manager.

Within thirty (30) days following the date the list of nominees is submitted to it, the Board of Selectmen shall choose one (1) of the said nominees to serve as town manager. In the alternative, the Board of Selectmen may direct the screening committee to undertake a second screening process and submit no less than three (3) nor more than five (5) names to the Board of Selectmen within sixty (60) days for appointment to the office of town manager.

## **ARTICLE 5 ADMINISTRATIVE ORGANIZATION**

### **SECTION 5-1: ORGANIZATION OF TOWN 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) **By-Laws** - Subject only to express prohibitions in a general law or the provisions of this charter, the town meeting may, by by-law, 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 manner of selection, 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 the Board of Selectmen, may from time to time prepare and submit to the town meeting 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 Board of Selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than fourteen (14) days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of thirty (30) days following the date of final adjournment of the town meeting at which any such proposal has been approved by a majority vote of the town meeting. The town meeting may vote only to approve or to disapprove an organization or reorganization plan submitted under this paragraph and may not vote to amend or to alter it.

#### **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 6 FINANCE AND FISCAL PROCEDURES**

#### **SECTION 6-1: FISCAL YEAR**

The fiscal year of the town shall begin on the first (1<sup>st</sup>) day of July and shall end on the last day of June, unless another period is required by general law.

#### **SECTION 6-2: SCHOOL COMMITTEE BUDGET**

- (a) Preparation - The School Committee shall consider, in open public meetings, the detailed expenditures proposed by the Superintendent of

Schools for the ensuing fiscal year. The budget shall be arranged to show the actual expenditures for the two (2) previous fiscal years, and the estimated expenditures for the current year and ensuing fiscal year. It shall include an impact statement detailing planned changes in operation or staffing from those in place during the current fiscal year. The School Committee may require the Town Manager, or any other town agency, to furnish it with information it may deem necessary to assist it in its review and consideration of the proposed operating budget.

- (b) Adoption and Submission - Prior to final approval of its proposed budget, the School Committee shall hold a public hearing for which notice is provided in a local newspaper at least one (1) week prior thereto. At this hearing interested residents of the town shall be permitted to share their views about the proposed budget, provided, however, that the Chair of the School Committee shall have authority to set reasonable rules for such participation. The final proposed budget adopted by the School Committee shall be submitted to the Town Manager no later than eight (8) weeks prior to the date set by the Board of Selectmen for convening the spring annual town meeting.

### **SECTION 6-3: ANNUAL TOWN BUDGET**

- (a) Anticipated Revenues and Expenditures – No later than the third (3<sup>rd</sup>) week in February, the Town Manager shall make available to the board of selectmen, the school committee and the finance committee a statement detailing budgeted revenues and appropriated expenditures for the current fiscal year, and estimated revenues and expenditures for the ensuing fiscal year, accompanied by supporting or explanatory documents when appropriate. Subsequent updates and revisions of this statement shall be given to the three (3) boards no less than every two (2) weeks following the initial presentation up until the date of the spring annual town meeting, and subsequently as is deemed necessary.
- (b) Preparation – The Town Manager shall have the sole authority to prepare and submit the proposed annual town budget to the Board of Selectmen and the Finance Committee. The Town Manager may submit various parts of the proposed budget to the Board of Selectmen and the Finance Committee in whatever manner and at whatever date the Town Manager believes to be appropriate, subject to the restrictions set forth herein.

A complete proposed budget must be presented to the Board of Selectmen and the Finance Committee for their consideration no later than six (6) weeks prior to the date set by the Board of Selectmen for convening the spring annual town meeting.

The proposed budget shall include separate amounts for “personnel services” and for “other charges and expenses” for each department or category, along with additional supportive or explanatory documentation when appropriate. The budget shall be arranged to show the actual expenditures for each line item in the two previous years, the appropriated/transferred amount for the current fiscal year, the departmental request and the town manager’s recommendation for each line item for the ensuing fiscal year. Amendments or changes to the proposed budget may, if necessary, be proposed by the Town Manager to the Board of Selectmen and the Finance Committee up until the time and date of the spring annual town meeting.

- (c) Finance Committee Recommendation – The Finance Committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency, and may confer with representatives of each agency concerning its review and consideration. The Finance Committee may require the town manager, or any other town agency, to furnish it with additional information, as it may deem necessary, to assist it in its review and consideration of the proposed operating budget. The Finance Committee shall file a report to the spring annual town meeting containing its recommendations for action to be taken on each line item in the proposed operating budget as submitted by the Town Manager, which report shall be made available as provided in section 2-3(b). Prior to finalizing its report, the Finance Committee shall conduct a public hearing in accordance with the provisions of section 2-3(b).

The Finance Committee shall present the proposed operating budget for the ensuing fiscal year to the town meeting under a motion similar to the following: “Moved that the operating budget be adopted in the amounts as recommended by the Finance Committee.”

**SECTION 6-4: CAPITAL IMPROVEMENT PROGRAM**

- (a) Capital Improvements Committee – There shall be a capital improvements committee, which shall consist of one (1) member of the



finance committee, one (1) member of the board of selectmen, one (1) member of the school committee, and one (1) member of the planning board, each of whom shall be designated by the respective board or committee to which they belong, and their names reported to the town manager no later than September 15<sup>th</sup> of each year. In addition, the town manager shall serve on the committee.

- (b) Five-year Planning Program – No later than the first (1<sup>st</sup>) week of March the capital improvements committee shall submit to the Board of Selectmen and the Finance Committee a list of all capital improvements proposed by any department to be undertaken during the next ensuing five (5) years, along with general cost estimates and recommended time schedules for each improvement. This list shall include any ongoing costs and time lines for projects already underway.
- (c) Annual Capital Improvements Budget – No later than seven (7) weeks prior to the convening of the spring annual town meeting the Town Manager shall submit to the Capital Improvements Committee, the Board of Selectmen and the Finance Committee a schedule showing all capital improvement projects, new and ongoing, which have been proposed for the ensuing fiscal year. It should also indicate those items to be paid for over several fiscal years, and the methods of financing each improvement. This schedule should also indicate which of the proposed improvements is recommended for funding by the Town Manager.
- (d) Report of the Capital Improvements Committee – Not later than 4 weeks before the date set by the Board of Selectmen for convening the Spring Annual Town Meeting, the Capital Improvements Committee shall submit its recommendations to the Finance Committee.
- (e) Action of the Finance Committee – The Finance Committee shall consider the report of the Capital Improvements Committee and determine the Finance Committee’s recommendations in an open public meeting. The recommendations of the Finance Committee regarding capital improvements for the next fiscal year shall be contained in the committee’s report and recommendations to the town meeting on all warrant articles, as provided in subsection (b) of section 2-3.

**SECTION 6-5: APPROVAL OF WARRANTS**

The Town Manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of the general laws shall be submitted to the Town Manager. The approval of any such warrant by the Town Manager and at least three (3) members of the Board of Selectmen shall be sufficient authority to authorize payment by the town treasurer, but the Board of Selectmen alone shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

**SECTION 6-6: AUDITS**

The Board of Selectmen shall provide for an independent annual audit of all financial books and records of the town. Audits of the town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the town.

**ARTICLE 7  
GENERAL PROVISIONS**

**SECTION 7-1: ELECTIONS**

The articles in the warrant for any town meeting insofar as they relate to the election of town officers, or to the determination by the voters of any question to be submitted for such decision by written ballots, shall be acted upon and determined by the voters in their respective precincts.

The regular town election shall be taken on official ballots without party or political designation of any kind on the date fixed by by-law.

**SECTION 7-2: CHARTER CHANGES**

This charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

**SECTION 7-3: SEVERABILITY**

The provisions of this charter are severable. If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstance is

held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

**SECTION 7-4: SPECIFIC PROVISIONS TO PREVAIL**

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

**SECTION 7-5: NUMBER AND GENDER**

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

**SECTION 7-6: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency shall be filed in the Office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten (10) business days following the date it has been so filed in the Office of the Town Clerk.

**SECTION 7-7: PERIODIC REVIEW, CHARTER AND BY-LAWS**

- (a) Charter Review - In each year ending in a zero (0) a special committee shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine (9) voters who shall be chosen as follows: the board of selectmen, the school committee, the planning board and the board of assessors, shall each designate one (1) person, the finance committee shall designate two (2) persons and three (3) persons shall be appointed by the town moderator. Persons appointed by the said agencies may, but need not, be members of the agency by which they are designated. The persons appointed by the town moderator shall be voters not otherwise involved in town government as a member of any appointed or elected town agency. The committee shall meet to organize within thirty (30) days of the call of the Board of Selectmen to establish the committee, notwithstanding the failure of any agency to make its designated appointment.

- (b) By-Law Review – In each year ending in five (5) the Board of Selectmen shall appoint a special committee, consisting of five (5) voters, for the purpose of drafting proposals for the revision or recodification of all by-laws of the town. In addition, the Town Clerk shall serve as an *ex officio* non-voting member of the committee. The committee shall present its proposals to the Board of Selectmen, which shall include the same on the warrant for the fall annual town meeting occurring no later than the year following the one in which the committee was formed. The committee shall have its proposals reviewed by town counsel or by special counsel retained for this purpose. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual per copy cost of reproduction.

#### **SECTION 7-8: PROCEDURES GOVERNING MULTIPLE MEMBER BODIES**

- (a) Meetings - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairperson or by one-third (1/3) of the members thereof, and notice of such meetings shall be posted on the town bulletin boards in accordance with the Open Meeting Law, G.L. c.30A, §18-25, as it may be amended from time to time. Notice shall also be delivered forthwith to the members of such multiple member body. Special meetings of any multiple member body shall also be called within one (1) week after the date of the filing with the Town Clerk of a petition signed by at least fifty (50) voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.
- (b) Agendas - In compliance with the Open Meeting Law, G.L. c.30A, §18-25, the notice for any meeting shall include all items which the chair reasonably anticipates will be discussed at the meeting. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, a resolution declaring that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.

- (c) Rules and Minutes of Meetings - Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by law and shall provide for keeping minutes of its proceedings. These rules and minutes shall be public records, and certified copies shall be kept available in the Office of the Town Clerk. For the convenience of the public copies of these records shall also be kept at the main branch of the Norton Public Library, provided, however, such copies are not to be construed in any way as being the official records.
- (d) Voting - The vote of each member shall be recorded in the minutes, provided, however, that if the vote is unanimous only that fact need be recorded. Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, that if the vote is unanimous only that fact need be recorded.
- (e) Quorum - A majority of the members of the multiple member body then in office shall constitute a quorum. Less than a quorum of a multiple member body may adjourn from time to time or may meet for the sole purpose of acting under section 7-11.
- (f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty (30) days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.
- (g) Composition of Multiple Member Bodies – All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one (1) year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

## **SECTION 7-9: REMOVALS AND SUSPENSIONS**

Any appointed town officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen (15) days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.

Within five (5) business days following delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

- (b) Between one (1) and ten (10) business days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six (6) and fifteen (15) business days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the

appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

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

#### **SECTION 7-10: NOTICE OF VACANCIES**

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten (10) business days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen (14) days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

#### **SECTION 7-11: LOSS OF OFFICE, EXCESSIVE ABSENCE**

If any person appointed to serve as a member of a multiple member body shall fail to attend three (3) or more consecutive meetings, or one-half (1/2) or more of all of the meetings of such body held in one (1) fiscal year, the remaining members may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten (10) business days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

### **ARTICLE 8 TRANSITIONAL PROVISIONS**

#### **SECTION 8-1: CONTINUATION OF EXISTING LAWS**

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

#### **SECTION 8-2: CONTINUATION OF GOVERNMENT**

All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.

#### **SECTION 8-3: CONTINUATION OF ADMINISTRATIVE PERSONNEL**

Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency.

#### **SECTION 8-4: TRANSFER OF RECORDS AND PROPERTY**

All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.