Chapter 84 of the Acts of 2008

AN ACT ESTABLISHING A CHARTER FOR THE TOWN OF MEDWAY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The following shall be the charter for the town of Medway:

CHAPTER 1. TOWN INCORPORATION, FORM OF GOVERNMENT, AND POWERS

Section 1. Incorporation
1-1-1 The inhabitants of the town of Medway, within the corporate limits established by law, shall continue to be a body corporate and politic with perpetual succession under the name "town of Medway".

Section 2. Short Title
1-2-1 This instrument shall be known and may be cited as the "Medway town charter".

Section 3. Powers of the Town
1-3-1 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 purpose of the voters of Medway to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under Article LXXXIX of the Amendments to the Constitution and the laws of the commonwealth.

Section 4. Division of Powers
1-4-1 All legislative powers of the town shall be exercised by a town meeting open to all voters. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch headed by the board of selectmen unless otherwise specified in this charter.

Section 5. Construction
1-5-1 The powers of the town of Medway under this charter shall be construed liberally in favor of the town and the specific mention of any particular power shall not limit the general powers of the town of Medway as stated section 1-3-1. To the extent that the provisions of this charter conflict with existing by-laws of the town of Medway, this charter shall govern.

Section 6. Intergovernmental Relations
1-6-1 Subject to the applicable requirements of the Constitution or laws of the commonwealth, the town of Medway 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 1 or more civil divisions, subdivisions or agencies of any state or the United States government.

Section 7. Definitions
1-7-1 As used in this charter the following words shall have the following meanings unless the context clearly requires otherwise:
(a) "Charter", this charter and any amendments to it which may hereafter be adopted.
(b) "Days", business days, which shall not include Saturdays, Sundays and legal holidays; provided, however, that when the time set is 7 days or more, every day shall be counted unless the term "business days" is clearly noted in the charter.

(c) "Emergency", a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action and does not refer to financial events which could be or should have been anticipated and planned for in the fiscal budgeting process.
(d) "Majority vote", a majority of those present and voting, provided that a quorum of the body is present when the vote is taken.
(e) "Multiple member body", any board, commission, committee, subcommittee or other body consisting of 2 or more persons however constituted.
(f) "Quorum", a majority of the members of a multiple member body then in office, not including any vacancies which might then exist.
(g) "Town", the town of Medway.
(h) "Town agency", any board, commission, committee, department, division or office of the town government.
(i) "Town bulletin board", shall mean the bulletin board in the town hall on which official town notices are posted and the bulletin boards in other locations within the town which may be designated as town bulletin boards by by-law.
(j) "Town officer", 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 a sovereign power of the town.
(k) "Voters", the registered voters of the town of Medway.
(l) "Website", the town of Medway's official world wide web internet address.

CHAPTER 2. LEGISLATIVE BRANCH

Section 1. Town Meeting
2-1-1 The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.
2-1-2 The town meeting shall meet in regular session at least twice in each calendar year. The first meeting shall be the annual town meeting, and shall be held on the second Monday in May, at such time and in such manner as fixed by by-law, and shall be primarily 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 and the determination of other matters to be decided by ballot of voters. The election of town officers shall be held annually on the third Tuesday in May each year, commencing in May of the year following adoption of this charter.
2-1-3 The second town meeting shall be the fall town meeting and shall be held on a date fixed by by-law, but not later than the third Monday in November. The fall town meeting shall be primarily concerned with, but not limited to, the financial condition of the town and actions required to keep the town's revenue and expense budget balanced for the remainder of the current fiscal year.
2-1-4 Special town meetings shall be held at the call of the board of selectmen at such times it deems necessary or when petitioned by the voters in accordance with the General Laws.

Section 2. Warrants
2-2-1 Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the date, time and place at which the meeting is to be convened and, by separate articles, the subject matter to be acted upon.
2-2-2 The publication of the warrant for every town meeting shall be in accordance with procedures outlined in this charter and town by-laws governing such matters.

Section 3. Initiation of Warrant Articles
2-3-1 Initiation - The board of selectmen shall accept articles for inclusion in the warrant for the annual town meeting and all special town meetings under section 10 of chapter 39 of the General Laws.
2-3-2 Referral - The board of selectmen, following receipt of a petition containing a proposed warrant article filed with the board of selectmen in accordance with section 2-3-1, shall cause an accepted and

signed copy of the proposed warrant article to be delivered to the chairperson or designee of the finance committee, and a copy thereof shall be posted on the town bulletin board and the town's website. The board of selectman shall cause other distributions to be made of each proposed warrant as may be required by law or by-law.

Section 4. Availability of Town Officials at Town Meetings
2-4-1 Every town officer, elected official, member of a multiple member body, head of a department and head of each division within a department shall attend all sessions of the town meeting for the purpose of providing the town meeting with information and answering questions concerning matters appearing in the warrant.
2-4-2 In the event a town officer or the head of department or division is to be absent due to illness or other reasonable cause, he shall designate a deputy to attend in his place.
2-4-3 If a person designated to attend the town meeting under this section is not a voter, such person may address the town meeting in order to comply with this section.

Section 5. Committees
2-5-1 Subject to this charter and to by-laws or other town meeting votes regarding committees, the moderator shall appoint for fixed terms the members of the committees of the town meeting, special or standing, as may be established, other than those established by vote of the town meeting. In addition to such specific powers, duties and responsibilities as may be provided to a town meeting committee by by-law or vote, each committee, when acting within the scope of its authority, may examine the pertinent records of any town agency or department and to consult with any town officer.
2-5-2 Finance committee. There shall be a finance committee, consisting of 9 registered voters of the town, who shall be sworn to the faithful performance of their duties. No elected or appointed town official or employee shall be eligible to serve as a member of the finance committee.
Annually, not later than July 1, an appointment committee consisting of the town moderator, the chairman of the finance committee and the chairman of the board of selectmen, shall appoint 3 members of the finance committee for a term of 3 years in place of those whose terms expire in that year. The appointment committee shall commence its selection process by posting a notice of annual vacancies on the town bulletin board, the town's website and in at least 1 local newspaper of daily circulation not later than 7 days following that year's date of annual town meeting. The appointment committee shall formally interview all applicants and shall appear before the board of selectmen to notify it and the public of its appointments in person at a regularly scheduled public meeting of the board.
Annually, the finance committee shall hold at least 1 public hearing to discuss the subject matter of all articles contained in the warrant for each regular and special town meeting, except those articles subject to public hearings by other multiple member bodies not containing appropriations. The finance committee shall report its recommendations, in writing, on the articles for which it held public hearings in accordance with the board of selectmen's budgeting calendar for the annual town meeting, and at least 10 days before any other town meeting.
No financial article shall be presented to any annual or special town meeting that has not previously been submitted to the finance committee for its review. The finance committee shall have such additional powers and duties as may be provided by the General Laws, by this charter or by by-law.

Section 6. Clerk of the Town Meeting
2-6-1 The town clerk shall serve as the clerk of the town meeting.
2-6-2 In the event the town clerk is unable to attend a town meeting, he shall designate a person a attend for him. If that person then fails to attend, the town moderator shall appoint a clerk pro tempore.
2-6-3 The town clerk shall give notice of all meetings to the public, keep a journal of its proceedings and perform such other functions as may be required by the General Laws, by charter, by by-law or by other town meeting vote. Notice of all meetings shall also be posted and on the town's website.

Section 7. Rules of Procedure
2-7-1 The town meeting may, by by-law, establish, amend, revise or repeal rules to govern the conduct of town meeting.

Section 8. General Powers and Duties
2-8-1 All legislative 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 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 law.

CHAPTER 3. ELECTED OFFICERS

Section 1. General Provisions
3-1-1 The offices to be filled by ballot of the voters of the town shall be the board of selectmen, school committee and town moderator.
3-1-2 In addition to the town offices in section 3-1-1, members of the board of library trustees, Medway Housing Authority, parks and recreation commission, planning and economic development board, board of health, water and sewer commission, town clerk and such other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement, shall also be filled by ballot at town elections.
3-1-3 Any registered voter of the town shall be eligible to hold an elective town office.
3-1-4 Elected town office holders shall receive such compensation for their services as may be appropriated annually for such purpose. All full-time, paid office holders shall comply fully with all town personnel policies and directives.
3-1-5 Notwithstanding their election by the voters, the town officials named in this section shall be subject to the call of the board of selectmen or the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.
All appointed and elected officials shall work with each other in a cooperative manner and in the best interests of the town.
3-1-6 Elected multiple member body vacancies. If there is a vacancy in a multiple member board, other than the board of selectmen, the remaining members shall give written notice of the existence of the vacancy to the board of selectmen. The board of selectmen, with the remaining members of the multiple member board, shall fill such vacancy by a joint roll call vote. The board of selectmen shall set a date for the joint vote and give at least 1 week's notice. If the notice is not given within 30 days following the date on which the vacancy occurs, the board of selectmen shall, after 1 week's notice, fill the vacancy without participation by the remaining members of the multiple member body.
3-1-7 If there is a failure to elect or if a vacancy occurs in the office of the board selectmen, it shall be filled in accordance with the General Laws.
3-1-8 If there exists a vacancy in an elected office that is not a multiple member body, the board of selectmen shall provide for notice of such vacancy by posting the vacancy on the town bulletin board and the town's website. Any person who desires to be considered to fill such vacancy shall, within 10 days following the date the notice is posted, file with the board of selectmen a statement which sets forth in clear and specific terms the qualifications which he holds for the position. The board of selectmen shall fill such vacancy no earlier than 14 days and no later than 30 days after the notice was posted. The person who receives a majority of the votes cast at the board of selectmen's meeting shall be the person appointed to fill the vacancy. The person appointed to fill the vacancy shall hold office until the next regularly scheduled annual town election at which time the vacant position shall be included on the ballot.
3-1-9 The town of Medway may, by vote of the town meeting at least 90 days prior to the annual town meeting, determine whether an elected office, board, committee or commission shall be abolished, divided or appointed by the town administrator or board of selectmen, provided, however, that no such

vote shall take effect and no action shall be taken thereunder until the matter is submitted to the voters of the town of Medway at the next annual town election in the form of a ballot question and a majority of votes cast is in the affirmative.

Section 2. Board of Selectmen
3-2-1 There shall be a board of selectmen consisting of 5 members elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.
3-2-2 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 available to it under the Constitution and the General Laws, and such additional powers and duties as may be authorized by by-law, town meeting vote or this charter. The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for formulating and promulgating policy directives and guidelines to be followed by all town agencies serving under it and, in consultation 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 authorize a member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of a town agency. As chief policymaking agency of the town, the board of selectmen shall seek to secure the cooperation of the town's elected boards, committees and officials in the implementation of such policies. The board of selectmen shall be responsible for the efficient and effective coordination of the activities of all elected and appointed boards and committees and, for such purpose, may, consistent with law, call together for consultation, conference and discussion at reasonable times all elected and appointed boards and committees. This provision shall not apply to the school committee.
3-2-3 The board of selectmen shall be the licensing board for the town and shall have the power to grant licenses as authorized under the General Laws, to make all necessary rules and regulations regarding the granting of such licenses, to attach conditions and impose restrictions on any such licenses as it deems to be in the public interest and to enforce all laws, rules, regulations and restrictions relating to all such business for which it grants licenses.
3-2-4 The board of selectmen shall enforce the charter, by-laws and rules and regulations for the government of the town and shall keep an up-to-date record of all its official acts, to be posted and made available on the town's website.
3-2-5 The board of selectmen shall appoint a town administrator for a term not to exceed 3 years. The appointment of town administrator shall be by the affirmative vote of at least 3 members of the board of selectmen, with reappointment by at least 3 affirmative votes of the board of selectmen. Removal of the town administrator shall require the affirmative vote of 4 members of the board of selectmen and in accordance with procedures outlined in section 5-4-1 of this charter.
3-2-6 The board of selectmen shall make appointments as outlined in chapter 9 of this charter, and shall have the authority to make such other appointments as it deems necessary, as provided by the General Laws, by this charter, by by-law or by other town meeting vote.
3-2-7 Notwithstanding any provision of this charter, to the contrary the terms of office of all appointments made by the board of selectmen shall be as currently specified in the General Laws, this charter or by by-law or town meeting vote.
3-2-8 The board of selectmen may investigate or may authorize the town administrator to investigate the affairs of the town and the conduct of any agency of the town, 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.

Section 3. Town Moderator
3-3-1 There shall be a town moderator elected for a term of 3 years.
3-3-2 The town moderator shall be the presiding officer of the town meeting, shall regulate its

proceedings, decide all questions of order, ensure that accurate and complete records and minutes of the town meeting are being maintained by the town clerk, and shall have such other powers and duties as may be provided by the General Laws, by this charter, by by-law or by other town meeting vote.

Section 4. School Committee
3-4-1 There shall be a school committee consisting of 5 members elected for terms of 3 years each so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.
3-4-2 The school committee shall have all the powers and duties which are given to school committees by the General Laws and it shall have such additional powers and duties which are given by by-law or other town meeting vote. The powers of the school committee shall include, but not be limited to, the following:
(1) to appoint and terminate the superintendent of schools and other officers as authorized by the General Laws, to fix their compensation and to define their duties, make rules concerning their tenure and to discharge them.
(2) to make all reasonable policies consistent with the General Laws or state department of education regulations for administration and management of the public school system and for conduct of its own business and affairs, and to review and approve budgets for public education in the district.
(3) to establish educational goals and policies for the schools in the district with the requirements of law and in accordance with statewide goals and standards established by the state board of education.

Section 5. Town Clerk
3-5-1 There shall be a town clerk elected to serve for a term of 3 years.
3-5-2 The town clerk shall be the keeper of vital statistics for the town and the custodian of the town seal, shall administer the oath of office to all persons, elected or appointed to any office, shall grant licenses and permits as are required by law to be issued by town clerks, shall supervise and manage the conduct of all elections and all other matters relating to elections, shall be the clerk of the town meeting and keep its records and minutes and, in the absence of the town moderator shall preside pending the election of a temporary town moderator. The town clerk shall have such other powers and duties provided to town clerks by the General Laws, by this charter, by by-law or by vote of the town meeting.

Section 6 . Board of Library Trustees
3-6-1 There shall be a board of library trustees consisting of 5 members to be elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.
3-6-2 The board of library trustees shall have the custody and management of the public library and of all property of the town related to the library. All money and property that the town may receive by gift or bequest for the purpose of library support or maintenance shall be administered by the board of library trustees in accordance with the terms of such gift or bequest. The board shall have all of the other powers and duties provided to boards of library trustees by the General Laws, by this charter, by by-law or by vote of the town meeting.

Section 7. Planning and Economic Development Board
3-7-1 There shall be a planning and economic development board consisting of 5 members to be elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.
3-7-2 The planning and economic development board shall have all the powers and duties provided to planning boards and economic development boards under the General Laws, and shall have such additional powers and duties as may be authorized by the charter or by-laws. The planning and economic development 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 and economic development

board shall provide for the review and updating of the comprehensive master plan at least once every 10 years, setting forth policies governing the future growth and development of the town's economic, developmental and human service needs.
The planning and economic development board shall regulate the subdivision of land within the town by adopting rules and regulations governing such development and the administration of its powers. The planning and economic development board shall make recommendations to the town meeting on all matters affecting land use and development, including zoning by-laws of the town.
The planning and economic development board shall make an annual report, regarding the condition of the town and any plans or proposals for its development and estimates of their costs.
3-7-3 The planning and economic development board shall direct the efforts of the town's industrial development committee and shall appoint the members of the industrial development committee and any other committees as provided by the General Laws and by-law.

Section 8. Board of Health
3-8-1 There shall be a board of health consisting of 3 members to be elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.
3-8-2 The board of health shall adopt rules and regulations relative to the environment and the public health, and shall have all the powers and duties provided to boards of health under the General Laws, and such additional powers and duties as may be authorized by by-law, by vote of the Town Meeting or by this charter.

Section 9. Water and Sewer Commission
3-9-1 There shall be a water and sewer commission consisting of 3 members to be elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.
3-9-2 The water and sewer commission shall adopt rules and regulations relative to the municipal water system and sewer system and shall have all the powers and duties provided to water sewer commissions under the General Laws, and such additional powers and duties as may be authorized by by-law, or by vote of the town meeting or by this charter.

Section 10. Housing Authority
3-10-1 There shall be a housing authority consisting of 5 members serving for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year. Four members shall be elected and the fifth member shall be appointed as provided by the General Laws.
3-10-2 The housing authority shall conduct studies of housing needs of the town 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 all of the powers and duties provided to housing boards and authorities under the General Laws.

Section 11. Park and Recreation Commission
3-11-1 There shall be a park and recreation commission consisting of 3 members to be elected for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.
3-11-2 The park and recreation commission shall conduct and promote recreation, play, sport, physical education and other programs to meet the leisure time needs of the town. The park and recreation commission shall have all the powers and duties provided to park and recreation commissions under the General Laws and such additional powers and duties as may be authorized by the charter, by by-law or by vote of the town meeting.

Section 12. Recall Provisions
3-12-1 Any holder of an elected office in town may be recalled and removed therefrom by the voters of the town as herein provided.
3-12-2 Two per cent of the qualified voters of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be recalled and removed and a statement of the grounds of removal. The town clerk shall thereupon deliver to the voters making such affidavit a sufficient number of copies of petition blanks for such recall and removal. The blanks shall be issued by the town clerk with his signature and official seal attached thereto, and shall be dated and addressed to the board of selectmen. The blanks shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be removed, the office from which removal is sought, the grounds for removal as stated in the affidavit and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 30 days after the filing of the affidavit. The petition, before being returned and filed, shall be signed by 10 per cent of the qualified voters, and shall contain the place of residence of the signer, giving the street and number. The recall petition shall be submitted not later than 5 p.m. on the Thursday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of the town.
3-12-3 If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with this certificate to the board of selectmen without delay, and the board of selectmen shall forthwith give written notice to the officer sought to be recalled of the receipt of the certificate and shall, if the officer does not resign within 5 days thereafter, order a recall election to be held on a day fixed by them not less than 64 nor more than 90 days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within 100 days after the date of said certificate, the board of selectmen may, in its discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this section.
3-12-4 Any officer sought to be recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the official ballot without nomination. 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 laws relating to elections, unless otherwise provided in this charter. A majority of those voting at the recall election shall be sufficient to recall such elected officer.
3-12-5 The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term, subject to recall, except as provided in section 3-12-7. If not re-elected in the removal election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within 5 days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.
3-12-6 Ballots used in a removal election shall submit the following propositions in the order indicated:
For the removal of (name of officer)
Against the removal of (name of officer)
Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as hereinbefore provided.
If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast is in the negative, then the ballots for candidates to fill the potential vacancy need not be counted.
3-12-7 No recall petition shall be filed against an officer within 3 months after he takes office, nor in the case of an officer subjected to a removal election and not removed thereby, until at least 3 months

after such election.
3-12-8 No person who has been removed from an office by a recall election, or who has resigned from office while removal proceedings were pending against him, shall be appointed to any town office within 2 years after such recall or resignation.

CHAPTER 4. APPOINTED OFFICERS

Section 1. General Provisions
4-1-1 In accordance with section 3-2-6, the board of selectmen shall appoint the town administrator, town counsel, board of assessors, zoning board of appeals, affordable housing committee, capital improvements committee, conservation commission, Charles River P.C.D. Rep., those members of the community preservation committee as provided by town by-law, and other committee or commission representatives as required by the General Laws, charter or by-law.
4-1-2 The Board of selectmen shall appoint the board of assessors, comprised of 3 members, each appointed to serve staggered terms of 3 years each. The town administrator shall appoint the administrative assessor, in accordance with section 6-4-5.
4-1-3 The board of selectmen shall appoint an independent external auditor, who shall report to the board of selectmen and ensure compliance with the finance and fiscal procedures provided in this charter.
4-1-4 Consistent with the Tri-County regional vocational technical high school charter, a committee of 3, made up of the chairman of the board of selectmen, chairman of the Medway school committee, and the town moderator, shall appoint a resident of Medway for a 3 year term, to represent the town of Medway on the Tri-County regional vocational technical high school committee.
4-1-5 All town agency appointments by the board of selectmen, including those made by the town administrator, shall be for terms not to exceed 3 years, unless otherwise stated in this charter or required by town by-law or the General Laws.

CHAPTER 5. TOWN ADMINISTRATOR

Section 1. Appointment; Qualifications; Term of Office
5-1-1 The town administrator appointed by the board of selectmen for a 3 year term, shall be the chief administrative officer of the town and be responsible for the administration of all town affairs placed in his charge by or under the charter. The town administrator shall be a person especially fitted by education which shall consist of at least a bachelor's degree from an accredited degree-granting college or university and a minimum of 7 years of professional experience which shall include previous, full-time, compensated service in a managerial capacity in public or business administration.
5-1-2 The town administrator need not be a resident of the town or the commonwealth at the time of appointment. He must establish residence within the commonwealth and within reasonable proximity of the town, as determined by the board of selectmen, within 12 months following his appointment.
5-1-3 The town administrator shall hold no elected office or other appointed town office, shall devote full time to the duties of the office and shall engage in no other business or occupation without written authorization of the board of selectmen.
5-1-4 The town administrator shall not have served in an elected office in the town government for at least 12 months prior to his appointment.
5-1-5 The board of selectmen shall evaluate annually the performance of the town administrator, based on mutually established pre-determined goals, standards and criteria for performance.
5-1-6 The board of selectmen may establish additional duties or qualifications for the office of town administrator. The town administrator shall perform such other duties consistent with the office as may be required by the by-laws, or by vote of the selectmen or town meeting.

Section 2. Powers and Duties

5-2-1 The town administrator shall be the administrative officer for the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town administrator has been given responsibility under this charter, by vote of the town meeting or by vote of the board of selectmen.
5-2-2 The town administrator shall have all the powers, duties and responsibilities of appointing and removing all technical and operational positions of the town, including all department heads, officers, subordinates and employees of the town, except for employees of the school committee and library trustees, appointments made by the commonwealth and those appointments for which another method of appointment is provided for in this charter. The town administrator shall consider the recommendations of department heads, committees and commissions when making any appointment within their respective areas. Department heads, committees and commissions shall be notified in writing, prior to the town administrator making any appointment within their respective areas, if the appointment is other than the recommendation of said department heads, committees and commissions.
5-2-3 The town administrator shall direct and supervise the administration of all functions under his control and shall be responsible for the efficient and proper operation of all town agencies and departments, with the exception of the school department and public library.
5-2-4 The town administrator shall coordinate the activities of the town with the school department, library and other departments, which may not be under the direct control of the town administrator.
5-2-5 The town administrator shall be the chairman of the town financial review team, and shall establish monthly meetings of the financial review team to ensure timely review of all financial matters affecting the town, including a review of all major variances to the budget. Reports on variances and matters of importance shall be timely provided to the board of selectmen, finance committee and school committee.
5-2-6 The town administrator shall prepare and submit to the board of selectmen, finance committee and capital improvement committee, the annual capital outlay program. The library and school department shall provide the town administrator with their capital outlay programs.
5-2-7 The town administrator shall attend and may participate in all meetings of the board of selectmen, unless excused at his own request, but shall have no vote.
5-2-8 The town administrator shall attend all sessions of the town meetings and answer all questions directed to him by the voters.
5-2-9 The town administrator, may attend all meetings of the school committee and shall have a voice in all discussions. The town administrator shall have no vote at school committee meetings, except as authorized under chapter 150E of the General Laws for the purpose of negotiating union contracts.
5-2-10 The town administrator shall see that all provisions of the General Laws, of the charter, of by-laws and of votes of the town meeting and of the board of selectmen which require enforcement by him or officers subject to his direction and supervision are faithfully carried out.
5-2-11 The town administrator shall administer all provisions of general and special laws applicable to the town, to the charter, to the by-laws and votes of the town, and all rules and regulations made by the board of selectmen.
5-2-12 The town administrator shall negotiate all contracts involving any subject within the jurisdiction of the office of town administrator, including contracts with all town employees, as provided in the General Laws, excluding contracts with the director of the public library and other professional librarians, who shall be the responsibility of the library trustees.
5-2-13 The town administrator shall have full jurisdiction over the leasing, rental and use of all town facilities, including land and buildings, except land and buildings under the control of the school committee, library trustees, park and recreation commission and conservation commission. He shall be responsible for the maintenance and repair of all town property, excluding school buildings and the library.
5-2-14 The town administrator, pursuant to chapter 30B of the General Laws shall be the certified chief procurement officer responsible for the purchase of all supplies, materials and equipment, except books and other educational materials for schools, and books, supplies, materials, equipment and other media

materials for the library. He shall approve the award of all contracts for all town departments, except the school department and public library, subject to the approval of the board of selectmen.
5-2-15 The town administrator shall keep full and complete records of the financial and administrative activities of the town and shall render a full report to the board of selectmen at the end of each fiscal year and otherwise as the board may require.
5-2-16 The town administrator shall keep a full and complete inventory of all real and personal property of the town.
5-2-17 The town administrator may at any time inquire into the conduct of any officer or employee of any department under his jurisdiction.

Section 3. Acting Town Administrator
5-3-1 The town administrator, by letter filed with the board of selectmen and town clerk, shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town administrator during a temporary absence of the administrator. During a temporary absence, the board of selectmen shall not revoke the designation until at least 10 business days have elapsed, whereupon it may appoint another qualified town administrative officer or employee until the town administrator returns.
5-3-2 Any vacancy in the office of the town administrator shall be filled as soon as possible by the board of selectmen. Pending such regular appointment, the board of selectmen shall appoint a qualified administrative officer to perform the duties of the office on an acting basis. Such temporary appointment shall not exceed 3 months, but 1 renewal may be voted by the board of selectmen not to exceed the second 3 months. Compensation for such person shall be set by the board of selectmen.
5-3-3 The powers of temporary or acting town administrator under sections 5-3-1 and 5-3-2 shall be limited to matters which should not be delayed and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.

Section 4. Removal and Suspension
5-4-1 The board of selectmen may for just cause, by the affirmative vote of 4 of its members, terminate and remove, or suspend, the town administrator from office in accordance with the following procedure:
(a) The board of selectmen shall adopt a preliminary resolution of removal or suspension by affirmative vote of 4 members which shall state the reason or reasons for removal or suspension. This preliminary resolution may suspend the town administrator for a period not to exceed 45 days. A copy of the resolution shall be delivered to the town administrator forthwith.
(b) Within 5 days after receipt of the preliminary resolution the town administrator 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 30 days after the request is filed nor earlier than 20 days. The town administrator may file a written statement responding to the reasons stated in the resolution of removal or suspension with the board of selectmen provided the same is received at its office more than 48 hours in advance of the public hearing.
(c) The board of selectmen may adopt a final resolution of removal or suspension, which may be made effective immediately, by the affirmative vote of 4 of its members not less than 10 nor more than 21 days following the date of delivery of a copy of the preliminary resolution to the town administrator, if the town administrator has not requested a public hearing; or within 10 days following the close of the public hearing if the town administrator has requested one. Failure to adopt a final resolution of removal or suspension within the time periods as provided in this section shall nullify the preliminary resolution of removal or suspension and the town administrator shall at the expiration of said time resume the duties of the office.
(d) Faced with action by the board of selectmen to terminate, remove or suspend, the town administrator shall be afforded all of the provisions provided municipal employees under section 23B of chapter 39 of the General Laws.

5-4-2 The action of the board of selectmen in suspending or removing the town administrator shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension and removal solely in the board of selectmen.
5-4-3 Any appointed officer, member of a multiple member body or employee of the town, whether appointed for a fixed or an indefinite term and not subject to the General Laws, or covered by the terms of a collective bargaining agreement which provides a different method, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term "good cause" shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming to the office.
5-4-4 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 the authority to be necessary to protect the interests of the town. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure stated in section 5-4-5.
5-4-5 The appointing authority, when removing any 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 therefor shall be delivered in hand, or by registered or certified mail, return receipt requested, to the last known address of the person sought to be removed.
(b) Within 5 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, and shall be entitled to present evidence, call witnesses and question any witness appearing at the hearing.
(c) Between 1 and 10 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 6 and 15 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 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.
(d) 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 5. Loss of Office, Excessive Absence
5-5-1 If any person appointed as a member of a multiple member body fails to attend 4 consecutive meetings, or one half of all of the meetings of such body held in a calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office vacant; provided, however, that not less than 10 days prior to the date the vote is scheduled to be taken, the body has given in hand, or mailed by registered or certified mail, return receipt requested, of such proposed or pending vote to the last known address of such person.

Section 6. Resolution of Policy Conflicts
5-6-1 The board of selectmen shall maintain an "open door" policy, and shall establish procedures for addressing policy conflicts, should they arise between or among either appointed or elected town officials, which could impact the health, safety or welfare of the town.

CHAPTER 6. ADMINISTRATIVE ORGANIZATION

Section 1. Organization of Town Agencies
6-1-1 The organization of the town into operating agencies and departments for the provision of services and the administration of the government may be accomplished through either of the methods

provided in this chapter.
6-1-2 The town administrator, after consultation with the board of selectmen, may prepare and submit to the town meeting plans for organization or reorganization which establish operating agencies and departments for the orderly, efficient or convenient conduct of the business of the town.
Whenever the town administrator prepares such a plan, the board of selectmen shall hold at least 1 public hearing on the proposal giving notice by publication in a local newspaper, posting on the town bulletin board and posting on the town's website. The notice shall describe the scope of the proposal and the date, time and place at which the hearing will be held, not less than 7 nor more than 14 days after the publication. Following such public hearing, the proposal, which may be amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.
6-1-3 An organization or reorganization submitted in compliance with section 6-1-2 shall become effective 60 days after the date of adjournment of the town meeting at which the required quorum was present and the proposal was submitted, unless the town meeting shall, by a majority vote, vote to disapprove the plan. The town meeting shall vote only to approve or disapprove the plan, not to amend or alter it.
6-1-4 The town administrator, for the purpose of implementing changes approved under section 6-1-2 and section 6-1-3, may transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of 1 town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, unless this charter so specifically provides, be assigned to any other.

Section 2. Department of Public Services
6-2-1 There shall be a department of public services, under the direction of a director of public services, who shall be either the town administrator or a director of public services appointed by the town administrator. The director of public services shall be a person especially fitted by education, training, or previous experience to perform the duties of the office.
6-2-2 The director of public services shall be responsible for the supervision and coordination of all public services operations of the town which are placed under his control by this charter, by by-law, by vote of the town or otherwise. Public services operations may include, but need not be limited to, the following operations: refuse collection and disposal, sewer, water supply and distribution, forestry services and maintenance of town infrastructure, including town buildings, roads, parks and cemeteries.
6-2-3 Other offices, the functions of which are related to a department of public services, may be assigned to the department in accordance with by-laws.

Section 3. Finance Director
6-3-1 There shall be a finance director appointed by the town administrator, who may simultaneously serve as the town accountant or treasurer-collector. The finance director shall be responsible for all matters dealing with town finance. The appointed treasurer-collector, appointed town accountant and appointed administrative assessor shall report to the finance director.
6-3-2 The finance director shall provide the coordination of all financial services and activities and provide assistance to all other town departments in any matter related to finances; and other such functions related to the fiscal management and planning of the town.
6-3-3 The finance director and other officers and employees of the finance office shall operate in matters related to finance under the oversight and direction of the town administrator and shall assist the town administrator in providing required and interim reports and preparing materials for the budget process, as required under section 2 of chapter 7.
6-3-4 The town administrator shall serve as chairman of the financial review team which shall be comprised of the following town officers: town administrator, town finance director, town treasurer/collector, town accountant, administrative assessor, town human resource director, school business manager and town management information systems director.

Section 4. Treasurer-Collector, Town Accountant, and Administrative Assessor
6-4-1 The town administrator shall appoint for a 3 year term a treasurer-collector who shall report to the finance director, as provided in section 6-3-1.
6-4-2 The treasurer-collector shall provide for the administrative, supervisory and technical work involving the timely receipt, disbursement and investment of town funds, the borrowing of monies and the timely collection of all taxes and fees, as determined by by-law or town meeting vote, due the town or any agency of the town.
6-4-3 The town administrator shall appoint for a 3-year term a town accountant, who shall report to the finance director, as provided in section 6-3-1.
6-4-4 The town accountant shall be responsible for the administrative, supervisory and technical work involved in keeping detailed, complete and accurate general ledger and accounting records for the town.
6-4-5 The town administrator shall appoint for a 3-year term an administrative assessor who shall report to the finance director, as provided in section 6-3-1.
6-4-6 The town administrative assessor shall be responsible for the administrative, supervisory and technical work involving the valuation and assessment of real and personal property within the town.

Section 5. Human Resource Director
6-5-1 There shall be a town human resource director, who shall be either the town administrator or a human resource director appointed by the town administrator. The human resource director shall administer the town personnel system, except employees of the school department, including, but not limited to, personnel policies and practices, rules and regulations, and all collective bargaining agreements entered into by the town. The human resource director shall serve the entire town as personnel administrator, and perform the functions of contract negotiations with town employees, town agencies, union organizations, personnel associations, insurance carriers, state agencies and investment advisors, as directed by the town administrator.
6-5-2 The town personnel system shall provide for timely background reviews and proper security authorization of all town employees, job descriptions for every employee, performance appraisals and reviews and maintenance of all personnel records, contracts and collective bargaining agreements.
6-5-3 All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness by examination or other evidence of competence and suitability. The human resources director shall ensure the town personnel system contains an employee classification plan, compensation plan, promotion policy, disciplinary policy and grievance procedures.

Section 6. Director of Management Information Systems
6-6-1 There shall be a management information systems director for the town. This individual shall be a shared resource between town agencies, the school department and library. The management information systems director shall be jointly appointed by the town administrator and the superintendent of schools, and shall report to the town administrator.
6-6-2 The management information systems director, working in collaboration with all town departments, shall be responsible for establishing uniform standards, operating procedures, security policies for all hardware and software applications across the entire town, and development of a long term technology plan.

Section 7. Inspectional Services Department
6-7-1 There shall be a department of inspectional services which shall report to the town administrator, which shall include the inspector of buildings who shall serve as the zoning enforcement officer, inspector of weights and measures, wiring inspector, gas and plumbing inspector and any other code enforcement inspectors required by the General Laws.
6-7-2 The department of inspectional services shall provide for the consolidation of inspection operations, coordination of functions, centralized planning of work assignment and distribution, timely inspection services, centralized record keeping and management of manpower resources.

6-7-3 The town administrator shall appoint the inspector of buildings, the inspector of weights and measures, wiring inspector, gas and plumbing inspector, health agent and zoning enforcement officer, each for a term of 3 years and in accordance with the General Laws. The town administrator may appoint assistants to any of the referenced inspectors in this section, as provided by town by-law or town meeting vote.

Section 8. Publication of the Charter, By-Laws, Organization Chart and Personnel Plan
6-8-1 For the convenience of the public, the town charter, by-laws, organization chart and staffing plan, as prepared by the town administrator, shall be published and available on the town's website. The school committee and the library trustees shall provide the town administrator with copies of their respective staffing plans annually for publication on the town's website. The town administrator shall ensure the timely publication and availability of all information cited in this section.

CHAPTER 7. FINANCE AND FISCAL PROCEDURES

Section 1. Fiscal Year and Duties
7-1-1 The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required under the General Laws.
7-1-2 The finance committee, acting on behalf of the towns residents, shall be responsible for the timely and thorough review of all financials statements, forecasts, and recommendations to be presented in conjunction with warrants for expenditures at the annual town meeting, as authorized under section 6 of chapter 2.

Section 2. Budget Process
7-2-1 Annually, before October 1, the board of selectmen, with the assistance of the town administrator and financial review team, shall establish and issue a budgeting calendar, which shall set forth the scheduled calendar dates relating to the development of the town's annual operating budget for the ensuing fiscal year.
7-2-2 The schedule shall comply with all of the Massachusetts department of revenue reporting deadlines, unless deviation therefrom is recommended by the town administrator and approved by the board of selectmen and the finance committee.
7-2-3 Annually, before October 1, the town administrator shall receive from the board of selectmen, finance director, treasurer-collector, town accountant and the board of assessors the estimated revenues for the ensuing fiscal year. Upon receipt of any additional specific fiscal data provided by the commonwealth or any other source, the above officials shall within 10 business days revise, update and submit the data forthwith to the town administrator.
7-2-4 Annually, before November 1, the board of selectmen, after consultation with the town administrator shall issue a policy statement that establishes the general guidelines for the next fiscal year's town budget.
7-2-5 All agency and department heads and all multiple member bodies, including the school department and library, shall submit the next fiscal year's detailed budget to the town administrator, in accordance with the board of selectmen's budgeting calendar and guidelines.
7-2-6 The town administrator shall submit to the board of selectmen, in accordance with the board of selectmen's budgeting calendar, a comprehensive draft budget for all town functions for the next fiscal year and an accompanying budget message.
7-2-7 The draft budget message shall explain the draft budget in fiscal terms and in terms of what specific projects are contemplated for the next year. It shall:
(a) outline the proposed financial policies of the town for the next year;
(b) describe the important features of the budget;
(c) indicate any major changes from the current fiscal year in financial policy, expenditures and revenues, together with reasons for such changes;

(d) summarize the town's debt position; and
(e) include such other material as the town administrator may deem appropriate.
7-2-8 The draft budget shall provide a complete financial plan for all town funds and activities and it shall be in such form as the town administrator, in consultation with the financial review team and finance committee, may establish. The draft budget shall indicate proposed expenditures for town and school department operations and for capital projects during the ensuing year, detailed by each town agency and by specific purposes and projects.
7-2-9 The board of selectmen shall, within 30 days following the submission of the draft budget by the town administrator, adopt a proposed budget, with or without amendments, and shall submit it to the finance committee. The board of selectmen shall also transmit the budget request of the school committee, with its recommendations thereon, to the finance committee.
7-2-10 The finance committee shall conduct at least 1 public hearing on the proposed budget, including the school budget, and shall issue printed recommendations and detailed explanations and of all financial articles in an annual finance committee report, in accordance with the board of selectmen's budgeting calendar. In preparing its recommendations, the finance committee may require the town administrator, any town agency or department, office, board, commission or committee to appear and furnish it with appropriate additional financial reports and budgetary information.
7-2-11 The board of selectmen shall meet with and consider all finance committee recommendations and present its proposed budget to the town meeting, with or without finance committee changes thereto.
7-2-12 The finance committee shall present its recommendations to the town meeting and shall be given first opportunity at town meeting to move amendments to the budget.

Section 3. Budget Tracking
7-3-1 The finance director shall ensure the timely monitoring, at least monthly, of actual revenues and expenditures to budget of all town agencies and departments, including the school department and library, throughout the town's fiscal year. All variances to budget shall be included in a monthly report to the board of selectmen and finance committee.
7-3-2 Wherever variances to budget exist, the board of selectmen will ensure that corrective action is taken by each agency or department to bring the town's total revenues and expenses in line. Annually, at the fall town meeting, the board of selectmen will report all significant, anticipated and actual, variances to budget and the corrective actions being taken to bring the total revenues and expenses in line.

Section 4. Long Term Budget
7-4-1 Annually, the town administrator shall update a 5 year revenue and expense budget. Budget guidelines shall be issued based upon revenue projections.

CHAPTER 8. GENERAL PROVISIONS

Section 1. Charter Changes
8-1-1 This charter may be replaced, revised or amended in accordance with any procedures made available under the Massachusetts Constitution and the General Laws to implement the constitutional provisions.

Section 2. Severability
8-2-1 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 circumstances is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 3. Specific Provisions Prevail

8-3-1 To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 4. Number and Gender
8-4-1 Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include a singular person or thing; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

Section 5. Rules and Regulations
8-5-1 A copy of the rules and regulations adopted by a town agency shall be filed in the office of the town clerk, shall be posted on the town's website, and shall become effective immediately upon filing.

Section 6. Periodic Review, Charter and By-Laws
8-6-1 Once every 7 years, a special committee consisting of 5 members 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 5 members of the committee shall be chosen as follows: the board of selectmen, the school committee, the library trustees, the finance committee, and the town moderator shall each designate 1 person. Persons designated by said agencies may be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the annual town meeting.
8-6-2 The board of selectmen shall immediately, upon adoption of this charter, and thereafter at 5 year intervals, in each year ending in 8 or 3, prepare a special committee for that purpose, a proposed revision or modification of all by-laws of the town which shall be presented to the town meeting in the year following the year in which the committee is appointed. The committee in its final or its interim report shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with town counsel or special counsel retained for that purpose. After enactment by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general for approval and shall be published as required by the General Laws. Copies of the revised by-laws shall be made available for distribution to the public and shall be posted on the town's website.

CHAPTER 9. OTHER PROVISIONS

Section 1. Town Administrative Organization
9-1-1 Until a different form of organization shall be provided for, in accordance with chapter 6, the following outline of administrative organization shall be operative:
(1) The board of selectmen shall appoint the town administrator, the town counsel, the affordable housing committee, the board of assessors, the board of registrars, the zoning board of appeals, the capital improvement committee, the conservation commission, the Charles River pollution control district representatives, the disability commission representative, the conservation commission representatives, the Norfolk county advisory board representative, the southwest advisory planning committee representative, the external auditor, the historical commission, the memorial committee, the cultural council, the council on aging and the constables.
(2) The town moderator, chairman of the board of selectmen, and the current chairman of the finance committee shall appoint the finance committee.
(3) The town administrator shall appoint the police chief; the fire chief; the administrative assessor; the treasurer/collector; the finance director; the town accountant; the director of public services; the code enforcement officers, including officers enforcing building, wires, plumbing and gas codes, and the sealer of weights and measures; the zoning enforcement officer; the human resource director; the

management information systems director, in conjunction with the school superintendent; the planning coordinator; the health agent; the senior center director; the veterans agent and grave officer; the emergency management director; the tree warden/moth agent; all other town employees except those appointed by the school committee and library trustees; and other committees and commissions of the town defined by the General Laws, the charter or by-law.
(4) The library trustees shall appoint the director of the public library and other professional librarians.
(5) The school committee shall appoint the superintendent of schools.

CHAPTER 10. TRANSITIONAL PROVISIONS

Section 1. Continuation of existing laws
10-1-1 All general or special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when this charter takes effect and which are not specifically or by clear implication repealed 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. If any provision of this charter is found to be inconsistent with any general or special law, the provision of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

Section 2. Continuation of Government
10-2-1 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 3. Continuation of Personnel
10-3-1 Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with this charter for the performance of his duties by another person or agency; provided, however, no person in the permanent full time service of the town shall forfeit his pay grade or time in the service of the town as a result of the adoption of this charter.
10-3-2 Upon the effective date of the adoption of this charter, the incumbents serving as members of the board of assessors shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the members of such offices shall be appointed by the board of selectmen.

Section 4. Transfer of Records and Property
10-4-1 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.

SECTION 2. Following the annual town meeting to be held in May 2008, all 9 finance committee seats shall be deemed vacant. Not later than July 1, 2008, the appointment committee, which for purposes of these initial appointments only shall include the immediate past chairman of the finance committee, shall select 3 applicants to fill 1-year terms, 3 applicants to fill 2-year terms and 3 applicants to fill 3-year terms.

SECTION 3. The charter shall become effective upon its adoption by the voters of the town, except as otherwise provided in this section.

(a) Forthwith following the adoption of the charter, the town administrator shall engage legal counsel

for the town to revise the existing by-laws of the town in order to fully implement the charter and bring the town by-laws in conformity with the charter. Town counsel shall submit a report and recommendations to the town meeting for adoption by a warrant article at a session of the town meeting held not later than the annual town meeting in the year following the year in which the charter is adopted.
(b) The board of selectmen may adopt measures which have the force of transitional provisions of the charter in order to clarify, confirm or extend any provision of the charter in order that the transition may be made in the most expeditious and the least contentious manner possible.
(c) Within 12 months following the adoption of the charter, the town administrator shall appoint a human resources director in accordance with section 6-5-1 of the charter.
(d) Within 12 months following the adoption of the charter, the town administrator shall appoint a finance director in accordance with section 6-3-1 of the charter. Upon the appointment of a finance director, a financial review team shall be established.
(e) Within 12 months following the adoption of the charter, the town administrator shall appoint a public services director in accordance with section 6-2-1 of the charter.
(f) Within 24 months following the adoption of the charter, the town administrator, in consultation with the school superintendent, shall appoint a management information systems director in accordance with section 6-6-1 of the charter.
(g) Within 24 months following the adoption of the charter, the town administrator shall establish a centralized procurement system for the town in accordance with chapter 30B of the General laws and section 5-2-14 of the charter.
(h) At the next annual town election following the effective date of the charter, only 1 member of the school committee shall be elected and, until then, the 6 incumbent members shall remain in office.
(i) The members of the planning board in office on the date that the charter takes effect shall serve as members of the planning and economic development board during their current terms of office. As the term of each current member of the planning board expires, a member of the planning and economic development board shall be elected at the annual town election in accordance with the charter.
(j) The members of the park commission in office on the date that the charter takes effect shall serve as members of the park and recreation commission during their current terms of office. As the term of each current member of the park commission expires, a member of the park and recreation commission shall be elected at the annual town election in accordance with the charter.

SECTION 4. The charter set forth in this act shall be submitted to the voters of the town of Medway for acceptance at the next town election in the form of the following question, which shall be placed on the official ballot to be used at that election:

"Shall the Town of Medway accept the provisions of An Act passed by the general court entitled 'An Act Establishing a Charter for the town of Medway', be accepted?" A fair and accurate summary of the provisions of this charter prepared by town counsel shall also be placed on the official ballot.
If a majority of votes cast in answer to this question is in the affirmative, the charter shall then take effect.

SECTION 5. Section 4 shall take effect upon its passage.

Approved April 15 , 2008

Return to:
List of Laws passed in 2008 Session
General Court home page, or