

**THE TRURO CHARTER**

**COMMISSION**

**FINAL REPORT**

TO BE SUBMITTED

TO THE VOTERS

OF THE TOWN OF TRURO

AT THE ANNUAL ELELECTION

APRIL 22, 1992

# **THE TRURO CHARTER**

## Table of Contents

Introduction

Report of the Charter Commission Minority

Preamble

Chapter 1 - Form of Government

- Section 1 - Incorporation
- Section 2 - Branches of Government
- Section 3 - Powers of the Town
- Section 4 - General Provisions

Chapter 2 - The Legislative Branch: Town Meeting

- Section 1 - Conduct of the Town Meeting
- Section 2 - The Moderator
- Section 3 - The Warrant

Chapter 3 - Elections and Recall

- Section 1 - Elected Officials
- Section 2 - Conduct of the Elections
- Section 3 - Taking Office
- Section 4 - Recall of Elected Officials

Chapter 4 - The Executive Branch: Board of Selectmen

- Section 1 - The Board of Selectmen
- Section 2 - Executive Powers
- Section 3 - Powers of Appointment
- Section 4 - Powers of Investigation
- Section 5 - Limitations

Chapter 5 - Administration: The Town Administrator

- Section 1 - Appointment
- Section 2 - Qualifications
- Section 3 - Powers and Duties
- Section 4 - Powers of Appointment
- Section 5 - Personnel Administration
- Section 6 - Vacancy
- Section 7 - The Department of Public Works

## Chapter 6 - Multi-member Bodies; Elected and Appointed

- Section 1 - Powers
- Section 2 - Organization and Procedures
- Section 3 - Elected Multi-member Bodies
- Section 4 - Appointed Multi-member Bodies

## Chapter 7 - Financial Provisions

- Section 1 - Annual Budget and Budget Message
- Section 2 - Capital Improvement Plan
- Section 3 - Collections and Disbursements
- Section 4 - Lapse of Appropriations
- Section 5 - Financial Audits

## Chapter 8 - Removals and Suspensions

- Section 1 - Elected Officials
- Section 2 - Appointed Paid Employees of the Town
- Section 3 - Appointed Non-paid Officials, Officers, or Members of Multi-member Bodies
- Section 4 - The Town Administrator

## Chapter 9 - Transitional Provisions

- Section 1 - Effective Date
- Section 2 - Continuation of Existing Laws
- Section 3 - Continuation of Government
- Section 4 - Continuation of Administrative Personnel
- Section 5 - Expanded Board of Selectmen
- Section 6 - Appointment of the Town Administrator
- Section 7 - Administrative Reorganization of the Town
- Section 8 - Multi-member Bodies
- Section 9 - Charter and By-law Revision
- Section 10 - Transfer of Records and Property

## Appendix A - Definitions

## Appendix B - Organizational Chart

## Appendix C - Revision/Amendment of the Charter

# THE TRURO CHARTER

## INTRODUCTION

The Truro Charter Commission is pleased to present to the voters this final report of the recommended home rule charter for the Town of Truro.

The Commission has held four public hearings and more than sixty meetings. We have taken into account comments and suggestions from a wide range of Town officials and citizens. As a result of the public hearings alone, we have made many substantive improvements to the preliminary draft of the charter.

In our work, we also took into account the conclusions of the Government Study Committee, whose recommendations included creating a position of full-time professional administrator and expanding the Board of Selectmen from three to five members, and upon whose recommendation the Town Meeting voted last Spring to elect a Charter Commission.

Our overall objectives have been:

- To reaffirm our Town Meeting/Board of Selectmen form of government, which has served us so well over the years;
- To clarify lines of authority and responsibility;
- To improve personnel management and the overall coordination of the Town's day-to-day operations;
- To encourage and facilitate volunteer, citizen participation in Town government.

In addition, we wanted to draft a charter that would reflect the unique size, spirit, and aspirations of the Town of Truro so that our town government will continue to be accessible to the citizens and responsive to their needs.

The following is a summary of the principal changes that are recommended by our report:

The Annual Town Meeting would be held on the same day every year, the third Tuesday of April, with the Town election being held on the third Tuesday of May each year.

The Board of Selectmen would focus on policy-making, long-range planning and appointments and would be expanded from three to five members in order to provide broader representation and a greater diversity of skills and experience.

The Town Administrator, a new position, would free the Board of Selectmen from time-

consuming administrative detail, provide more efficient personnel management, and improve the cost effectiveness of Town operations through day-to-day direction and coordination.

The Board of Assessors and the Board of Health would be appointed by and be separate from the Board of Selectmen.

With these changes in the executive branch, the Selectmen would be unpaid, or may receive a modest honorarium for their part-time, volunteer service to the Town. A preliminary estimate of the salary for the Town Administrator is in the \$40,000 range, which would be largely offset by saving the \$32,000 currently received in total by the three Selectmen for what have become virtually full-time jobs.

Multi-member bodies, i.e. boards, committees and commissions, would continue to play an important role in the Town government. Most members would be appointed by the Board of Selectmen to serve as their deputies for the custodial care of Town-owned property and operations. These would include appointments to two multi-member bodies that are currently elected: the Beach Commission and the Recreation Commission. Most members of multi-member bodies would be appointed for three-year overlapping terms, with a limit of three consecutive terms to be served by an individual on any one multi-member body.

The Finance Committee and the Personnel Board, as advisory bodies to the legislative branch, the Town Meeting, would be appointed by the Moderator.

A consolidated Department of Public Works would be organized in the Town administration in order to efficiently serve the future needs of the Town in the areas of maintenance, highways, and refuse disposal.

The positions of Town Clerk, Treasurer, and Tax Collector, currently elected and held by one person, would remain elected positions.

The proposed charter would enable the Town government to respond more efficiently and effectively to the increasingly complex requirements of health and environmental regulations. It would also strengthen the budgetary and planning processes which have become ever more important as a means to control costs and keep tax rates as low as possible. We also expect the Town Administrator to improve the Town's ability to secure grants and state and federal funding.

The final chapter of the charter provides for its implementation and a smooth transition. The two new Selectmen would be elected in September, 1992 and the Town Administrator would assume the duties of the position in the first half of 1993. Elected and appointed officials would serve out their terms, and the rights of current employees would be protected.

The Charter Commission wishes to acknowledge, with thanks, the assistance and thoughtful suggestions given by present and past office holders, employees, and concerned citizens of the Town. Their help and advice were invaluable.

We urge all voters to give the proposed charter careful consideration, and members of the Commission stand ready to respond to individual questions or to discuss the proposed charter at public meetings. While we recognize that it would be rare for anyone to agree with every single provision in the charter, we trust that the voters will recognize its overall merits and see the advantages it provides for the Town of Truro.

The Truro Charter Commission recommends that voters cast a "Yes" vote on the charter question at the elections on April 22, 1992.

Respectfully submitted:

Mark N. Peters, Chairman  
Robert M. Weinstein, Vice-chairman  
Paul J. Asher, Clerk  
Fernando C. deSousa  
Michael C. Jerace  
George B. Morris, Jr.  
Richard E. Nickerson  
Barry F. Wartenberg  
Richard F. Whalen

February 18, 1992

## REPORT OF THE CHARTER COMMISSION MINORITY

As promulgated by statute, we, as members of the Charter Commission, are taking this opportunity to voice our opposition to the findings by other Charter Commission members.

We feel the majority have not shown any strong reasons to make a drastic change in our present form of government, other than personal conflicts which are a given in any form of government. Instead, we feel the present 3-member Elected Board has, and is working for, and carries out the mandates of the voters as evidenced by a low tax rate, a Transfer Station, a new school addition, a proposed Fire/Police facility, and stringent regulations and bylaws which protect both the environment and citizenry of Truro. All this while our neighboring Towns, which have Administrative type government, are faltering in their attempts to achieve what Truro has already accomplished.

Further, we feel the majorities suggestions, if implemented, would take government away from the people and illustrates an ill defined system of shared responsibility between an Administrator and a 5-member Board of Selectmen, with the ambiguities already evident, which would only create endless havoc or question where authority lies.

We are of the opinion that in their haste to complete a document in twelve months rather than eighteen months, they did not conduct a thorough study of alternative avenues to pursue, i.e., First Selectmen form of government; having our present format intact and appointing on a rotation basis, one of its members to oversee the daily functions of Town Government.

Also, we are very concerned over the broad appointive powers of one person, the Administrator, which can reflect nepotism in many instances and would again negate the voice of the voters. It would also affect the power of the people who would have no direct recourse to remove officials who are not serving effectively. Remember, no matter what the individual may or may not do, he stays on that job as long as he can satisfy the majority. Amendments to the Charter can only be achieved by a lengthy bylaw procedure.

Monetarily it will far exceed the projections as indicated by the majority. It is unrealistic to assume a base salary is the only additional cost to be incurred. Eastham found this to be true when they found costs escalated from a projected \$45,000.00 to \$75,000.00. Further, what about space needs for an Administrative form of government? For that persons staff? For a 5-member Board of Selectmen? For a Board of Health? For a Board of Assessors? Where are we to find all this manpower and the facilities for them to effectively operate from?

We would prefer to see the Charter handled as a guideline to improving our present form of government and implement a plan of action through careful study, with bylaws in place.

We feel the majority has not shown any strong reasoning to make this drastic change in our present form of government and we urge the voters to vote NO on the ballot and to instead pursue other alternatives of change that would enhance our community, rather than vote for changes that would inevitably create chaos, expense and indecision. It should also be noted that we would be the only Town of equivalent population with an Administrative form of government. It would appear that

we are either years ahead of our time or overreacting to a Government Study Committee findings which have already been questioned as incomplete and inconclusive.

Truro is unique which is why so many people choose to make this their home, let's keep it this way.

We strongly urge your rejection of the ballot question!

Richard E. Nickerson

George B. Morris, Jr.

2/18/92



## **PREAMBLE**

We, the people of the Town of Truro, Massachusetts, in order to reaffirm the customary and traditional liberties in the conduct of local government and to take the fullest advantages inherent in the home rule amendment of the Constitution of the Commonwealth, do hereby adopt the following home rule charter for the Town.

## **Chapter 1 - Form of Government**

### **Section 1 - Incorporation**

- 1-1-1 The present Town of Truro, Massachusetts, within its territorial limits as established by law, shall continue to be a body corporate and politic under the name of "Town of Truro."

### **Section 2 - Branches of Government**

- 1-2-1 The legislative powers of the Town shall be vested in a Town Meeting in accordance with the provisions contained in Chapter 2 of this Charter.
- 1-2-2 The executive powers of the Town shall be vested in a Board of Selectmen in accordance with the provisions contained in Chapter 4 of this Charter.
- 1-2-3 The administrative functions of the Town shall be exercised by a Town Administrator in accordance with the provisions contained in Chapter 5 of this Charter.

### **Section 3 - Powers of the Town**

- 1-3-1 The Town shall possess, exercise and enjoy all powers possible under the Constitution and General Laws of the Commonwealth as fully and completely as though they were expressly enumerated in this Charter.
- 1-3-2 The powers of the Town under this Charter shall be construed liberally in its favor, and no specific grant of particular powers in this Charter shall limit in any measure the general grant of power under section 1-3-1 of this Charter.
- 1-3-3 The Town may enter into agreements with any governmental division or agency of any municipality, county, the Commonwealth, other state, or the United States to perform jointly,

by contract or otherwise, any of its powers or functions, and may jointly participate in the financing thereof.

#### Section 4 - General Provisions

- 1-4-1 To the extent that any specific provision of this Charter may conflict with any provision expressed in general terms, the specific provision shall prevail.
- 1-4-2 If any provision of this Charter is held invalid, such invalidity shall not affect any other provision of this Charter which can be given effect without the invalid provision, and to this end, the provisions of this Charter are severable.
- 1-4-3 This Charter may be replaced, revised, or amended in accordance with the Constitution and General Laws of the Commonwealth.
- 1-4-4 The provisions of this Charter shall not be waived.

## **Chapter 2 - The Legislative Branch: Town Meeting**

### **Section 1 - Conduct of the Town Meeting**

- 2-1-1 The legislative powers of the Town shall be vested in a Town Meeting which shall consider and act upon, with or without amendments, all operating budgets, capital budgets, bond issues or other financial matters, all proposed By-laws or amendments to By-laws, and any other business which may properly come before it.
- 2-1-2 The Annual Town Meeting shall be held on the second Tuesday in April.
- 2-1-3 A quorum for Town Meeting shall be seven percent of the registered voters as listed at the close of the registration period for Town Meeting, or the whole number nearest thereto. If a quorum is not reached, the Moderator shall adjourn the meeting to a stated date, time, and place which shall be within seven days.
- 2-1-4 A Special Town Meeting shall be held at the call of the Board of Selectmen; or, upon petition on an approved form signed by ~~by~~ <sup>by</sup> one hundred of the registered voters of the Town, the Board of Selectmen shall call a Special Town Meeting to be held within forty-five days.
- 2-1-5 Elected officials, the Town Administrator, division and department heads, and chairpersons of multi-member bodies, or their designated representatives, shall attend Town Meeting in order to provide information when an article or articles which may affect their particular office or function are included in the warrant. If any person so required to attend Town Meeting in accordance with this section is not a resident of the Town, such person shall be allowed to address the Town Meeting.

### **Section 2 - The Moderator**

- 2-2-1 A Moderator shall be elected in accordance with section 3-1-1 of this Charter and shall preside at Town Meeting.
- 2-2-2 The Moderator shall conduct the proceedings of Town Meeting in accordance with the latest revised edition of Town Meeting Time, unless otherwise provided by General Laws, this Charter, or By-laws.
- 2-2-3 If the Moderator is absent, an acting Moderator shall be elected in accordance with the latest revised edition of Town Meeting Time until such time as the Moderator returns.
- 2-2-4 The Moderator shall appoint an advisory and financial committee, in accordance with the

provisions of Chapter 6 of this Charter, which shall be called the Finance Committee. The Finance Committee shall act in an advisory capacity to the legislative branch, the Town Meeting.

- 2-2-5 The Moderator shall appoint a Personnel Board in accordance the provisions of Chapter 6 of this Charter. The Personnel Board shall act in an advisory capacity to the legislative branch, the Town Meeting.

### Section 3 - The Warrant

- 2-3-1 The warrant for the Town Meeting shall be prepared by the Board of Selectmen and shall incorporate the appropriate recommendations in accordance with sections 2-3-7 and 2-3-8 of this Charter.
- 2-3-2 The warrant shall include all articles submitted by duly elected or appointed multi-member bodies and all articles submitted by petition in accordance with sections 2-3-3 and 2-3-4 of this Charter.
- 2-3-3 A petition on an approved form and signed by ten registered voters of the Town shall secure inclusion of an article in the warrant of the Annual Town Meeting. A petition on an approved form and signed by one-hundred registered voters of the Town shall secure inclusion of an article in the warrant of a Special Town Meeting. Sufficient guidance shall be provided by the Board of Selectmen to the petitioners to ensure that the petitioned article is in the proper form to secure inclusion in the warrant.
- 2-3-4 The warrant shall be opened for the submission of articles ninety days before the date of the Annual Town Meeting. The warrant shall be closed forty-five days before the date of the Annual Town Meeting.
- 2-3-5 The Board of Selectmen shall ensure that the warrant is posted and sufficient copies are available at Town Hall at least fourteen days before the date of a Town Meeting. Posting shall be made by the Constable in Town Hall, the United States Post Offices, and two other public places in Truro and two other public places in North Truro.
- 2-3-6 All proposed operating expenditures shall be included in a single article placed in the warrant before any other article involving the appropriation, transfer, or borrowing of funds. This article shall be followed directly by a single article proposing all capital expenditures. This article shall be followed directly by all other articles involving the appropriation, transfer, or borrowing of funds.
- 2-3-7 The Finance Committee shall state in the warrant its recommendation and recorded vote for any article calling for the appropriation, transfer, or borrowing of funds before it shall be

acted upon by the Town Meeting. Any article not receiving a recommendation as required by this provision may only be considered and acted upon with the approval, by two-thirds vote, of the Town Meeting, unless otherwise provided by General Law. The recommendation required by this section shall be made in accordance with section 7-1-5 of this Charter.

- 2-3-8 The Personnel Board shall state in the warrant its recommendation and recorded vote for any article calling for the funding of salary accounts and longevity bonuses, the creation or elimination of compensated positions, and/or the modification of classification and compensation schedules before it shall be acted upon by the Town Meeting. Any article not receiving a recommendation as required by this provision may only be considered and acted upon with the approval, by two-thirds vote, of the Town Meeting, unless otherwise provided by General Law. The recommendation required by this section shall be made in accordance with section 7-1-5 of this Charter.
- 2-3-9 Any article sponsored by a multi-member body shall state in the warrant the sponsor's recommendation and recorded vote before it shall be acted upon by the Town Meeting. Any article not receiving a recommendation as required by this provision may only be considered and acted upon only with the approval, by two-thirds vote, of the Town Meeting, unless otherwise provided by General Law.

## **Chapter 3 - Elections and Recall**

### **Section 1 - Elected Officials**

3-1-1 A Moderator shall be elected for a three-year term.

### **Section 2 - Conduct of the Elections**

3-2-1 The Annual Election for all elected town offices shall be by official ballot held each year on the third Tuesday in May.

3-2-2 All Town Elections shall be non-partisan and election ballots shall be printed without any party designation whatsoever.

3-2-3 Only registered voters of the Town shall be eligible for election to any elected office or multi-member body of the Town.

3-2-4 No person shall be a candidate for, or hold concurrently, more than one elected Town office. Service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision.

### **Section 3 - Taking Office**

3-3-1 Persons duly elected to any office or multi-member body shall forthwith be sworn to the faithful performance of their duties by the Town Clerk and shall immediately take up the duties of the office or the multi-member body.

### **Section 4 - Recall of Elected Officials**

3-4-1 Persons duly elected to any office or multi-member body may be recalled by recall petition and special election in accordance with Chapter 204 of the Massachusetts Acts of 1985, "An Act Authorizing the Town of Truro to Recall Elected Officials," as may be amended from time to time.

## **Chapter 4 - The Executive Branch: Board of Selectmen**

### **Section 1 - The Board of Selectmen**

- 4-1-1 The executive powers of the Town shall be vested in a Board of Selectmen of five members who shall be elected in accordance with the provisions of Chapter 6 of this Charter.
- 4-1-2 A vacancy in the office of Selectmen shall be filled by special election in accordance with provisions of General Law.
- 4-1-3 Members of the Board of Selectmen may receive such honoraria as may be authorized and appropriated by the Annual Town Meeting.

### **Section 2 - Executive Powers**

- 4-2-1 The Board of Selectmen shall act in its executive capacity as the chief goal-setting, policy-making and long-range planning body of the Town and as such shall regularly provide direction to the Town Administrator who shall administer the day-to-day affairs of the Town in accordance with such goals, policies, or plans.
- 4-2-2 Any goal, policy, plan, or official act adopted by the Board of Selectmen shall be made in writing, the text of which shall be included in its entirety in the minutes of the meeting at which it is adopted. The Board of Selectmen shall cause a compilation of all such goals, policies, plans, or official acts to be regularly maintained and shall cause a current reference copy to be available to the public in the office of the Town Clerk.
- 4-2-3 The Board of Selectmen shall have the power to enact rules and regulations establishing Town policies not otherwise governed by General Law, this Charter, or By-law, provided, however, that whenever an appropriation shall be necessary to implement such action, the vote of the Board of Selectmen shall be effective only if such appropriation has been authorized by the Town Meeting.
- 4-2-4 The Board of Selectmen shall cause a compilation of Town By-laws and regulations to be regularly maintained and shall cause a current reference copy to be available to the public in the office of the Town Clerk.
- 4-2-5 The Board of Selectmen shall cause the laws and orders of the government of the Town to be enforced.

- 4-2-6 The Board of Selectmen shall serve as the custodian of all Town-owned property, except for properties of the town's Board of Library Trustees, and shall plan for its preservation, maintenance, and protection, and shall plan for the timely replacement of capital facilities and infrastructure.
- 4-2-7 The Board of Selectmen shall have the sole authority to enter into contracts for the Town unless otherwise provided for in General Law or By-law.
- 4-2-8 The Board of Selectmen shall act as the Commissioners of Public Safety in accordance with General Law.
- 4-2-9 The Board of Selectmen shall act as the licensing authority of the Town and shall have the power and responsibility required to issue licenses and to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and impose such restrictions as it considers to be in the public interest, and to enforce, or cause to be enforced, the law, rules, and regulations relating to all businesses to which it issues licenses.
- 4-2-10 The Board of Selectmen shall act as the collective bargaining agent for the Town. It shall appoint a collective bargaining team which shall consist of not less than two selectmen, the Town Administrator, and those department heads whose employees shall be subject to the collective bargaining agreement. The Board of Selectmen may use professional assistance on the collective bargaining team. The collective bargaining team shall appoint one of its members to serve as the negotiator.
- 4-2-11 The Board of Selectmen shall hold at least annually a meeting for the purpose of a general review of Town governance. All Town officials, department heads, and chairpersons of multi-member bodies shall attend. At least fourteen days in advance of the scheduled meeting, the Board of Selectmen shall provide an agenda to all persons required to attend. The Moderator shall conduct the meeting.

### Section 3 - Powers of Appointment

- 4-3-1 The Board of Selectmen shall appoint:
- Town Administrator
  - Public Safety Personnel:
    - Police Chief and Officers
    - Board of Fire Engineers
    - Civil Defense Director
  - Constable
  - Town Counsel
- 4-3-2 The Board of Selectmen shall appoint all members to all appointed multi-member bodies,



except those to be appointed by the Moderator in accordance with sections 2-2-4, 2-2-5, 6-4-3(a) and 6-4-3(b) of this Charter, and shall appoint all appointed representatives to governmental bodies other than the Town except when otherwise provided by inter-municipal agreements. All appointments are to be made in accordance with the provisions of Chapter 6 of this Charter.

#### Section 4 - Powers of Investigation

- 4-4-1 The Board of Selectmen may conduct investigations and may authorize the Town Administrator or other agent to investigate the affairs of the Town and the conduct of any Town department, office, agency or official, including any doubtful claims against the Town. The object of any such investigation shall be informed of the conduct of the investigation, and a comprehensive and inclusive report of the investigation shall be placed on file in the office of the Town Clerk.

#### Section 5 - Limitations

- 4-5-1 Members of the Board of Selectmen shall possess no individual authority.
- 4-5-2 Except for the purposes of investigation in accordance with section 4-4-1 of this Charter, the Board of Selectmen shall deal with employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator, and neither the Board nor its members shall give orders to any such employee.
- 4-5-3 No member of the Board of Selectmen may be elected or appointed to any other Town office or multi-member body, except in accordance with sections 4-2-11 and 6-2-11 of this Charter. Service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision.

## **Chapter 5 - Administration: The Town Administrator**

### **Section 1 - Appointment**

- 5-1-1 The Board of Selectmen shall, by an affirmative vote of at least four of its five members, appoint a Town Administrator whose employment shall be governed by current Personnel By-law or by negotiated employment contract, subject to section 5-1-2 of this Charter.
- 5-1-2 Compensation for the Town Administrator shall be fixed annually within the amount appropriated by Town Meeting.
- 5-1-3 The Board of Selectmen shall search for candidates for the position of Town Administrator by placing an advertisement in the International City Management Newsletter or one other similar professional publication and at least two newspapers having state-wide or regional distribution.

### **Section 2 - Qualifications**

- 5-2-1 The Town Administrator shall be appointed on the basis of educational and professional qualifications.
- 5-2-2 The minimum educational qualifications shall include at least a bachelor's degree, preferably in public administration, granted by an accredited degree-granting college or university.
- 5-2-3 The minimum professional qualifications shall include at least three years compensated service in public administration at a managerial level, provided that the educational qualification required by section 5-2-2 of this Charter is in public administration. If the educational qualification required by section 5-2-2 of this Charter is not in public administration, the professional qualifications shall include at least six years compensated service in public administration, with at least three of those years at a managerial level.

### **Section 3 - Powers and Duties**

- 5-3-1 The Town Administrator shall be the chief administrative officer of the Town and shall be responsible for administering and coordinating all appointed Town employees, offices, and departments in accordance with section 4 and section 5 of this chapter, except those employees of the town's Board of Library Trustees.
- 5-3-2 The Town Administrator shall devote full time to the duties of the office and shall not hold

any other public office, elected or appointed, nor be engaged in any other business, occupation, or profession while serving in such office, unless such action is approved in advance and in writing by the Board of Selectmen.

5-3-3 The powers and duties of the Town Administrator shall include, but not be limited to the following:

- (a) To attend all meetings of the Board of Selectmen, unless excused at the Town Administrator's request, and to possess the right to speak, but not vote, at all such meetings;
- (b) To keep the Board of Selectmen fully informed as to the needs and problems of the Town, and to recommend to the Board of Selectmen, as the Town Administrator deems necessary or expedient, such measures which require action by the Board of Selectmen;
- (c) To prepare and present to the Board of Selectmen an annual draft operating budget and proposed capital expenditures budget, in accordance with the provisions contained in Chapter 7 of this Charter;
- (d) To administer the annual operating budget and capital expenditures budget as voted by Town Meeting to ensure all such funds are expended or committed in accordance with General Law, this Charter, By-law, or Town Meeting Vote;
- (e) To represent the Town in its relations with federal, state, and local units of government as directed by the Board of Selectmen;
- (f) To keep the Board of Selectmen fully informed as to the availability of all sources of outside funding, both public and private, including, but not limited to, intergovernmental grants, so-called "in-lieu-of-taxes" payments, gifts, bequests, contributions or otherwise, giving special consideration to the relationship between such funding sources and the needs and goals of the Town, both short and long range;
- (g) To be the Chief Procurement Officer responsible for purchasing for all Town offices or departments, except for those of the School Department;
- (h) To possess the right to attend any regular meeting of any multi-member body of the Town, and to possess the right to speak, but not vote, at any such meeting, except in accordance with section 4-2-11 of this Charter;
- (i) To inform the Board of Selectmen regarding vacancies in Town offices and multi-member bodies which are appointed by the Board of Selectmen;

- (j) To develop annually a full and complete inventory of all real and personal property owned by the Town in excess of a certain value to be determined by the Board of Selectmen and the Finance Committee;
- (k) To be responsible for personnel administration in accordance with section 5 of this chapter;
- (l) To perform such other duties as may be required by General Law, this Charter, By-law, Town Meeting vote, or by vote of the Board of Selectmen.

#### Section 4 - Powers of Appointment

- 5-4-1 The Town Administrator shall make appointments on the basis of merit and fitness alone, and may suspend or remove, in accordance with section 8-2-1 of this Charter, Town officials or employees who are subject to the direction and supervision of the Town Administrator.
- 5-4-2 After consultation with the Board of Selectmen, the Town Administrator shall appoint the following, subject to the provisions of sections 5-4-5 and 5-5-4 of this Charter:
  - Director of Public Works
  - Town Accountant
  - Building Commissioner
  - Deputy Assessor
  - Administrative Secretary
  - Licensing Agent
  - Agent to the Zoning Board of Appeals
  - Agent to the Board of Health
  - Beach Commission Supervisor
  - Golf Course Manager
  - Recreation Director
  - Harbormaster
  - Town Clerk
  - Town Treasurer
  - Collector of Taxes
- 5-4-3 After consultation with the appropriate elected officials, supervisors, department heads or multi-member bodies, the Town Administrator shall appoint all full-time, part-time or seasonal employees, except those of the Police Department, the Fire Department or the School Department.
- 5-4-4 The Town Administrator shall appoint all inspectors, wardens, or other individual appointments as may be delegated to the Town Administrator by the Board of Selectmen.

- 5-4-5 All appointments made by the Town Administrator shall be subject to disapproval by a majority vote of the Board of Selectmen, provided that such a vote is taken within fourteen days from the date of the appointment.
- 5-4-6 The Town Administrator shall appoint, as needed, the director, clerk, and employees of the Council on Aging, notwithstanding the provision of section eight B of chapter forty of the General Laws.

#### Section 5 - Personnel Administration

- 5-5-1 The Town Administrator shall administer and enforce the Personnel By-law and any other personnel rules or regulations adopted by the Town or by collective bargaining agreements.
- 5-5-2 The Town Administrator shall, in conjunction with the Personnel Board, develop and maintain a personnel plan establishing the staffing requirements of all Town departments or offices, except for those of the School Department.
- 5-5-3 The Town Administrator shall, in conjunction with the Personnel Board, cause to be written, approved, signed, and maintained in a current file attendance records and job descriptions, which shall include appropriate qualifications and compensation schedules, for all appointed officials and employees. The Town Administrator shall, in conjunction with the Personnel Board, annually review compensation schedules and shall make recommendations regarding modification of the schedules to the Board of Selectmen.
- 5-5-4 The Town Administrator may, with the approval of the Board of Selectmen, establish, reorganize, consolidate, or abolish any positions which are subject to the direction and supervision of the Town Administrator, except as otherwise provided by General Law or By-law. The creation of any new position under this section shall require a recommendation by the Personnel Board, and shall not become effective until the position has been funded by Town Meeting.

#### Section 6 - Vacancy

- 5-6-1 The Board of Selectmen shall fill a vacancy which arises in the office of the Town Administrator as soon as possible, but no later than six months after such a vacancy occurs.
- 5-6-2 The Board of Selectmen shall forthwith appoint an Acting Town Administrator to exercise the rights and to perform the duties of the Town Administrator during any vacancy in the office of the Town Administrator due to temporary absence, suspension, removal, resignation, or death. The appointment of the Acting Town Administrator shall be for a period not to exceed ninety days, and the appointment may be renewed only once for an additional period not to exceed ninety days. The appointee under this section shall not be

precluded from permanent appointment to the position of Town Administrator, provided that such appointment is made in accordance with section 1 and section 2 of this chapter.

- 5-6-3 No member of the Board of Selectmen shall be eligible for appointment to the position of Acting Town Administrator, in accordance with section 4-5-2 of this Charter.
- 5-6-4 The individual appointed as the Acting Town Administrator shall be compensated at the entry level of the salary guide for the Town Administrator. If compensation at such level would cause a reduction in the base compensation of a Town employee who may be so appointed, then the employee shall be compensated at ten percent in excess of his or her base compensation level. In no case shall the compensation of the Acting Town Administrator exceed that of the Town Administrator at the time that the vacancy occurred.

#### Section 7 - The Department of Public Works

- 5-7-1 A Department of Public Works shall be established under the general policy direction of the Board of Selectmen, the general administrative direction of the Town Administrator, the specific administrative direction of those multi-members bodies which have custodial responsibility for Town-owned property, and the direct supervision of the Director of Public Works, such Director to be appointed by the Town Administrator in accordance with section 4 of this chapter.
- 5-7-2 The Department of Public Works shall be responsible for:
- (a) The maintenance, repair and cleaning of all Town-owned roads, sidewalks, street lights, storm drains, bridges, dikes, or other public ways or structures;
  - (b) The maintenance, repair, and cleaning of all buildings owned or leased by the Town, and of all beach, harbor, recreational and parking facilities, in accordance with section 5-7-1 of this Charter;
  - (c) Snow removal, including the sanding and de-icing of roads;
  - (d) The supervision of the disposal of refuse and the operation and maintenance of all facilities which exist for such disposal;
  - (e) The supervision of the care and replacement of trees, including those functions previously performed by the tree warden, moth agent, and fence viewer;
  - (f) The provision of maintenance and repair of all Town-owned vehicles, except for those of the Police or Fire Departments;

- (g) The maintenance, repair, and operation of any water facilities which may be developed;
- (h) Any other function or duties as may be added by Town Meeting vote or the vote of the Board of Selectmen.

## **Chapter 6 - Multi-member Bodies; Elected and Appointed**

### **Section 1 - Powers**

- 6-1-1 All multi-member bodies shall possess and exercise all powers given to them under the Constitution and General Law of the Commonwealth, and shall have and exercise such additional powers and duties as may be granted or delegated by this Charter, By-law, or vote of the Town Meeting.

### **Section 2 - Organization and Procedures**

- 6-2-1 All multi-member bodies shall organize annually, elect a chairperson and other necessary officers, adopt rules of procedure and voting, maintain minutes and all other records of proceedings, copies of which shall be a public record and shall be filed promptly with the Town Clerk, and shall annually submit a report for inclusion in the annual town report.
- 6-2-2 All multi-member bodies shall conduct their meetings in accordance with the open meeting provisions of General Law.
- 6-2-3 A quorum for all multi-member bodies shall consist of a majority of the full complement of the body.
- 6-2-4 Any person duly elected or appointed to a multi-member body shall forthwith be sworn by the Town Clerk to the faithful performance of his or her duties, shall take up the duties of the office immediately and shall carry out their responsibilities in accordance with General Law, this Charter, and By-law.
- 6-2-5 All multi-member bodies shall consist of an uneven number of members, no fewer than three. Town Meeting may, by By-law, increase or decrease the number of members to serve on multi-member bodies, unless such number is otherwise established by General Law or this Charter.
- 6-2-6 Members of multi-member bodies shall be elected or appointed for three-year overlapping terms, unless such term is otherwise established by General Law, with at least one member being elected or appointed each year.
- 6-2-7 No member of a multi-member body shall serve for more than three consecutive terms on that body, and two years must pass before such member shall again be eligible for membership on the same body. Service to complete a vacant unexpired term shall not constitute a term for the purposes of this section.



- 6-2-8 Except as provided in this Charter, nothing shall be deemed to prevent or prohibit a compensated Town employee from serving on a multi-member body, provided that such employee not be under the general policy or administrative direction of such body, with the exception of the firefighting or rescue employees who may serve on the Board of Fire Engineers.
- 6-2-9 During a member's term on a multi-member body, and for one year following the expiration of such term, no member may hold a paid position or be awarded a contract under the general policy or administrative direction of such body, except for the Board of Fire Engineers who may be compensated for work performed in the execution of firefighting or rescue duties under the direction of the Board of Fire Engineers.
- 6-2-10 Vacancies on multi-member bodies shall be filled in accordance with General Law and in accordance with the provisions of this Charter by the Board of Selectmen or other appointing authority as may be established by General Law, this Charter, By-law or vote of the Town Meeting. If the vacancy is not filled within forty-five days of the notification of the vacancy by the Chairman of the multi-member body, the vacancy shall be filled by the remaining members of the body.
- 6-2-11 The Board of Selectmen may appoint one of their members as an ex-officio member, without a vote, to any multi-member body unless prohibited by General Law.

### Section 3 - Elected Multi-member Bodies

- 6-3-1 The following multi-member bodies shall be elected in accordance with section 6-2-6 of this Charter:
- (a) A School Committee of five members;
  - (b) A Planning Board of seven members;
  - (c) A Housing Authority of four members in accordance with General Law. A fifth member of the Housing Authority shall be appointed by the Commonwealth;
  - (d) A Cemetery Commission of three members;
  - (e) A Board of Library Trustees of five members, notwithstanding the provisions of section ten of chapter seventy-eight of the General Laws.

#### Section 4 - Appointed Multi-member Bodies

- 6-4-1 All appointed multi-member bodies which exist as of the effective date of this Charter shall continue to exist and shall be subject to section 2 of this chapter and section 9-8-4 of this Charter.
- 6-4-2 The following multi-member bodies shall be appointed by the Board of Selectmen in accordance with sections 4-3-2 and 6-2-6 of this Charter:
- (a) A Board of Assessors of three regular members and one alternate member.
  - (b) A Board of Health of three regular members and one alternate member.
  - (c) A Beach Commission of five members.
  - (d) A Recreation Commission of five members.
- 6-4-3 The following multi-member bodies shall be appointed by the Moderator in accordance with sections 2-2-4, 2-2-5 and 6-2-6 of this Charter:
- (a) A Finance Committee of five members.
  - (b) A Personnel Board of five members.
- 6-4-4 The Town Meeting or the Board of Selectmen may from time to time establish other multi-member bodies for particular purposes. The appointment of ad hoc committees by the Board of Selectmen shall be made only for specific and immediate purposes, and any such committee shall be appointed for a definite period of time, not to exceed one year. Should the particular purpose for which an ad hoc committee was created not be resolved at the expiration of the one-year appointment, such committee may be reappointed for an additional one-year period.
- 6-4-5 Any multi-member body created by Town Meeting shall continue to exist until dissolved by vote of the Town Meeting, unless the vote creating such body provides for a definite time of dissolution.
- 6-4-6 Any multi-member body created by the Board of Selectmen, except those ad-hoc committees as may be appointed in accordance with section 6-4-4 of this Charter, shall continue to exist until dissolved by the Board of Selectmen, unless the vote creating such body provides for a definite time of dissolution.
- 6-4-7 The absence of a member or alternate member from four consecutive meetings of an

appointed multi-member body shall serve to vacate the office, unless such absence is approved by a vote of the multi-member body. The Chairman of the body shall forthwith notify the appointing authority that such vacancy has occurred. The vacancy shall be filled in accordance with section 6-2-10 of this Charter and the appointee shall complete the vacant unexpired term.

## **Chapter 7 - Financial Procedures**

### **Section 1 - The Annual Budget and Budget Message**

- 7-1-1 On or before October 15 of each year, the Town Administrator shall establish and, upon the approval of the Board of Selectmen, shall transmit to all department heads and budget managers a schedule for delivery of the annual operating budget and capital improvement plan for the ensuing fiscal year.
- 7-1-2 On or before December 15 of each year, the Town Administrator shall submit to the Board of Selectmen the following:
- (a) A draft budget of the probable expenditures of the Town government for the ensuing fiscal year, together with an estimate of such expenditures for the current fiscal year and a statement of such expenditures for the two preceding fiscal years;
  - (b) Revenue projections for the ensuing fiscal year, together with an estimate of such revenues for the current fiscal year and a statement of such revenues for the two preceding fiscal years;
  - (c) A budget message for the ensuing fiscal year that shall:
    - (1) Explain the budget in fiscal terms and in terms of work programs, and describe its important features;
    - (2) Outline the proposed financial policies of the Town;
    - (3) Indicate any major changes from the current fiscal year in expenditures, revenues, and financial policies together with the reasons for such changes;
    - (4) Summarize the Town's debt position and projections;
    - (5) Include such other material deemed to be appropriate.
- 7-1-3 On or before January 15 of each year, the Board of Selectmen and the School Committee shall submit to the Finance Committee proposed budgets for the ensuing fiscal year which shall include budget messages and recommendations.
- 7-1-4 On or before March 15 of each year, the Finance Committee shall hold at least one public hearing on the proposed budgets, including the school budget, for the ensuing fiscal year.

- 7-1-5 At least fourteen days prior to the Annual Town Meeting, the Finance Committee shall issue in printed form its recommendations and explanations made in accordance with section 2-3-7 of this Charter. Recommendations and explanations of the Personnel Board made in accordance with section 2-3-8 of this Charter shall be included. Copies of the printed recommendations and explanations shall be available at the Town Hall.
- 7-1-6 The Board of Selectmen shall present the proposed budget to the Annual Town Meeting, which shall consider such budget with or without amendments for the ensuing fiscal year.

## Section 2 - The Capital Improvement Plan

- 7-2-1 On or before December 15 of each year, the Town Administrator shall submit to the Board of Selectmen a five-year capital improvement plan that shall include:
- (a) A clear summary of its contents;
  - (b) A list, together with supporting data, of all capital improvements proposed to be undertaken in the next five years; such list to include all capital improvements of the School Department and those resulting from any inter-municipal or regional agreements. Such list shall detail proposed:
    - (1) Acquisition of new facilities, vehicles, and equipment;
    - (2) Construction and expansion of existing facilities;
    - (3) Major maintenance and repairs of facilities, vehicles and equipment;
    - (4) Replacement program for existing equipment and vehicles;
  - (c) Cost estimates, methods of financing, and recommended timetables;
  - (d) Estimated annual operating costs including maintenance for newly acquired or constructed facilities.
- 7-2-2 The capital improvement plan shall be revised and extended each year regarding capital improvements pending or in the process of acquisition or construction.
- 7-2-3 On or before January 15 of each year, the Board of Selectmen shall submit to the Finance Committee the capital improvement plan together with its recommendations thereon.
- 7-2-4 The public hearing on the budget to be held by the Finance Committee in accordance with section 7-1-4 of this Charter shall include a consideration of the capital improvement plan.

- 7-2-5 At least fourteen days prior to the Annual Town Meeting, the Finance Committee shall issue its printed recommendations and explanations of the capital improvement plan. Copies of the printed recommendations and explanations shall be available at the Town Hall.
- 7-2-6 The Board of Selectmen shall present the proposed capital improvement plan to the Annual Town Meeting, which shall consider the capital expenditures for the next fiscal year with or without amendments.

### Section 3 - Collections and Disbursements

- 7-3-1 Except as may otherwise be established by General Law, the Town Administrator shall be responsible for the timely and prudent collection and deposit in the Town treasury of all monies and fees collected or received by any person acting in any capacity for the Town.
- 7-3-2 Warrants for the expenditure of Town funds, prepared and signed by the Town Accountant in accordance with General Law and not exceeding an amount fixed by the Board of Selectmen, shall be approved by the Town Administrator.  
Approval of the Board of Selectmen shall be required for expenditures in excess of the amount fixed by it.

### Section 4 - Lapse of Appropriations

- 7-4-1 Every amount appropriated by Town Meeting for each fiscal year shall lapse at the end of that fiscal year to the extent that it has not been expended or encumbered.

### Section 5 - Financial Audits

- 7-5-1 At least every other fiscal year, the Board of Selectmen shall retain a Certified Public Accountant or accounting firm to audit all accounts, books, and records of financial transactions of all Town agencies, offices, and departments, including the School Department. The necessity for any additional audits shall be determined by the Finance Committee.
- 7-5-2 A copy of the auditor's report and recommendations shall be a public record filed with the Town Clerk, and a summary thereof shall be printed in the next Annual Town Report.

## **Chapter 8 - Removals and Suspensions**

### **Section 1 - Elected Officials**

- 8-1-1 Suspension and/or removal from elected office shall be accomplished in accordance with section 3-3-1 of this Charter.

### **Section 2- Appointed Paid Employees of the Town**

- 8-2-1 Any appointed paid employee of the Town, whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause necessary to protect the interests of the Town. Good cause shall include, but not be limited to the following:

- (a) Incapacity other than temporary illness;
- (b) Inefficiency and/or inability to perform assigned tasks;
- (c) Insubordination and/or refusal to carry out lawful instructions;
- (d) Conduct unbecoming to the office and/or which reflects adversely upon the Town.

Suspension and/or removal from office shall be accomplished in accordance with General Law, Town Personnel By-law, employment contract, or collective bargaining agreement.

- 8-2-2 Nothing in this section shall be construed as granting any specific rights of appeal when a person who has been appointed for a fixed term is not reappointed when the fixed term expires.

### **Section 3 - Appointed Non-paid Officials, Officers, or Members of Multi-member Bodies**

- 8-3-1 Any appointed official, officer, or member of a multi-member body, whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause necessary to protect the interests of the Town. Good cause shall include, but not be limited to the following:

- (a) Incapacity other than temporary illness;

(b) Inefficiency and/or inability to perform assigned tasks;

(c) Insubordination and/or refusal to carry out lawful instructions;

(d) Conduct unbecoming to the office and/or which reflects adversely upon the Town.

8-3-2 No suspension shall be effective for more than fifteen days. Suspension may be conterminous with removal and shall not interfere with the rights of the individual under the following procedure:

(a) Written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by hand, or by registered mail return receipt requested, to the last known address of the person sought to be removed.

(b) Within five days following the receipt of the notice, the individual may file a written request for a hearing before the Personnel Board, at which said individual may be represented by counsel, shall be entitled to present evidence, call witnesses, and question the appointing authority whose action has resulted in the hearing and any witnesses appearing at the hearing. This hearing shall be held within fourteen days of the receipt by the Personnel Board of the written request for such hearing. Within ten days of the hearing, the Personnel Board shall make a recommendation.

(c) Within ten days after receiving the recommendation of the Personnel Board in accordance with section 8-3-2(b) of this Charter, the appointing authority, if consisting of more than a single individual, shall vote to either remove or reinstate the individual and so notify the person of its action.

8-3-3 Nothing in this section shall be construed as granting a right to a hearing held in accordance with section 8-3-2 of this Charter when a person who has been appointed for a fixed term is not reappointed when the fixed term expires.

#### Section 4 - The Town Administrator

8-4-1 The Board of Selectmen, by the affirmative vote of at least three members, may initiate the removal of the Town Administrator by making a resolution to that effect, provided that no such resolution be adopted within sixty days following any Town election. Such a resolution shall state the reason therefore, and shall be adopted only at a regularly scheduled public meeting of the Board of Selectmen and in open session.

8-4-2 The adoption of a resolution in accordance with section 8-4-1 of this Charter shall serve to suspend the Town Administrator for not more than forty-five days, during which the salary



shall continue to be paid. A copy of the resolution shall be delivered in hand forthwith to the Town Administrator or sent by registered mail return receipt requested to the last known address of the Town Administrator.

- 8-4-3 Within five days following the receipt of a resolution adopted in accordance with section 8-4-1 of this charter, the Town Administrator may file a written request for a hearing before the Board of Selectmen. Upon receipt of such request, the Board of Selectmen shall schedule a hearing within two weeks. At least seven days prior to the hearing, the Board of Selectmen shall advertise the hearing in a newspaper of general circulation and shall cause identical notices stating the purpose, location, time and date to be posted in the Town Hall and both United States Post Offices.
- 8-4-4 The Town Moderator, or the Moderator's designee if the Moderator is unable to attend, shall preside at a hearing held in accordance with section 8-4-3 of this Charter.
- 8-4-5 At a hearing held in accordance with section 8-4-3 of this Charter, the reasons for the resolution to remove adopted in accordance with section 8-4-1 of this Charter shall first be read aloud. The Town Administrator shall then have the right to respond either personally or through counsel, and shall have the power to compel testimony and subpoena any witnesses or Town records.
- 8-4-6 Final removal of the Town Administrator shall be effected only by an affirmative vote of at least four members of the Board of Selectmen, in open session at a public meeting of the Board of Selectmen, the time and place of which shall be announced in advance and which shall be held within seven days if a public hearing was held in accordance with section 8-4-3 of this Charter. If no public hearing was requested, final removal of the Town Administrator shall be effected only by the affirmative vote of at least four members of the Board of Selectmen, in open session at a public meeting of the Board of Selectmen, the time and place of which shall be announced in advance and which shall be held within fourteen days after the adoption of the resolution to remove in accordance with section 8-4-1 of this Charter.
- 8-4-7 In the event of a vote for final removal in accordance with section 8-4-6 of this Charter, the salary of the Town Administrator shall continue to be paid for sixty days following the vote for final removal, or in accordance with the termination clause in the Town Administrator's contract.

## **Chapter 9 - Transitional Provisions**

### **Section 1 - Effective Date**

- 9-1-1 This Charter shall be in partial effect immediately upon its adoption by the voters in order to permit a special election to be held in September, 1992 and to permit the appointment of the Town Administrator to be made effective and the duties of the position assumed not earlier than January 1, 1993 and not later than June 30, 1993.
- 9-1-2 This Charter shall become fully effective July 1, 1993.
- 9-1-3 The Department of Public Works established in accordance with Chapter 5, section 7 of this Charter shall be fully established within twelve months of the date on which the Town Administrator assumes the duties of the position.
- 9-1-4 The budget processes and timetables outlined in Chapter 7 of this Charter shall become fully effective in preparation for the 1994 Annual Town Meeting.

### **Section 2 - Continuation of Existing Laws**

- 9-2-1 All General Laws, special laws, Town By-laws, votes, rules and regulations of or pertaining to the Town which are in full force and effect at the time of the election at which this Charter is adopted, 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 3 - Continuation of Government**

- 9-3-1 Members of all Town agencies, offices, and departments shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred or assumed by another Town agency, office, or department in accordance with the provisions of this Charter.

### **Section 4 - Continuation of Administrative Personnel**

- 9-4-1 Any person holding an office or position in the administrative service of the Town, and any person serving in the employment of the Town, shall retain such office of position and shall

continue to perform their duties unless provisions are made in accordance with this Charter for the performance of such duties by another person, agency, office, or department provided, however, that no person in the full-time service or employment of the Town shall forfeit their pay grade or time of service.

#### Section 5 - Expanded Board of Selectmen

- 9-5-1 The members of the Board of Selectmen in office at the time of the election at which this Charter is adopted or elected to office at the election at which this Charter is adopted shall continue to serve until the term expires, but shall be compensated in the current manner only until the last day of June, 1993, or until their office becomes vacant, whichever occurs earlier.
- 9-5-2 The purpose of the special election to be held in accordance with section 9-1-1 of this Charter shall be to fill two additional seats on the Board of Selectmen, thereby expanding the full complement of the Board of Selectmen to five members. No member of the Charter Commission shall be a candidate for Selectmen in this special election.
- 9-5-3 The candidate receiving the highest number of votes in the special election held in accordance with section 9-1-1 of this Charter shall be elected to a three-year term. The candidate receiving the next highest number of votes in such a special election shall be elected to a two-year term.
- 9-5-4 The Annual Town Election shall thereafter elect in place of those Selectmen whose terms are about to expire an equal number of Selectmen, each to serve three-year terms.
- 9-5-5 Persons elected to the Board of Selectmen at the special election held in accordance with section 9-1-1 of this Charter shall forthwith be sworn to the faithful performance of their duties and shall immediately take up the duties of the office of the Board of Selectmen.
- 9-5-6 The expanded Board of Selectmen shall immediately reorganize by electing a chairman, vice-chairman, and a clerk.

#### Section 6 - Appointment of the Town Administrator

- 9-6-1 Immediately following the election at which this Charter is adopted, the Board of Selectmen shall commence the search for a qualified person to fill the position of the Town Administrator in accordance with the provisions of section 5-1-3 of this Charter. The appointment to fill such position shall be made effective in accordance with section 9-1-1 of this Charter. No member of the Charter Commission shall be a candidate for the position of Town Administrator until this Charter is fully effective on July 1, 1993.

- 9-6-2 Immediately following the election at which this Charter is adopted, a Screening Committee shall be appointed for the purpose of assisting the Board of Selectmen in soliciting, reviewing, and evaluating applications for the position of the Town Administrator.
- 9-6-3 The Screening Committee established in accordance with section 9-6-2 of this Charter shall consist of five persons, three of whom shall be appointed by the Board of Selectmen and two of whom shall be appointed by the Moderator.
- 9-6-4 Within thirty days following the election at which this Charter is adopted, the Screening Committee shall meet with the Board of Selectmen to organize and plan a process through which to advertise for, solicit, review and evaluate applications for the position of the Town Administrator.
- 9-6-5 The Screening Committee shall review all applications received for the position of the Town Administrator, screen all applicants by verifying work histories and other credentials, and arrange interviews to be conducted with such candidates as it deems desirable, necessary, or expedient.
- 9-6-6 Within 30 days after the special election held in accordance with section 9-1-1 of this Charter, the Screening Committee shall submit to the Board of Selectmen the names of not less than five candidates whom it believes to be best qualified to perform the duties of the Town Administrator. The Board of Selectmen shall have access to the applications of all other candidates and shall seek the recommendation of the Screening Committee should it desire to interview candidates not originally submitted by the Screening Committee.
- 9-6-7 Within 60 days following the date the list of potential candidates is submitted to the Board of Selectmen by the Screening Committee, the Board of Selectmen shall appoint the Town Administrator in accordance with section 5-1-1.
- 9-6-8 Upon the appointment of a Town Administrator, the Screening Committee shall be discharged.

#### Section 7 - Administrative Reorganization of the Town

- 9-7-1 The Town Administrator will assume all powers and duties in accordance with the provisions of this Charter upon the assumption of duties of the position by the Town Administrator.
- 9-7-2 All positions to be appointed by the Town Administrator in accordance with section 5-4-2 of this Charter shall be under the administrative direction of the Town Administrator upon the assumption of the duties of the position by the Town Administrator.
- 9-7-3 In accordance with the provisions of this Charter, and as vacancies may occur, the following

outline of organization shall be effective with the assumption of the duties of the position by the Town Administrator:

- (a) The Board of Selectmen shall make appointments in accordance with sections 4-3-1 and 4-3-2 of this Charter;
- (b) The Town Administrator shall make appointments in accordance with section 4 of chapter 5 of this Charter.

9-7-4 Any person serving in one of the positions enumerated in section 5-7-2(e) shall continue to serve until the current term expires, or until the positions are otherwise vacated, at which time the positions will be consolidated in accordance with section 5-7-2(e).

#### Section 8 - Multi-member Bodies

- 9-8-1 Within thirty days of the special election held in accordance with section 9-1-1 of this Charter, the Board of Selectmen shall appoint a Board of Assessors and a Board of Health in accordance with the provisions of this Charter.
- 9-8-2 All members of multi-member bodies which are currently elected, and where such multi-member body is to remain elected under the provisions of this Charter, who are in office at the time of the election at which this Charter is adopted or who are elected to office at the election at which this Charter is adopted shall continue to serve until their terms expire, at which time the election to fill the vacant position on the body will be made in accordance with the provisions of this Charter.
- 9-8-3 All members of multi-member bodies which are currently elected, and where such multi-member body is to become appointed under the provisions of this Charter, who are in office at the time of the election at which this Charter is adopted or elected to office at the election at which this Charter is adopted shall continue to serve until their terms expire, at which time the appointment to fill the vacant position on the body will be made by the Board of Selectmen in accordance with the provisions of this Charter.
- 9-8-4 All members of multi-members bodies which are currently appointed, and where such multi-member body is to remain appointed under the provisions of this Charter, who are in office at the time of the election at which this Charter is adopted shall continue to serve until their terms expire, at which time the appointment to fill the vacant position will be made by the Board of Selectmen unless otherwise provided for in this Charter.
- 9-8-5 Terms of service on multi-member bodies prior to or in progress at the time of the election at which this Charter is adopted shall not be counted as terms of service in accordance with section 6-2-7 of this Charter.

## Section 9 - Charter and By-law Revision

- 9-9-1 Immediately following the election at which this Charter is adopted a Charter Implementation and By-law Review Committee of seven members shall be appointed by the Board of Selectmen to review and revise the By-laws and regulations of the Town in order to reconcile any conflict which may inhibit the full implementation of this Charter. Such committee shall make a report with recommendations and submit articles as required to make the necessary By-law and/or Charter revisions at the 1993 Annual Town Meeting. At least two of the members of this committee shall have been members of the Charter Commission. At the close of the 1993 Annual Town Meeting, such committee will be discharged.
- 9-9-2 Within six months after the completion of the By-law revision in accordance with section 9-9-1 of this Charter, the Board of Selectmen shall cause a compilation of By-laws and regulations to be made and maintained in accordance with section 4-2-4 of this Charter.
- 9-9-3 In April of the fifth year following the election at which this Charter is adopted and every fifth year thereafter a Charter and By-law Review Committee of seven members shall be appointed by the Board of Selectmen for one year. Such committee shall make recommendations for the revision or amendment of this Charter or of the By-laws to the next Annual Town Meeting, such revisions or amendments to be made in accordance with General Law, this Charter, and By-law, and shall be discharged upon making such recommendations to the Annual Town Meeting. Following the adoption of any revisions or amendments made in accordance with this section, the Board of Selectmen shall cause to be printed a copy of the revised or amended Charter and/or By-laws and shall cause a current reference copy of both to be available in the office of the Town Clerk.
- 9-9-4 Nothing in this Charter shall be construed as to prevent changes from being made to it in accordance with section 1-4-3 of this Charter and Chapter 43B of the General Laws. (See Appendix C)

## Section 10 - Transfer of Records and Property

- 9-10-1 All records, property and equipment of any agency, office or department, or of any part thereof, the powers and duties of which are reassigned in whole or in part to another agency, office, or department shall be transferred forthwith to the agency, office or department to which such powers and duties are reassigned.

## **Appendix A - Definitions**

**By-laws:** shall refer to all By-laws of the Town of Truro.

**Charter:** shall refer to the Home Rule Charter for the Town of Truro.

**days:** shall mean calendar days, unless otherwise noted.

**General Laws:** shall mean the General Laws of the Commonwealth of Massachusetts

**immediately/**

**forthwith:** shall be understood to mean without the loss of time; i.e., within three business days of the Town of Truro.

**may:** shall imply "subject to."

**majority vote:** shall mean the majority of those present providing that a quorum of the body is present in accordance with section 6-2-3 of this Charter.

**multi-member**

**body:** shall mean all boards, committees, commissions, or councils of the Town consisting of two or more persons, whether elected or appointed.

**removal:** shall mean to dismiss from office, to terminate.

**shall:** shall imply "must."

**Town:** shall mean the Town of Truro.

**Town agencies:** shall include any legal body of the Town not otherwise identified.

**Town Meeting:** shall refer to Annual Town Meeting and/or Special Town Meeting.

**voters:** shall mean all registered voters of the Town of Truro.

**voters,  
eligible:** shall mean all voters whose names appear on the certified voting list on the final day of registration to establish eligibility for any election or Town Meeting.

## Appendix B - Organizational Chart

### VOTERS

elect

SCHOOL HOUSING BOARD OF PLANNING MODERATOR  
COMMITTEE AUTHORITY SELECTMEN BOARD  
(Licensing) TREASURER CEMETERY (Coll. Barg.)  
BOARD OF  
COMMISSION (Comm. Pub. Safety) LIBRARY TRUSTEES  
COLLECTOR

TOWN CLERK

appoints

appoints

SCHOOL PERSONNEL  
PERSONNEL BOARD  
appoints

FINANCE COMMITTEE

(MULTI-MEMBER TOWN TOWN  
CONSTABLE (PUBLIC BODIES) COUNSEL ADMINISTRATOR SAFETY)

appoints

BOARD OF HEALTH DIR OF PUBLIC WORKS POLICE CHIEF BOARD OF  
ASSESSORS TOWN ACCOUNTANT BD FIRE ENGINEERS  
CONSERVATION COMM BUILDING COMMISSIONER CIVIL DEFENSE DIR  
ZONING BD OF APPEALS DEPUTY ASSESSOR  
BEACH COMMISSION ADMIN SECRETARY  
HARBOR COMMISSION LICENSING AGENT  
GOLF COURSE ADVISORY ZBA AGENT  
RECREATION COMMISSION BD OF HEALTH AGENT  
HISTORICAL COMMISSION BEACH COMM SUPERVISOR  
COUNCIL ON AGING GOLF COURSE MANAGER  
LOCAL PLANNING COMMITTEE RECREATION DIRECTOR  
TOWN BUILDING COMMITTEE HARBORMASTER  
RECYCLING COMMITTEE INSPECTORS/WARDENS



REGIONAL DELEGATES      OTHER TOWN EMPLOYEES  
OTHER MULTI-MEMBER BODIES

### **Appendix C - Revision/Amendment of the Charter**

The Charter may be changed in any of the three ways summarized below, in accordance with Massachusetts General Law:

1. Changes to the charter may be proposed by an article in the Town Meeting warrant that petitions the General Court (the state legislature) to pass a special act enabling the Town to make the proposed changes to the charter. Historically, such petitions have been acted upon by the legislature in six to nine months.  
**(Article 89, Section 8 of the Amendments to the Constitution of the Commonwealth of Massachusetts)**
2. The charter may be changed through an amendment process initiated by a selectman or a voters' petition proposing consideration of the amendments by Town Meeting. After the required publication and distribution of the amendments and public hearings on the proposed changes, and upon approval by two-thirds vote at Town Meeting, the amendments are put on the ballot at a regular Town election.  
**(Massachusetts General Laws, Chapter 43B)**
3. The Charter may be revised by an elected Charter Commission which drafts proposed revisions, publishes them and hold public hearings to consider the proposed changes. Final action is taken at a regular Town election.  
**(Massachusetts General Laws, Chapter 43B)**