Town of East Longmeadow

Home Rule Charter

Amended June 5, 2018

Town of East Longmeadow

CHARTER REVIEW COMMISSION

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60 Center Square
East Longmeadow, MA 01028

February 2, 2016

Board of Selectmen
C/O Greg Neffinger
Interim Town Administrator
Town Hall
60 Center Square
East Longmeadow, MA 01028

Re: East Longmeadow Charter Commission
Final Report

Dear Members of the Board of Selectmen:

In accordance with the General Laws of the Commonwealth, we, the members of the Charter Commission elected in April of 2015, hereby submit to you our Final Report.

Dawn E. Wiezbicki-Starks, Chair.

Larry Levine, Vice-Chair.

Russell F. Denver, Clerk

William M. Fonseca

George C. Kingston

Eric H. Madison

Thomas C. O'Connor

Ralph E. Page

Raymond C. Miller

East Longmeadow Charter Commission
60 Center Square – East Longmeadow, MA 01028

To the Citizens of East Longmeadow:

The East Longmeadow Charter Commission respectfully submits its final report for voter consideration with the unanimous support of all nine of its members. We urge you to vote on April 12, 2016 at the Town's Annual Municipal Election.

HIGHLIGHTS OF THE PROPOSED HOME RULE CHARTER

- Legislative Branch – Seven member elected Town Council with 3 year staggered terms. Powers: hire and evaluate Town Manager; approves budget; enacts Bylaws; is the Town's licensing authority. Meet at a minimum monthly.
- Executive Branch- Town Manager, qualified professional with relevant experience and education. Creates budget; oversees day to day operations; authority to hire, fire and negotiate contracts.
- School Committee remains elected and unchanged in number or terms.
- The Board of Selectmen is dissolved. The remaining elected boards become appointed
- Codifies the budget process. Creates Department of Finance for consistent, holistic oversight of the Town's budget and finances.
- Provides many opportunities for the citizen's voice and concerns to be heard. Town Council is required to set time aside at every Council meeting for Public comments, concerns, and suggestions.
- Mechanisms in place for citizen initiatives, referendums and recall of elected officials.
- Periodic review of the Charter and of the by-laws, and creation of a long range plan is mandated, to ensure our government keeps pace with the needs of our community.
- Transition to new form of government is smooth and carried out over a timeline.

RECOMMENDATION

We firmly believe that the adoption of this proposed Charter will significantly improve our Town's governmental structure and its ability to meet the current challenges and of the future. We have applied sound principles of government, including accountability, checks and balances, a voice for Town citizens and a clear division of responsibilities and powers, within this document.

RESEARCH

The proposed Charter is one of sweeping reform that has major changes. The Commission did not take its duties lightly and only reached its conclusions through a long and careful process. In the ten months since our election, we set an ambitious agenda for the purpose of interviews with governmental officials, deliberation and hearings from the voters of East Longmeadow. We conducted extensive interviews with existing Town Department Heads, Elected Boards and Appointed Boards; met with officials in other "like" communities that represented the spectrum of the forms of government; hired a consultant to guide us through the process and to help with the writing the Charter; conducted three Public Hearings; read and reviewed a broad cross-section of charters from communities across the Commonwealth.

CURRENT GOVERNMENT REVIEW

After the Commission conducted its research and held the first Public Hearing, the picture of what form of government would best suit East Longmeadow both now, and in the future, became clear. It was evident that the Town's current form of government does not, and cannot, provide the structure to successfully sustain the growth we have seen and expect to see in the future. East Longmeadow is operating under a hodge-podge of state laws and by-laws. At the current time it is difficult for the average citizen to navigate these provisions. This can be resolved with the establishment of East Longmeadow's first Charter. Currently the Town is, in essence, a service producing non-profit corporation with a $52 Million Dollar budget. Its executive leadership consists of 7 independent elected boards, all of equal power, and all part time. Its legislative process consists of an Annual Open Town Meeting, and, if needed, a Special Town Meeting, at which, after fulfilling the required quorum, voters decide on the Town Budget and Bylaws. The average attendance is dwindling into single digit percentages of the electorate and quorums are getting difficult to fill. According to the Town Clerk's office, in the past 5 years, 2010-2015, only an average of 2.5% of registered voters attended Annual Town Meeting.

CURRENT DEFICIENCES

The main deficiencies that the Commission found needing to be addressed structurally were the current decentralized government; a lack of a clear chain of command; a lack of communication and cooperation between departments; a lack of timely decision making; a lack of authority and accountability; a lack of consistent policies between departments, and no strategic planning for East Longmeadow's long term future. By its very nature, even with best intentions, the structure of the town's government is not conducive to overcoming these issues. It became obvious to the Commission that adjustments to our current form of government would not responsibly address the problems in that structure. Our primary responsibility is to secure the best interests of the citizens of East Longmeadow. A change in the form of our government we firmly believe will fulfill that responsibility.

CITIZEN'S OPPORTUNITY

The intent of the proposed charter is to offer the people of East Longmeadow a historic opportunity to make major changes in the manner in which the town is governed by adopting a Town Manager/Town Council form of government. This form of government most closely aligns with the corporate structure followed by businesses. Many townspeople inquired if having a multiple choice ballot, with a choice of governments was possible. It is not. We must present one charter, one choice. In Massachusetts there are 4 general forms of government from which to choose. Each form may have some minor allowable variations, but must fit into one of the 4 forms. The 4 forms are a Board of Selectmen and an Open Town Meeting; a Board of Selectmen and a Representative Town Meeting; a Mayor and Town/City Council and lastly, a Town Manager and Town/City Council.

The Commission members are pleased to present East Longmeadow's proposed Home Rule Charter to the citizens of the Town. We want to thank the Townspeople, and all members of the Town government family who have assisted us throughout our journey. We urge citizens to give much thought and consideration to our proposal. We believe it will serve the town well both immediately, and in the future.

EAST LONGMEADOW HOME RULE CHARTER

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PREAMBLE

We, the people of the Town of East Longmeadow, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and take fullest advantage of the Home Rule Amendment to the Constitution of the Commonwealth, do adopt this Home Rule Charter for our Town.

ARTICLE 1
INCORPORATION; SHORT TITLE; DEFINITIONS

Section 1. Incorporation
The inhabitants of the Town of East Longmeadow, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "Town of East Longmeadow."

Section 2. Short Title
This instrument shall be known and may be cited as the East Longmeadow Home Rule Charter.

Section 3. Division of Powers
All legislative powers of the town shall be exercised by a Town Council hereafter established by this Charter. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch headed by the Town Manager.

Section 4. Powers of the Town
Subject only to express limitations on the exercise of any power or function by a municipal government in the Constitution or in the General Laws, it is the intention and the purpose of the voters of East Longmeadow through the adoption of this charter to secure for themselves and for their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 5. Construction
The powers of the Town of East Longmeadow under this charter are to be construed liberally in favor of the town, and the specific mention of any particular power is not intended to limit the general powers of the town as stated in Article 1, Section 4.

Section 6. Intergovernmental Relations
Subject only to express limitations in the Constitution or the General Laws, East Longmeadow 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 the Commonwealth or any agency or political sub-division thereof, or with the United States government or any agency thereof.

Section 7. Definitions

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

Charter - The word "charter" shall mean the East Longmeadow Home Rule Charter and includes any amendment to it hereafter adopted.

Emergency -The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

Full Council -The words "full Council" shall mean the entire authorized complement of the Town Council notwithstanding any vacancy which might exist.

general laws -The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of 2 or more cities, or cities and towns of which East Longmeadow is a member.

General Laws -The words "General Laws" (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

Initiative Petition -The words "initiative petition" shall mean a measure proposed by voters through the initiative process provided under this charter.

Law –The word “law” when used alone shall mean any statute enacted by the General Court of Massachusetts or any statute enacted by the Congress of the United States and whether otherwise called a General Law or a special law or a public law.

Local Newspaper -The words "local newspaper" shall mean a newspaper of general circulation within East Longmeadow, with either a weekly or daily circulation.

Majority Vote -The words "majority vote" when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by charter, by bylaw, by law, or by its own rules.

Measure -The word "measure" shall mean any bylaw, order, resolution, or other vote or proceeding adopted, or which the Town Council might adopt.

Multiple Member Body -The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of 3 or more persons whether elected, appointed or otherwise constituted, but not including the Town Council or the School Committee.

Organization or Reorganization Plan -The words "organization or reorganization plan" shall mean a plan submitted by the Town Manager which proposes a change in the organization of the administrative structure of the town government, or to change the way in which a municipal service, or services, are delivered.

Quorum -The word "quorum" shall mean a majority of all members of a multiple member body unless some other number is required by law or by bylaw.

Referendum Measure -The words "referendum measure" shall mean a measure adopted by the Town Council that is protested by voters under the referendum procedures of this charter.

Supermajority - The word “supermajority” shall mean at least 5 members of a 7 member board or the Town Council or 4 members of a 5 member board or committee.

Temporary Absence – The words “temporary absence” shall mean a period after which the office holder intends to return to his or her office.

Town - The word "town" shall mean the Town of East Longmeadow.

Town Agency -The words "town agency" shall mean any multiple member body, any department, division, or office of the Town of East Longmeadow.

Town Bulletin Boards - The words "town bulletin boards" shall mean the bulletin board in the town hall on which the Town Clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the Town Council.

Vacancy- The word “vacancy” shall mean the permanent absence of an office holder from the position from which there is no intention that he or she shall return.

Voters -The word "voters" shall mean registered voters of the Town of East Longmeadow.

ARTICLE 2
TOWN COUNCIL

Section 1. Composition and Membership

The legislative body of the town shall be a Town Council consisting of 7 members who shall be elected to meet, deliberate, act and vote in the exercise of the corporate business of the town.

Seven Town Council members shall be nominated and elected at large.

The term of office for Councilors shall be 3 years each, beginning on July 1 following the election of the Councilor.

Compensation for Town Council members shall be set in the annual Town Budget.

Section 2. Eligibility

Any registered voter of the town shall be eligible for election to the Council. However, no person holding another elective office of the town as established in this charter or any town bylaw shall take the oath or affirmation of office as a Councilor.

Section 3. President, Vice President, and Clerk

At the first regularly scheduled Council meeting at which the full Council is present, the Council shall choose a President and Vice President each to serve a 1 year term of office. The existing slate of officers, if still serving, shall continue in place until such Annual Election is completed. (Amended 6/5/2018 by voters.)

The Council may reorganize itself at any time during the year by a supermajority vote of its membership.

The President shall prepare the agenda for Council meetings consistent with any rules adopted by the Council. The President shall preside at all meetings of the Council, regulate its proceedings and decide all questions of order. The President shall appoint all members of committees of the Council, whether special or standing. The President shall have the same powers to vote upon measures coming before the Council as any other member of the Council. The President shall perform any other duties consistent with the office that are established by charter, bylaw or other vote of the Council. The Vice President shall perform the duties and responsibilities of the President during his or her absence.

The Town Clerk shall be the Clerk of the Council. The Town Clerk shall give notice of all Council meetings to its members and to the public, maintain minutes and supporting documentation of all Council proceedings and perform such other duties as may be assigned by this Charter, bylaw or other rules of the Council.

Vacancies which occur in the offices of President or Vice President shall be filled at the next regular Council meeting following the vacancy. All appointments to fill vacancies shall be for the remainder of the original 1 year term of office.

Section 4. Council Procedures

Regular meetings of the Council shall be held at a time and place fixed by bylaw. The Council shall meet regularly at least once in each month.

Special meetings may be held at any time if called by the President or by 3 members of the Council, provided that at least 48 hours personal notice which contains a list of the item or items to be acted upon shall be given to each Council member, except in case of emergency as

defined by the “open meeting law” of the Commonwealth. Further, all Council meetings, including any subcommittee thereof, shall be conducted in accordance with such law.

All meetings of the Council and any subcommittees thereof shall be open to the public. Residents shall have a reasonable opportunity to speak at any such meeting, except as otherwise provided by the laws of the Commonwealth regarding Executive Session. Non-resident employees and other interested parties may be allowed to speak at the discretion of the Council. Any rules and regulations that are adopted by the Council may include time limitations on public comments.

A majority of the full Council shall constitute a quorum for the purpose of conducting business. The Council shall from time to time establish written rules for its proceedings.

A full, accurate, up-to-date account of the proceedings of the Council shall be maintained by the Town Clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting; provided, however, that unless otherwise provided by law, the minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session.

Section 5. General Powers and Duties

Except as otherwise may be provided by this Charter, all general, corporate, legislative and appropriation powers of the town shall be vested in the Council.

The Council may enact bylaws, rules, regulations, and other orders, not inconsistent with this charter, governing its own proceedings, town functions, and all matters bearing on the exercise of its powers and duties.

The Council shall have the power to appoint the following: a Town Manager, as provided in Article 3, individuals who are to serve as representatives or delegates of the town to the governing or advisory boards of regional or district authorities, and any other ad hoc committees as it deems necessary for the orderly conducting of town business and policy, except as authorized by this charter or as provided by General Law.

The Council shall be the licensing authority of the town and shall, as authorized by the General Laws, have all the power to issue licenses, to make all necessary rules and regulations regarding issuance of such licenses, to attach conditions and restrictions to such licenses as it deems to be in the public interest, and to enforce all laws relating to such licensed businesses.

The Council shall conduct an annual review of the Town Manager's job performance, a summary of which shall be available to the public.

Section 6. Town Bylaws
Proposed bylaws shall address 1 subject only and shall be introduced in writing and in the form necessary for final adoption. Any proposed bylaw shall be published in a local publication or newspaper, provided, however, that whenever a proposed bylaw or other measure would exceed in length more than ten column inches of ordinary newspaper notice print, then in lieu of publication in a local publication or newspaper of the entire length of the proposed bylaw, a reasonable synopsis may be published. The proposed bylaw shall also be available in the office of the town clerk, on the town bulletin board, and on the town's website or other official online repository of municipal information, whether on the internet or accessed through another comparable technology, not less than seven days prior to its second reading except for emergency bylaws. (Amended 6/5/2018 by voters.)

Any bylaw which amends or repeals a portion of any town bylaw shall set out in full the portion to be so amended or repealed, by the use of strikeout type, brackets or underscoring.

Prior to final passage, each introduced bylaw shall be read at 2 separate Council meetings, except in case of an emergency involving the health or safety of the people or their property. No bylaw shall be declared an emergency unless such emergency is defined and declared in a preamble thereto, separately voted on and receiving the affirmative vote of a supermajority.

Emergency bylaws shall stand repealed at the expiration of 60 days following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

The affirmative vote of a majority of the full Council membership, except as otherwise provided by the General Laws or this charter, shall be necessary for the final passage of any bylaw.

All votes on regular and emergency bylaws shall be taken by roll call and shall be recorded in the minutes.

Section 7. Action Requiring a Bylaw
In addition to other acts required by statute or this charter to be accomplished through bylaw, those acts of the Town Council which: (a) adopt or amend administrative bylaws or establish, alter or abolish any town department, office or agency; (b) provide for a fine or other penalty, or establish a rule or regulation for the violation of which a fine or other penalty is imposed; and (c) establish all fees which are not set by General Law, will require passage of a bylaw.

Section 8. Vacancy
Whenever a vacancy occurs on the Town Council, the President of the Town Council shall, within 30 days following the date of the vacancy, call a special meeting of the Town Council to fill the vacancy. The Town Council shall choose a person to fill the vacancy from among the voters by a majority vote of the full Council. Persons elected to fill a vacancy by the Town Council shall serve only until the next regular town election, when the office shall be filled by

the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately to complete the then unexpired term in addition to the term for which elected. No vacancy shall be filled under this section if a regular town election is to be held within 120 days following the date the vacancy is declared to exist. Persons appointed as Town Councilors under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot.

Section 9. Access to Information

In General - The Town Council may make inquiries into the affairs of the town and into the conduct and performance of any town department.

Town Officials, Members of Town Agencies, Employees - The Town Council may require any town official, member of a town agency or town employee to appear before it to give such information as the Town Council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person and within the jurisdiction of the Town Council.

Town Manager - The Town Council may require the Town Manager to provide specific information to it on any matter within the jurisdiction of the Town Council. The Town Council may require the Town Manager to appear before it at any time to provide specific information on the conduct of any aspect of the business of the town. The Town Manager may bring to such meeting any assistant, department head or other town official or employee or other resources to assist the Town Manager in responding to questions which may be posed by the Town Council.

Notice – Except in case of emergency, the Town Council shall give not less than 5 days' notice in writing to any person it may require to appear before it under the provisions of this section. Notice shall also be given to the Town Manager. The notice shall include specific questions on which the Town Council seeks information, and no person called to appear before the Town Council under this section shall be required to respond to any question not relevant or related to those presented to the person in advance and in writing. Notice shall be by delivery in hand, or by electronic mail (with notification of receipt requested), or by registered or certified mail to the last known place of residence of any such person.

Section 10. Prohibitions

No Town Council or any member of the Town Council shall give orders or directions either publically or privately to any employee of the town who is not appointed by the Town Council.

ARTICLE 3
TOWN MANAGER

Section 1. Appointment and Qualifications

The Town Council shall appoint by a majority vote of the full Council a Town Manager. The Town Manager shall be a person of proven administrative ability, especially qualified by education and training with prior experience as a city or Town Manager, or an assistant city or Town Manager or the equivalent public or private sector level experience. The Town Council may from time to time establish such additional qualifications as deemed necessary and appropriate.

The Town Manager shall devote full time to the duties of the office and shall not hold any other elective or appointive office, nor shall the Town Manager engage in any other business, unless such action is approved in advance in writing by the Town Council.

The Town Manager need not be a resident of the town or of the Commonwealth at the time of appointment but shall establish residence within the town within 6 months following appointment, unless the Town Council shall extend such time or waive such residency requirement.

The salary, benefits, terms and conditions of employment shall be negotiated between the Town Council and the Town Manager.

There shall be an annual review of the Town Manager's job performance conducted by the Town Council.

Section 2. Powers and Duties

The Town Manager shall be the chief executive officer of the town and be directly responsible to the Town Council for the administration of all town affairs placed in his or her charge by or under this charter. The Town Manager shall have the following powers and duties. The Town Manager:

1. shall appoint, and may suspend or remove, subject to the provisions of the civil service law where applicable and except as otherwise authorized by the charter, all department heads, members of boards, committees, commissions and employees. Appointment of the Police Chief, Fire Chief, Department of Public Works Superintendent and Town Clerk/Clerk of the Council made by the Town Manager shall become effective unless rejected by a majority of Town Council members by roll call vote within 45 days of the Town Manager’s presentation of the name and qualifications of the recommended candidate for the position to the Town Council or at the next regular Town Council meeting, whichever comes first. (Amended 6/5/2018 by voters.)

2. shall prepare in conjunction with department heads and boards of the town and present to the Town Council the annual budget of the town and shall also be responsible for the

development and annual updating of the capital improvement program as provided in Article 6.

3. shall prepare or update in conjunction with department heads, boards of the town, the Town Council and residents a long range plan every 5 years.

4. shall supervise and direct the administration of all departments, agencies and offices unless otherwise provided for in this charter.

5. shall fix the compensation of all town employees appointed by the Town Manager within the limits established by existing appropriations.

6. shall attend all meetings of the Town Council unless excused, except meetings at which the Town Manager's performance is being considered, and shall have a voice but no vote in all of its deliberations.

7. shall keep full and complete records of his or her office and shall render as often as may be required by the Town Council, but not less than once in each year, a full report of all operations during the period reported on, which report shall be made available to the public.

8. shall keep the Town Council fully advised as to the needs of the town and shall recommend to the Town Council for adoption such measures requiring action by them as he or she may deem necessary or expedient.

9. shall have full jurisdiction over the rental and use of all town facilities. The Town Manager shall be responsible for the maintenance and repair of the facilities placed under his or her control by this charter, by bylaw, by vote of the Town Council or otherwise.

10. shall keep a full and complete inventory of all property of the town, both real and personal.

11. may authorize any subordinate officer or employee to exercise any power or perform any function which the Town Manager is authorized to exercise or perform with the exception of discharge of employees; provided, however, all acts performed under any such delegation shall be deemed to be the acts of the Town Manager, unless otherwise limited by this charter.

12. shall execute contracts, unless otherwise as prescribed by bylaw. Appropriations required by such contracts shall be subject to a vote of the Town Council.

13. shall be responsible for the negotiation of all contracts with town employees over wages and other terms and conditions of employment. The Town Manager may employ special counsel to assist in the performance of these duties. Appropriations required by such contracts shall be subject to a vote of the Town Council.

14. shall be responsible for purchasing all supplies, materials, services and equipment, for all departments and activities of the town, and for executing procurement contracts, except for the school department, unless otherwise specifically requested by the School Committee.

15. shall assure that all of the provisions of the General Laws, of the charter and votes of the Town Council which require enforcement or action by the Town Manager or employees subject to the Town Manager's direction and supervision are faithfully carried out.

16. shall prepare and revise as necessary, subject to civil service requirements where applicable, a personnel management plan, which shall include recruitment procedures, job descriptions, wage and salary schedules, benefits administration, workplace safety requirements, and such other features as the Town Manager shall determine, for all departments established by this charter, administrative code or town bylaw, except school department employees unless requested by the School Committee. Such plan after submission to the Town Council shall become effective unless rejected by a majority of Town Council members within 45 days or at the next regular Town Council meeting, whichever is later. The Town Council may vote only to approve or disapprove the plan, and no vote to amend or alter it shall be deemed in order.

17. may at any time inquire into the conduct of any employee or department, board, committee or commission under his or her control.

18. shall perform such other functions as may from time to time be assigned to the office of Town Manager by Town Council, bylaw or as stipulated in any employment agreement.

19. shall advertise all vacancies on town boards and committees in a local newspaper, on the town bulletin board, and on the town's website or other official online repository of municipal information, whether on the internet or accessed through another comparable technology, and shall actively recruit candidates for all appointments to be made by either the Town Manager or the Town Council.

20. may, with the approval of the Town Council, establish, reorganize, consolidate or dissolve any department, board, committee, commission or office, as provided in Article 5.

Section 3. Acting Town Manager

(a) Temporary Absence -The Town Manager shall, within the first 90 days of his or her appointment and at any time thereafter, by letter filed with the Town Council and a copy filed with the Town Clerk, designate a qualified town employee to exercise the powers and perform the duties of the office during a temporary absence. During the first ten working days of a temporary absence of the Town Manager, the Town Council may revoke such designation by a supermajority vote and, after the expiration of ten working days, by a majority vote, whereupon it may appoint another qualified town employee to serve as acting Town Manager until the Town Manager shall return and resume the manager's duties.

(b) Vacancy -Any vacancy in the office of Town Manager shall be filled as soon as possible by the Town Council but pending such appointment the Town Council shall designate a qualified individual to exercise the powers and perform the duties of the Town Manager on an acting basis. The appointment of an Acting Town Manager shall be for a term not to exceed 4 months; provided, however, 1 renewal, not to exceed an additional 4 months, may be permitted.

(c) Powers and Duties -The powers of an Acting Town Manager shall be limited to matters not admitting of delay; provided, however, no Acting Town Manager shall have authority to effect any discipline, suspension, permanent appointment to, or removal from, any town office or position unless approved by the Town Council.

Section 4. Removal, Discipline or Suspension

Discipline, suspension, and final removal of any Town Manager shall be effected by a supermajority vote of the Town Council at a Town Council meeting.

ARTICLE 4
OTHER ELECTED OFFICES

Section 1. General Provisions

The other offices to be filled by ballot of the town's voters shall be a School Committee and members of regional authorities or districts requiring election as may be established by General Law, inter local agreements or otherwise.

Any voter of the town shall be eligible to hold the position of School Committee member, but no elected School Committee member shall simultaneously hold any other elected town office.

Section 2. School Committee Composition; Term; Compensation; Powers and Duties

There shall be a School Committee consisting of 5 members nominated and elected at large by the voters for 3 year terms to begin on July 1.

At the first School Committee meeting on or after July 1, the School Committee shall choose from its membership a chairperson, a vice chairperson and a clerk each to serve for a 1 year term of office.

The School Committee may reorganize itself at any time during the year by a supermajority vote of its membership.

Compensation for School Committee members shall be set by the Town Council and in the annual Town Budget.

The School Committee shall have all of the powers and duties School Committees may have under the constitution and laws of the Commonwealth, and it shall have such additional powers and duties not inconsistent with said constitution and laws, as may be authorized by this charter or by bylaw.

The School Committee shall make an annual report as specified in the town bylaws.

Section 3. School Committee Vacancy

Whenever a vacancy occurs on the School Committee, the President of the Town Council shall, within 30 days following the date of the vacancy, call a special meeting of the Town Council and the remaining School Committee members to fill the vacancy. The Town Council and remaining School Committee members shall choose a person to fill the vacancy from among the voters by a majority vote of the full Town Council and remaining School Committee members. Persons appointed to fill a vacancy by the Town Council and the remaining School Committee members shall serve only until the next regular town election, when the office shall be filled by the voters. The candidate elected to an office filled by appointment prior to the election shall be sworn to the office immediately to complete the then unexpired term in addition to the term for which elected. No vacancy shall be filled under this section if a regular town election is to be held within 120 days following the date the vacancy is declared to exist, but said vacancy shall be filled at the next regular town election by the voters. Persons appointed as School Committee members under this section shall not be entitled to have the words “candidate for reelection” printed with that person’s name on the election ballot.

ARTICLE 5
ADMINISTRATIVE ORGANIZATION

Section 1. Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished only through an organization or reorganization plan filed with the Town Council by the Town Manager. No organization or reorganization plan may originate with the Town Council. The Town Manager may, subject only

to express prohibitions in the General Laws, or this charter, propose to reorganize, consolidate or abolish any town agency, in whole or in part; the Town Manager may establish such new town agencies as is deemed necessary, provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless this charter specifically so provides.

The Town Manager may from time to time prepare and submit to the Town Council organization or reorganization plans that establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Every organization or reorganization plan submitted by the Town Manager pursuant to this provision shall contain a proposed bylaw which sets out, in detail, such amendments, insertions, revisions, repeals or otherwise of existing bylaws as may be necessary to accomplish the desired reorganization. Such organization or reorganization plan and proposed bylaws shall be accompanied by a message of the Town Manager which explains the benefits expected to ensue.

Whenever the Town Manager proposes such a plan the Town Council shall hold 1 or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which any public hearing will be held, not less than 7 nor more than 14 days following said publication. An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the Town Council unless the Town Council shall, by a majority vote, within such period vote to disapprove the plan. The Town Council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

Section 2. Merit Principle

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

Section 3. Powers, Duties, and Compensation of Boards and Commissions

Boards and commissions established under this charter shall perform their functions and duties in accordance with the Constitution, General Laws, bylaws and this charter.

Members of boards and commissions established under this charter may receive actual and necessary expenses incurred in the performance of their duties and may receive such compensation as may be authorized and established by the Town Council within limits of an appropriation made for that purpose.

Section 4. Appointment of Board, Commission, and Committee Members

The Town Manager shall appoint, and may suspend or remove, subject to the provisions of the civil service law where applicable and except as otherwise authorized by the charter, members of boards, committees and commissions. Appointment of members of the Board of Assessors,

Board of Public Works, Library Trustees, Planning Board, Housing Authority, and Board of Health made by the Town Manager shall become effective unless rejected by a majority of Town Council members by roll call vote within 45 days or at the next regular Town Council meeting, whichever comes first.

ARTICLE 6
FINANCIAL AND FISCAL PROCEDURES

Section 1. Annual Budget Process

The Town Manager shall set policy and procedures for the preparation of the town's budget. The Town Manager will determine the schedule for budget preparation within the parameters set by the Massachusetts General Laws. All departments of the town shall follow the schedule and procedures for budget preparation as determined by the Town Manager. The Town Manager shall prepare and submit the budget to the Town Council. The Town Council shall hold 1 or more public hearings on the proposed budget. Copies shall be made available for public review prior to the public hearing as outlined in town bylaws.

The budget process shall include, at a minimum, the following steps:

Step 1. The President of the Town Council shall call a joint meeting of the Town Council and the School Committee prior to the commencement of the budget process to review the financial condition of the town, revenue and expenditure forecasts and other relevant information to be presented by the Town Manager in order to develop a coordinated budget.

Step 2. The Town Manager and the Town Council shall meet to discuss the Town Council's priorities for the upcoming fiscal year and discuss the budget format. The Town Manager will provide the Town Council and the School Committee a copy of the draft budget by April 1.

Step 3. The Town Manager shall meet with the Superintendent of Schools to discuss the upcoming fiscal year budget prior to the submittal of the proposed operating budget.

Step 4. By May 1, the Town Manager will submit a proposed operating budget for all town agencies to the Town Council, which shall include the school budget as adopted by the School Committee, for the ensuing fiscal year with accompanying budget message and support documentation. The budget message submitted by the Town Manager shall explain the budget in fiscal terms and in terms of work programs for all town agencies. It shall outline the proposed fiscal priorities of the town for the ensuing fiscal year, describe important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reason for such changes. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the Town Manager deems desirable.

Step 5. The Town Council shall adopt the budget with or without amendments by June 1.

Section 2. Expenditures in Excess of Appropriations
No official of the town, except in the case of a declared emergency as stated in Section 31 of Chapter 44 of the General Laws involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the town in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of Section 31 of Chapter 44 of the General Laws shall be strictly enforced.

Section 3. Capital Improvement Program
(a) Preparation - The Town Manager shall annually submit a capital improvement program to the Town Council in conjunction with the annual operating budget. The Town Manager may establish an advisory committee to assist in this effort at the Town Manager's discretion.

(b) Contents - The capital improvement program shall include: (1) a clear summary of its contents; (2) an itemization and justification of all capital improvements, including those of the school department, proposed to be undertaken during the next 5 fiscal years with supporting data; (3) cost estimates, recommended method of financing, and recommended time schedules; and (4) the estimated annual cost of operating and maintaining the facilities included in the program.

(c) Public Hearing - The Town Council shall publish, in a local newspaper, on the town bulletin board and on the town's website or other official online repository of municipal information, whether on the internet or accessed through another comparable technology, a summary of the capital improvement plan and a notice stating: (1) the times and places where entire copies of the capital improvement plan are available for inspection by the public; and (2) the date, time and place not less than 14 days after such publication, when a public hearing on said plan will be held by the Town Council.

(d) Adoption - At any time after the public hearing but by June 1, the Town Council shall by resolution adopt the capital improvement plan, with or without amendment, provided that each amendment must be voted separately and that any increase in the capital improvement plan as submitted must clearly identify the method of financing proposed to accomplish this increase.

Section 4. Financial Management Standards
The Town Council may by bylaw establish reasonable standards relating to the management of financial systems and practices. Any standards adopted shall conform to modern concepts of financial management.

Section 5. Independent Audit
The Town Council shall provide for an annual audit of the books and accounts of the town to be

made by a certified public accountant, or firm of accountants, who have no personal interest, direct or indirect, in fiscal affairs of the town government or any of its offices.

ARTICLE 7
TOWN ELECTIONS

Section 1. Town Elections: General; Preliminary

The regular general town election shall be held on the first Tuesday following the first Monday in June in each year.

On the fifth Tuesday preceding every regular general town election there shall be a preliminary election for the purpose of nominating candidates.

The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the Town Clerk, which shall be open to the public.

Section 2. Non-Partisan Elections

All elections for town offices shall be non-partisan and election ballots shall be printed without any party mark, emblem, or other designation whatsoever.

Section 3. Preliminary Election

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of Town Councilor and member of the School Committee, a minimum of 50 such signatures.

(b) Determination of Candidates – If only 1 person is to be elected to an office, the 2 persons receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general town election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If 2 or more persons are to be elected to the same office at such regular election, the several persons, in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballots. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have his or her name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on such ballots the names of candidates exceeding twice the number to be elected.

(c) Condition Making Preliminary Unnecessary - If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the board of registrars for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the board of registrars shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the board of registrars shall not print their names on the ballots to be used at said preliminary election and no other nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots, no preliminary election shall be held.

Section 4. Application of General Laws

Except as provided in this charter, all town elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

ARTICLE 8
CITIZEN RELIEF MECHANISMS

Section 1. General Conditions

Signatures to any petition need not all be on 1 paper, but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. With each signature on the petition there shall also appear the street and number of the residence of each voter signing the petition.

Section 2. Petitions to Town Council or School Committee

The Town Council or the School Committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by a minimum of 100 voters and which seeks the passage of a measure. The hearing shall be held by the Town Council or the School Committee, in either case, by a committee or subcommittee thereof and the action by the Town Council or the School Committee shall be taken no later than 3 months after the petition is filed with the clerk of the Council or the secretary of the School Committee, as may be appropriate. Hearings on 2 or more petitions filed under this section may be held at the same time and place. The clerk of the Council or the secretary of the School Committee shall mail notice of the hearing to the 10 persons whose names appear first on the petition at least 7 days before the hearing. Notice, by publication of all such hearings, shall be at the town's expense.

Section 3. Citizen Initiative Petitions

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the Clerk of the Town Council or the Secretary of the School Committee. The initial petition shall be addressed to the Town Council or to the School Committee and shall

contain a request for the passage of a particular measure which shall be set forth in full in the initial petition. The initial petition shall be signed by a minimum of 50 voters stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form pursuant to subsection (c).

(b) Referral to the Town Attorney - The Clerk of the Town Council or the Secretary of the School Committee shall, immediately following receipt of the initial petition, deliver a copy of the petition to the Town Attorney. The Town Attorney shall, within 21 days following receipt of a copy of the petition, in writing, advise the Town Council or the School Committee and the Town Clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be adopted by the Town Council or the School Committee. If the opinion of the Town Attorney is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the Town Attorney shall be mailed to the first 10 voters who signed the initial petition.

(c) Submission to Town Clerk – If the Town Attorney determines that the petition is in a proper form, the Town Clerk shall provide blank forms for the use of subsequent voters signing the petition and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the Town Attorney, together with the names and addresses of the first 10 voters who signed the initial petition. The Town Clerk shall notify the first 10 voters that the blank forms are issued. Within 60 days following the date of the notice, the petition shall be returned and filed with the Town Clerk, signed by a minimum of 50 additional voters who did not sign the original petition. Within 10 days following the filing of the petition, the registrars of voters shall ascertain the number of voters that signed the petition. The registrars of voters shall cause a certificate showing the results of its examination to be attached to the petition and shall return the petition to the Clerk of the Town Council or the Secretary of the School Committee, depending on how the petition is addressed. A copy of the registrars of voters' certificate shall also be mailed to the first 10 names identified as the petitioners' committee on the initial petition, if applicable.

(d) Action on Petitions - Within 30 days following the date a petition pursuant to subsection (c) has been returned to the Clerk of the Town Council or the Secretary of the School Committee, the Town Council or the School Committee shall vote with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the Town Council or the School Committee fails to act within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected at the expiration of 30 days. If an initiative measure is rejected, the Clerk of the Town Council or the Secretary of the School Committee shall promptly give notice of that fact to the first 10 voters who signed the initial petition by mail.

(e) Supplemental Petitions - Within 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the Clerk of the Town Council or

the Secretary of the School Committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a minimum of 400 voters. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of a minimum of 500 voters. If the number of signatures to this supplemental petition is found to be sufficient by the Town Clerk, the Town Council shall cause the measure to appear on the ballot of the next annual town election provided such petition is found sufficient at least 60 days prior to the scheduled election, otherwise the measure shall appear on the following year's ballot during the regular town election.

(f) Publication - The full text of an initiative measure which is submitted to the voters shall be published in at least 1 local newspaper not less than 7 nor more than 21 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the Town Clerk. Publication shall be at the town's expense.

(g) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:
Shall the following measure which was proposed by an initiative petition take effect?

(Here insert the fair, concise summary of the proposed measure, as determined by the Town Attorney as referenced in subsection (c)).

- ❑ YES
- ❑ NO

(h) Time of Taking Effect – If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

Section 4. Citizen Referendum Procedures

(a) Petition, Effect on Final Vote - If, within 21 days following the date on which the Town Council or the School Committee has voted finally to approve any measure, a petition signed by a minimum of 500 voters and addressed to the Town Council or to the School Committee, protesting against the measure or any part of it is filed with the Clerk of the Town Council or the Secretary of the School Committee, the effective date of that measure shall be temporarily suspended. The Town Council or the School Committee shall immediately reconsider its vote on the measure or part thereof protested against, and if the measure is not rescinded, the Town Council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, within such time as may be requested by the School Committee or at the next regular town election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Submission to Town Clerk - Within 10 days following the filing of the petition, the registrars of voters shall ascertain the number of voters that signed the petition. The registrars of voters shall cause a certificate showing the results of its examination to be attached to the petition and shall return the petition to the Clerk of the Town Council or the Secretary of the School Committee, depending on how the petition is addressed. A copy of the registrars of voters' certificate shall also be mailed to the first 10 voters who signed the petition, if applicable.

(c) Referral to the Town Attorney – The Clerk of the Town Council or the Secretary of the School Committee shall, immediately following receipt of the petition, deliver a copy of the petition to the Town Attorney. The Town Attorney shall, within 21 days following receipt of a copy of the petition, in writing, advise the Town Council or the School Committee and the Town Clerk whether the measure may lawfully be protested by the referendum process. If the opinion of the Town Attorney is that the protest of the measure is not in proper form, the reply shall state the reasons for this opinion in full. If the Town Attorney finds it is not in proper form, the suspension on the measure shall be immediately lifted. A copy of the opinion of the Town Attorney shall be mailed to the first 10 voters who signed the petition.

(d) Publication - The full text of a referendum measure which is submitted to the voters shall be published in a local newspaper not less than 7 nor more than 21 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the Town Clerk. Publication shall be at the town's expense.

(e) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:
Shall the following measure or part thereof protested against by referendum take effect?

(Here insert the text of the measure or part thereof protested against as originally voted by the Town Council or School Committee).

- ❑ YES
- ❑ NO

(f) Time of Taking Effect – If a majority of the votes cast on the question is in the affirmative, the measure as originally approved by the Town Council or School Committee shall be deemed to be effective immediately.

Section 5. Ineligible Measures

None of the following shall be subject to the initiative or the referendum procedures:
(1) proceedings relating to the internal organization or operation of the Town Council or of the School Committee;
(2) an emergency measure adopted under the charter;
(3) the town budget or the School Committee budget as a whole;
(4) any appropriation for the payment of the town's debt or debt service;

(5) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action;
(6) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;
(7) any proceedings providing for the submission or referral to the voters at an election; and
(8) resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition, in the opinion of the Town Attorney.

Section 6. Measures With Conflicting Provisions
If 2 or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 7. Citizen Recall Procedures
(a) Application - Any holder of an elected office in the town, with more than 6 months remaining in the term of office for which the official was elected, may be recalled therefrom by the voters of the town in the manner provided in this section. No recall petition shall be filed against an official within 6 months after taking office.

(b) Recall Petition - A recall petition may be initiated by the filing of a petition containing the name of the official sought to be recalled and a statement of the grounds for recall, provided that the petition is signed by a minimum of 500 voters for any elected official. The Town Clerk shall thereupon deliver to the first 10 signers of the petition, copies of petition blanks demanding such recall, copies of which printed forms the Town Clerk shall keep available. The blanks shall be issued by the Town Clerk, with signature and official seal attached thereto. The blanks shall be dated, shall be addressed to the Town Council and shall contain the names of all the persons to whom the blanks are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought and the grounds of recall as stated in the petition. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within 30 days after the filing of the petition, and shall have been signed by a minimum of 500 additional voters. The Town Clerk shall submit the petition to the registrars of voters and the registrars shall, within 10 days, certify thereon the number of signatures which are names of voters.

(c) Recall Election - If the petition shall be found and certified by the Town Clerk to be sufficient, the Town Clerk shall submit the same with such certificate to the Town Council within 7 days, and the Town Council President shall give written notice of the receipt of the certificate to the official sought to be recalled and shall, if the official does not resign within 7 days thereafter, order an election to be held on a date fixed by the Town Council not less than 64 days and not 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 120 days after the date of the certificate, the Town Council shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office Holder - The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as provided in (g) below. If recalled, the official shall be deemed immediately removed and the office vacant. The vacancy created thereby shall be filled under Articles 2 or 4 of this charter for filling vacancies in such office. A person chosen to fill the vacancy caused by a recall shall hold office until the next regular town election. Should the person filling the vacancy be a candidate in the subsequent election, that person will not be allowed to have "candidate for re-election" appear on the ballot at such election.

(e) Form of Question – The ballots used when voting on a recall proposed by the voters under this section shall contain a question in substantially the following form:
Shall [here insert the name and title of the elective official whose recall is sought] be recalled?

- ❑ YES
- ❑ NO

(f) Time of Taking Effect - If a majority of the votes cast upon the question of recall is in the affirmative, such elected official shall be immediately recalled.

(g) Repeat of Recall - In the case of an elected official subjected to a recall election and not recalled thereby, no recall petition shall be filed against such official until at least 120 days after the election at which the official's recall was submitted to the voters of the town.

(h) Elected Official Recalled - No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any elective town office within 2 years after such recall or such resignation.

ARTICLE 9
GENERAL PROVISIONS

Section 1. Charter Changes
This charter may be replaced, revised or amended in accordance with any procedure made available under the Constitution of the Commonwealth or by general or special law.

Section 2. Periodic Review of Charter
The Town Council shall provide, in every year ending in a 0, for a review of the charter by a special committee to be established by bylaw. The committee shall file a report within 1 year recommending any changes to the charter which it deems necessary or desirable, unless an extension is authorized by vote of the Town Council. All members of the committee shall be voters of the town. The Town Council shall vote upon the recommendations in the report within 90 days of receipt of the recommendations.

Section 3. Periodic Review of Bylaws

The Town Council shall provide, not later than July 1, at 10 year intervals, in each year ending in a 5, for a review to be made of the general bylaws of the town to prepare a proposed revision or recodification of them. This review shall be made by a committee to be established by bylaw. All members of the committee shall be voters of the town. The special committee shall file its report with the Town Clerk at a date specified by bylaw. The review of bylaws shall be under the supervision of the Town Attorney. The Town Council shall vote upon the recommendations in the report within 90 days of receipt of the recommendations.

Section 4. Severability

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

Section 5. Specific Provision to Prevail

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

Section 6. Rules and Regulations

A copy of all rules and regulations adopted by boards and committees which are subject to the Massachusetts Public Records Act shall be placed on file in the office of the Town Clerk when approved by vote of the board or committee and shall be available for review by any person who requests such information at any reasonable time. Unless an emergency exists, as determined by the Town Manager, no rule or regulation adopted by boards and committees shall become effective until at least 5 days following the date it is filed.

Section 7. Computation of Time

In computing time under the charter, if 7 days or fewer, only business days (not including Saturdays, Sundays, or legal holidays) shall be counted; if more than 7 days, every day shall be counted, provided, however, if the last day of the period so computed would fall on a Saturday, Sunday or a legal holiday the period shall end on the first business day following such Saturday, Sunday or legal holiday.

Section 8. Certification of Election or Appointment

Every person who is elected or appointed to an office or as a member of a multiple-member body shall receive a certificate of that election or appointment from the Town Clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body, before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath or affirmation shall be kept by the Town Clerk.

Section 9. Felony Conviction
An elected official who has been convicted of a state or federal felony while holding office shall be deemed to have vacated the office.

Section 10. Uniform Procedures Applicable to Multiple Member Bodies
(a) Meetings- All multiple member bodies of the town shall meet regularly at such times and places as they may, by their own rules, prescribe, unless some other provision is made by bylaw. Special meetings of any multiple member body may be held if called by the chair or by one-third of the members thereof, provided that at least 48 hours personal notice which contains a list of the item or items to be acted upon shall be given to each member. All meetings must be posted and comply with the Open Meeting Laws of the Commonwealth.

(b) Rules and Minutes- Each multiple member body shall determine its own rules and order of business unless another provision is made by bylaw and shall provide for the keeping of minutes and supporting documentation of its proceedings. These rules and minutes shall be a public record and kept on file in the office of the Town Clerk.

(c) Voting- If requested by any member, any vote of any multiple member body shall be taken by a call of the roll and the vote of each member shall be recorded in the minutes; provided, however, that if the vote is unanimous only that fact need be recorded.

(d) Composition of Multiple-Member Bodies - All multiple-member bodies when established with the exception of the Library Trustees, shall be composed of an odd number of members, of not less than three. Whenever the terms of office of a multiple-member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

ARTICLE 10
TRANSITION PROVISIONS

Section 1. Continuation of Existing Laws
All bylaws, resolutions, rules, regulations and votes of the town meeting which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed. If the provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders or special acts or acceptances of laws, the charter provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

Section 2. Bylaw Review

Not later than August 1, 2016 the Town Council shall appoint seven persons to be a committee to begin a review of the town bylaws for the purpose of preparing such revisions and amendments as may be needed or necessary to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. If possible, at least two of the persons appointed to the committee shall have been members of the East Longmeadow Charter Commission. The review shall be conducted under the supervision of the Town Attorney, or, by special counsel appointed for that express purpose. The committee shall complete its review and prepare recommendations for the Town Council to enact revisions to the town bylaws within one year following the adoption of this charter. The Town Council shall vote upon the recommendations so submitted within 90 days of the receipt of the recommendations.

Section 3. Continuation of Government and Personnel

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

Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service.

Section 4. Transfer of Records, Property, and Information

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

Section 5. Effect on Obligations, Taxes, Etc.

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

Section 6. Time of Taking Effect

This charter shall become effective upon adoption by the voters, except as provided in this Article.

Section 7. Elections and Elected and Appointed Positions

Town Meeting - The town shall hold a town meeting on May 16, 2016 during which the budget for the fiscal year shall be enacted. No actions contrary to the charter shall be enacted during this town meeting. Town meeting shall be dissolved and the moderator position shall be abolished with any remaining term of office terminated on July 1, 2016.

Town Council Election and Taking of Office – Notwithstanding the provisions of Article 7, there shall be a town election on Tuesday, June 7, 2016 during which all Town Council members shall be elected. There shall not be a preliminary election. For the purposes of this initial election of the Council only, the number of votes received by each candidate shall determine his or her term of office. The 3 candidates receiving the highest number of votes shall serve 3 year terms, the 2 candidates receiving the next highest number of votes shall serve 2 year terms, and the 2 candidates receiving the third highest number of votes shall serve one-year terms. Nomination papers may be drawn beginning on the day following the adoption of this charter and must be returned by May 9, 2016. Town Councilors elected at this election shall take office at or before noon (12 p.m., Eastern Daylight time) on July 1, 2016.

The Town Council shall meet on July 1, 2016 following the taking of the oath of office to elect its officers, establish interim operating rules, and appoint an Interim Town Manager who may be a town employee with sufficient management and administrative experience to serve in this role until the Town Council selects a Town Manager.

School Committee Election and Office - The School Committee members shall continue their service as elected in April 2016. There shall be no additional election for School Committee members in June 2016. School Committee members in office on the effective date of this Charter shall continue to serve for the balance of the staggered terms for which they were elected with each of their terms being extended by approximately 2 months to correspond with future regular town elections.

Interim Executive – The Board of Selectmen shall be abolished at noon (12 p.m., Eastern Daylight time) on July 1, 2016. Upon the date of taking effect of this charter on April 13, 2016, the Board of Selectmen shall continue to exercise the executive functions of the town until the Board is abolished, provided that the Board of Selectmen shall neither create nor eliminate any position, neither hire nor terminate any employee or elected official, nor execute or extend any employment contract during the transition, except for matters not admitting of delay.

Interim Board of Health – Members of the Board of Selectmen in office on July 1, 2016 shall continue to serve as the Board of Health for a term of no fixed duration only until the Interim or permanent Town Manager makes permanent appointments to the Board of Health.

Board Transitions - The members of the Board of Assessors, Board of Public Works, Library Trustees, Planning Board and the elected members of the Housing Authority in office on the effective date of this Charter shall continue to serve for the balance of the terms for which they were elected. Upon the expiration of the term of office or upon a sooner vacating of the office

by any member of the Board of Assessors, Board of Public Works, Library Trustees, Planning Board and the elected members of the Housing Authority, such successor shall be appointed as provided in this Charter.

Limitations on Office Holding – Notwithstanding Article 2, Board of Selectmen, Board of Health members and Town Councilors may hold multiple offices during the transition period between the charter's adoption and the appointment of permanent Board of Health members only.

Section 8. Departments

Until such time as another form of organization is established in accordance with Article 5 of this charter, the following departmental organization shall be in effect in the town:

(a) Department of Municipal Finance - There shall be established a Department of Municipal Finance under the direction of the Town Manager. The Town Manager shall appoint a Director of Municipal Finance who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director shall be responsible for the supervision and coordination of all municipal finance operations of the town that are placed under control of the director by this Charter. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices: Town Accountant, Collector/Treasurer, and Assessors. The Director may hold one of these positions.

(b) Town Clerk - The Town Manager shall appoint a Town Clerk who shall be a person especially suited by education, training, and relevant experience to perform the duties of the office. The Town Clerk shall have all the powers which are conferred on the Town Clerk by general laws and such additional powers and duties as may be provided by this charter, by bylaw, by the Town Manager, or otherwise and not inconsistent with said grant of powers conferred by general laws.

(c) Planning and Community Development Department - There shall be established a Planning and Community Development Department under the direction of the Town Manager. The Town Manager shall appoint a Director of Planning and Community Development who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Planning and Community Development Department shall coordinate the functions of the boards, offices and departments involved in land use regulation and management, including but not limited to: Building Department, Planning Department, Zoning Board of Appeals and Conservation Commission. The Director may also serve concurrently as the director or manager within one of the divisions included in the department.

Section 9. Appointed Boards

Until such time as another form of organization is established in accordance with Article 5 of this charter, the following appointed boards shall be in effect in the town:

(a) Board of Assessors; (b) Board of Public Works; (c) Library Trustees; (d) Planning Board; (e) Housing Authority; and (f) Board of Health.

Notwithstanding Section 7, the Town Manager shall assure timely appointments of members, and may establish a process whereby residents are notified of vacancies and may apply to serve. Initial appointments shall be arranged to achieve the staggered terms as described in the charter. The Town Manager shall seek to maintain as full a complement of members on each board as is reasonably possible. The manager shall fill all vacancies whether due to resignation, removal from the town, or other circumstances.

(a) Board of Assessors - There shall be a Board of Assessors with 3 members each serving staggered 3 year terms, with 1 member appointed each year. The Board of Assessors shall perform any state or federally mandated functions or those established by town bylaw, but shall not supervise town employees.

(b) Board of Public Works - There shall be a Board of Public Works with 3 members each serving staggered 3 year terms, with 1 member appointed each year. The Board of Public Works shall be an advisory and recommending body to the Town Manager in matters of public works, but shall not supervise town employees. The Town Council shall set water and sewer rates based upon the recommendations of the Board of Public Works and the Town Manager.

(c) Library Trustees - There shall be 6 Library Trustees each serving staggered 3 year terms, with 2 members appointed annually. The Library Trustees shall perform any state or federally mandated functions or those established by town bylaw, but shall not supervise town employees.

(d) Planning Board - There shall be a Planning Board with 5 members serving staggered 5 year terms, with 1 member appointed each year. The Planning Board shall perform any state or federally mandated functions or those established by town bylaw, but shall not supervise town employees.

(e) Housing Authority - There shall be a Housing Authority with a total of 5 members. Four members shall be appointed for 5 year staggered terms, with 1 member appointed annually. The fifth member shall be appointed by the state pursuant to provisions of general law. The Housing Authority shall perform any state or federally mandated functions or those established by town bylaw, but shall not supervise town employees.

(f) Board of Health – There shall be a Board of Health composed of 3 members serving staggered 3 year terms, with 1 member to be appointed annually. The Board of Health shall perform any state or federally mandated functions, or such functions as may be established by town bylaw, but shall not supervise town employees.

Section 10. Transition Provisions

The Town Council shall have authority to adopt measures that clarify, confirm or extend any of the transition provisions in order that the transition may be made in the most expeditious and least contentious manner possible.

Charter Enhancements approved by Town Council on April 24, 2018, and voted at June 5, 2018 Annual Town Election

Article 2, Town Council, Section 3, President, Vice President and Clerk

Formerly read: "At the first Council meeting on or after July 1, the Council shall choose from its membership a President and Vice President each to serve for a 1 year term of office."

Article 2, Town Council, Section 6, Town Bylaws

Formerly read: "Proposed bylaws shall address 1 subject only and shall be introduced in writing and in the form necessary for final adoption. Any proposed bylaw shall be published in a local newspaper, on the town bulletin board, and on the town's website or other official online repository of municipal information, whether on the internet or accessed through another comparable technology, not less than 7 days prior to its second reading except for emergency bylaws."

Article 3, Town Manager, Section 2, Powers and Duties, Number 1

Formerly read: "shall appoint, and may suspend or remove, subject to the provisions of the civil service law where applicable and except as otherwise authorized by the charter, all department heads,members of boards, committees, commissions and employees. Appointment of the Police Chief, FireChief and Department of Public Works Superintendent made by the Town Manager which shall becomeeffective unless rejected by a majority of Town Council members by roll call vote within 45 days of theTown Manager's presentation of the name and qualifications of the recommended candidate for theposition to the Town Council or at the next regular Town Council meeting, whichever comes first."