

Session Law - Acts of 2024 Chapter 229

AN ACT AMENDING THE CHARTER OF THE TOWN OF TOWNSEND

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

SECTION 1. The charter of the town of Townsend, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby repealed.

SECTION 2. The following shall be the charter of the town of Townsend:

Article 1

Incorporation; Short Title; Powers

Section 1-1 Incorporation

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

Section 1-2 Short Title

This instrument shall be known and may be cited as the "Townsend Charter".

Section 1-3 Powers of the Town

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, the voters of the Town shall secure through the adoption of this Charter all of the powers and authority generally conferred on a municipal government under the constitution and laws of the Commonwealth.

Section 1-4 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the Town shall be vested in an executive branch headed by a Select Board. The legislative powers of the Town shall be vested in a Town Meeting that shall be open to all registered voters of the Town.

Section 1-5 Construction

The powers of the town of Townsend under this Charter shall be liberally construed in favor of the Town and the specific mention of any particular power shall not limit the general powers of the town of Townsend as stated in section 1-3.

Section 1-6 Intergovernmental Relations

Subject to the applicable requirements of the constitution or laws of the Commonwealth, the town of Townsend may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any other states or civil divisions or agencies thereof or the United States government or any agencies thereof.

Article 2

Legislative Branch

Section 2-1 Open Town Meeting

The legislative powers of the Town shall be vested in a Town Meeting that shall be open to all registered voters of the Town.

Section 2-2 Presiding Officer

All sessions of the Town Meeting shall be presided over by a Town Moderator elected

pursuant to Article 3. At the Annual Town Meeting, the Moderator shall appoint a Deputy Town Moderator, subject to ratification by the Town Meeting. The Deputy Moderator shall serve as acting Town Moderator in the temporary absence or disability of the Moderator. While presiding at Town Meeting sessions, the Deputy Moderator shall have all of the powers and duties of the Moderator but shall have no other powers or duties of the Moderator. In the absence of the Moderator and the Deputy Moderator, the Town Clerk shall act as acting Town Moderator until the Town Meeting elects a temporary Town Moderator pursuant to section 3-4.

Section 2-3 Committees

(a) Finance Committee - There shall be a Finance Committee that shall be appointed by the Town Moderator in accordance with Town by-laws and the laws of the Commonwealth.

(b) Capital Planning Committee - There shall be a Capital Planning Committee that shall be appointed in accordance with Town by-laws and the laws of the Commonwealth.

Section 2-4 Annual Town Meeting

The Annual Town Meeting shall be held on such dates as may from time to time be fixed by Town by-laws.

Section 2-5 Special Town Meetings

Special Town Meetings shall be held at the call of the Select Board at such times as the Select Board deems reasonable or necessary to transact the legislative business of the Town in an orderly manner. Special Town Meetings shall also be held on the petition of not less than 200 registered voters of the Town, in accordance with the procedures prescribed by the laws of the Commonwealth.

Section 2-6 Warrants

Each Town Meeting shall be called by a warrant issued by the Select Board. A warrant shall state the time and place at which the Town Meeting shall convene and, by separate articles, shall state the subject matters to be acted upon. The publication and posting of the warrant for each Town Meeting shall be in accordance with the General Laws and Town by-laws.

Section 2-7 Initiation and Inclusion of Warrant Articles

(a)(1) Initiation - The Select Board shall receive all petitions that request submission of a matter to the Town Meeting, which may be filed by an elected Town official, a multiple member body acting by a majority of its members, any 10 registered voters of the Town for the Annual Town Meeting or any 100 voters for a Special Town Meeting.

(2) At a regular meeting of the Select Board, a registered voter may request that a matter be placed on the Town Meeting warrant in lieu of a written petition. The Select Board may, at its discretion, accept the request and place the matter on the warrant under its sponsorship or it may request that the matter be submitted by a petition bearing the signatures of the required number of registered voters of the Town.

(b) Inclusion - The Select Board shall include on the Annual Town Meeting warrant all matters that were submitted, in accordance with Town by-laws, for the submission of articles. When a Special Town Meeting is to be called, the Select Board shall give public notice thereof at a posted Select Board Meeting. The Select Board may cause additional public notice to be given pursuant to the laws of the Commonwealth or Town by-laws in any form it deems necessary. All public notices shall include the date of the close of the warrant. The Select Board shall include on a Special Town Meeting warrant the subject matter of all petitions that are received in its office in accordance with the date and time set by the Select Board for the close of the warrant.

Section 2-8 Availability of Town Officials

Each Town Agency shall designate at least 1 representative to attend all sessions of Town Meeting in which warrant articles pertinent to that Town Agency are or may be taken up. Each representative shall attend relevant Town Meetings to provide information relative to

the articles. If a person designated as a representative is not a Town resident, such person may, notwithstanding lack of residency, be authorized to speak to provide the Town Meeting with pertinent information.

Section 2-9 Clerk of the Meeting

The Town Clerk shall: (i) serve as clerk of the Town Meeting; (ii) record all votes and (iii) preserve as public records all proceedings of the Town Meeting sessions. The Town Clerk shall give notice of all adjourned Town Meeting sessions and perform such duties in connection therewith, as may be provided by Town by-laws, this Charter and the laws of the Commonwealth.

If, at a Town Meeting, the office of Town Clerk is vacant, the Town Moderator shall appoint a clerk pro tempore. If there is an unavoidable absence of the Town Clerk, the Town Clerk shall designate a substitute; provided, however, that if the Town Clerk fails to designate a substitute, then the Moderator may appoint a clerk pro tempore.

Section 2-10 Rules of Procedure

The Town Meeting shall be run in accordance with the accepted edition of the book "Town Meeting Time". The Town Meeting may, by Town by-law, establish and from time to time amend, revise or repeal rules governing Town Meetings. A procedural change shall become effective for all Annual and Special Town Meetings conducted after the procedural change.

Article 3

Elected Officials

Section 3-1 In General

(a) Elective Offices - The offices to be filled by the ballot vote shall be the Select Board, Town Moderator, Town Clerk, Board of Assessors, Board of Health, Planning Board, Board of Water Commissioners, Board of Library Trustees, North Middlesex Regional School District School Committee members, Cemetery and Parks Commissioners, Recreation Commissioners, Trustees of Soldiers' Memorials, Amanda E. Dwight Entertainment Fund members, Townsend Housing Authority, James H. Tucker Fund Committee members who are elected at Town Meeting and such other regional authorities, districts or committees as may be required by the laws of the Commonwealth or by local, inter-local or regional agreements.

(b) Eligibility - Any registered voter shall be eligible to hold any elective Town office.

(c) Town Election - The Annual Town Election shall be held according to Town by-laws.

(d) Compensation - Elected Town officials shall receive such compensation as may be appropriated annually for their services.

(e) Coordination - Notwithstanding their election by the registered voters of the Town, Town officers named in this section shall be subject to the call of the Select Board at reasonable times for consultation, conference and discussion on any matter relating to their respective offices.

(f) Filling of Vacancies

(1) Multiple Member Bodies - If there is a vacancy in a multiple member body, other than the Select Board, the remaining members shall immediately give written notice of the vacancy to the Select Board and post notice of the vacancy and a description of the position on the Town bulletin board utilizing the official notice posting method under the Open Meeting Law and such notice shall be posted for not less than 10 days. A vacancy on a multiple member body shall be filled at a joint meeting of the Select Board and of the remaining members of the multiple member body on which the vacancy exists and shall require a simple majority. Notice of the joint meeting shall be posted for not less than 5 days. A person appointed to fill a vacancy under this section shall hold office until the next Town election. If notice of a vacancy is not given within 30 days following the date of the vacancy then, after a notice of 5 business days, the Select Board shall fill the vacancy without participation of the remaining members of the multiple member body. This paragraph shall

not apply to vacancies where the terms of a will or trust instrument provide for the filling of vacancies.

(2) Select Board - If there is a failure to elect or if a vacancy otherwise occurs on the Select Board and the next Annual Town Election is not to be held for not less than 6 months following the date of the vacancy, the remaining members of the Select Board shall, forthwith, call a special election to fill the vacancy. If a vacancy occurs and more than 3 months but less than 6 months would elapse before the next Annual Town Election, the Select Board may call a special election; provided, however, that upon receipt of a petition signed by not less than 200 registered voters of the Town, the remaining members of the Select Board will forthwith call a special election.

(g) Recall Election Procedures - Notwithstanding any general or special law to the contrary, recall elections shall be conducted pursuant to chapter 27 of the acts of 1995 and the laws of the Commonwealth.

Section 3-2 Select Board

(a) Composition and Term of Office

There shall be a Select Board consisting of 3 members, each elected for a 3-year term, so arranged that the term of 1 member shall expire each year.

The composition of the Select Board may change from 3 to 5 members as determined by a 2/3 vote of an Annual Town Meeting; provided, however, that any such vote shall be ratified by the voters of the Town at the next Annual Town Election. Members of a 5 member Select Board shall be each elected for 3-year overlapping terms, so arranged that the terms of as nearly an equal number of members as possible shall expire each year.

(b) Power and Duties

The executive powers of the Town shall be vested in a Select Board, which shall be the chief executive officer of the Town. The Select Board shall have all of the executive power generally conferred on select boards under the constitution, the laws of the Commonwealth, this Charter and Town by-laws. These powers shall be extended to any trusts granted to the Select Board. The Select Board shall formulate and promulgate policy directives and guidelines to be followed by Town Agencies serving under its jurisdiction and, in conjunction with other elected multiple member bodies, develop and promulgate policy guidelines designed to bring the operation of all Town Agencies into harmony. Nothing in this section shall authorize the Select Board or any individual member thereof, to become involved in the day-to-day administration of any Town Agency, including direction or supervision of department heads and staff. The Select Board shall act through the adoption of policy guidelines that shall be implemented by officers and employees appointed by or under its authority. The Select Board shall assign a liaison to each multiple member body.

(c) Licensing Authority

The Select Board shall be the licensing authority of the Town and may issue licenses as otherwise provided by law. The Select Board shall make all necessary rules and regulations regarding the issuance of such licenses and may attach conditions and impose restrictions on any such license as it deems to be in the public interest. The Select Board shall enforce all laws, rules and regulations relating to all businesses to which it issues a license.

(d) Appointment Authority

(1) Town Employees - Except as otherwise provided in this Charter, the Select Board shall appoint Town employees.

(2) Multiple Member Bodies - Except as otherwise hereinafter provided, the Select Board shall appoint members of multiple member bodies consistent with the laws of the Commonwealth and this Charter.

(3) Other Appointments - The Select Board shall appoint the members of other multiple member bodies the functions of which shall not involve direct operating responsibilities but that are primarily policymaking or advisory in nature. Unless otherwise provided by law, the

Select Board shall also appoint other individuals to the governing or advisory bodies of local, regional or district authorities who shall serve as representatives of the Town. Personal contracts hereunder shall be limited to 3 years; provided, however, that all such contracts shall be subject to the applicable provisions of the General Laws, which shall control.

(e) Investigations

The Select Board may make investigations and may authorize the Town Administrator to investigate the affairs of the Town and the conduct of any Town Agency, including any doubtful claims against the Town. A report of the results of any such investigation shall: (i) be placed on file in the office of the Select Board; (ii) summarize the results of such investigation; and (iii) be printed in the next annual Town Report.

(f) Screening Committee

Unless otherwise specified by Town by-law, there shall be a Screening Committee to support the transparent selection of candidates for the following positions:

- (i) Town Administrator;
- (ii) Police Chief; and
- (iii) Fire Chief.

The Screening Committee shall be appointed by the Select Board and shall include any number and combination of qualified professionals, Town residents and Town employees as the Select Board deems appropriate.

Section 3-3 Town Moderator

(a) Composition and Term of Office

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

(b) Power and Duties

The Town Moderator shall have all of the powers and duties of a Town Moderator as provided by the laws of the Commonwealth, this Charter, Town by-laws, regional agreements or by any other Town Meeting vote.

Section 3-4 Town Clerk

(a) Composition and Term of Office

A Town Clerk shall be elected for a 3-year term.

(b) Powers and Duties

The Town Clerk shall be the keeper of vital statistics for the Town. The Town Clerk shall be the custodian of the Town Seal, shall administer the oath of office to all persons elected or appointed to any Town office and shall issue such licenses and permits as are required bylaw to be issued by the Town Clerk. The Town Clerk shall supervise and manage the conduct of all elections and all other matters relating to elections. The Town Clerk shall be the clerk of the Town Meeting, keep its records and in the absence of the Town Moderator and the Deputy Town Moderator shall preside pending the election of a temporary Moderator by a Town Meeting vote. The Town Clerk shall have such other powers and duties as provided by the laws of the Commonwealth, this Charter, Town by-laws or by any other Town Meeting vote.

Section 3-5 Assessors

(a) Composition and Term of Office

There shall be a Board of Assessors that shall consist of 3 members, each elected for a 3-year term, so arranged that the term of 1 member shall expire each year.

(b) Powers and Duties

The Board of Assessors shall have all of the powers and duties of boards of assessors as provided by the laws of the Commonwealth, this Charter, Town by-laws or by any other Town Meeting vote.

Section 3-6 Board of Health

(a) Composition and Term of Office

There shall be a Board of Health that shall consist of 3 members, each elected for a 3-year

term, so arranged that the term of 1 member shall expire each year.

(b) Powers and Duties

The Board of Health shall be responsible for the formulation and enforcement of all rules and regulations concerning public health. The Board of Health shall have all powers and duties given to boards of health under the laws of Commonwealth, this Charter, Town by-laws or by any other Town Meeting Vote.

Section 3-7 Planning Board

(a) Composition and Term of Office

There shall be a Planning Board that shall consist of 5 members, each elected for a 5-year term, so arranged that the term of 1 member shall expire each year.

(b) Powers and Duties

The Planning Board shall have all powers and duties given to planning boards by the laws of the Commonwealth, this Charter, Town by-laws or by any other Town Meeting vote.

Section 3-8 Water Commissioners

(a) Composition and Term of Office

There shall be a Board of Water Commissioners that shall consist of 3 members, each elected for a 3-year term, so arranged that the term of 1 member shall expire each year.

(b) Powers and Duties

Notwithstanding any general or special law to the contrary, the Board of Water Commissioners shall have all powers and duties as provided in a special agreement voted on September 16, 1933, pursuant to chapter 391 of the acts of 1920 and the laws of the Commonwealth, including section 69B of chapter 41 of the General Laws, which was accepted by a vote of the Town Meeting on May 9, 2017, that are not in conflict with the special agreement.

Section 3-9 Library Trustees

(a) Composition and Term of Office

There shall be a Board of Library Trustees that shall consist of 5 members, each elected for 3-year overlapping terms, so arranged that the terms of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties

The Board of Library Trustees shall be responsible for the governance of the free public library. The Board of Library Trustees shall administer all money and property that the Town receives, by gift or bequest, for library purposes in a manner consistent with the terms of the gift or bequest. The Board of Library Trustees shall have all powers and duties given to Library Trustees under the laws of the Commonwealth, this Charter, trust agreements, Town by-laws or by other Town Meeting vote.

Section 3-10 North Middlesex Regional School District School Committee

(a) Composition and Term of Office

The composition and terms of office of the members of the North Middlesex Regional School District School Committee shall be defined in accordance with the North Middlesex Regional School District agreement, as amended.

(b) Powers and Duties

The North Middlesex Regional School District School Committee members shall have all the powers and duties provided by the North Middlesex Regional School District agreement, as amended.

Section 3-11 Cemetery and Parks Commission

(a) Composition and Term of Office

There shall be a Cemetery and Parks Commission that shall consist of 3 members, each elected for a 3-year term, so arranged that the term of 1 member shall expire each year.

(b) Powers and Duties

(1) Cemetery Commissioners shall have general charge and superintendence of all public

burial grounds in the Town and of any lands set aside by the Town for cemetery purposes. The Cemetery Commissioners shall have all the powers and duties given to Cemetery Commissioners by the laws of the Commonwealth, this Charter, trust agreements, Town by-laws or by other Town Meeting vote.

(2) Park Commissioners shall have general charge and superintendence of all public parks. They may improve and make rules and regulations for public parks. The Parks Commissioners shall have all of the powers and duties given to parks commissioners by the laws of the Commonwealth, this Charter, trust agreements, Town by-laws or by other Town Meeting vote.

Section 3-12 Recreation Commission

(a) Composition and Term of Office

There shall be a Recreation Commission that shall consist of 5 members, each elected for 3-year terms, each arranged so that the terms of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties

The Recreation Commission shall develop, operate, schedule and coordinate all recreation programs for the Town. The Commission shall have all the powers and duties as may be provided by the laws of the Commonwealth, this Charter, Town by-laws or by other Town Meeting vote.

Section 3-13 Trustees of Soldiers' Memorials

(a) Composition and Term of Office

There shall be a committee, which shall consist of 5 members, 3 of whom shall be veterans and 2 of whom shall be non-veterans, elected for 3-year overlapping terms, so arranged that the terms of as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties

The Trustees of Soldiers' Memorials shall have all the powers and duties as may be provided by the laws of the Commonwealth.

Section 3-14 Amanda E. Dwight Entertainment Fund

(a) Composition and Term of Office

There shall be 3 Trustees of the Amanda E. Dwight Entertainment Fund who shall be elected for 3-year terms, so arranged that the term of 1 member shall expire each year.

(b) Powers and Duties

The Trustees of the Amanda E. Dwight Trust shall have all the powers and duties as defined by the Amanda E. Dwight Trust Agreement established by the Town on September 28, 1928.

Section 3-15 Townsend Housing Authority

(a) Composition and Term of Office

There shall be a Townsend Housing Authority, the composition of which shall be in accordance with the General Laws.

(b) Powers and Duties

The Housing Authority shall study the housing needs of the Town and shall provide programs to make low-income housing available for qualified families and the elderly of low-income. The Housing Authority shall have all the powers and duties given to housing authorities by the laws of the Commonwealth.

Section 3-16 James H. Tucker Trust Fund Committee

(a) Composition and Term of Office

There shall be a James H. Tucker Trust Fund Committee that shall consist of 3 West Townsend Village residents who shall be elected at the Annual Town Meeting.

(b) Powers and Duties

The James H. Tucker Trust Fund Committee shall act in accordance with the bequest for the sole purpose of keeping the curbing, gravestones and monuments in good order,

including the installation and maintenance of fencing, as necessary.

Article 4

Town Administrator

Section 4-1 Appointment; Qualification; Terms

The Select Board shall appoint a Town Administrator for a term of not more than 3 years, which term or portion thereof may be renewed. With the exception of the limit on the aforementioned term or any other requirements of local, state or federal law to the contrary, the terms affecting the appointment, termination of appointment, renewal or non-renewal of such appointment shall be set forth and subject to a mutually agreed upon contract. Nothing in this section shall grant tenure to the Town Administrator. Annually, the Select Board shall fix the compensation of the Town Administrator within the amount appropriated therefor by the Town. The Town Administrator shall be appointed based solely on demonstrated executive and administrative qualifications. The Town Administrator shall be a person especially fitted by education, training and experience in public administration to perform the duties of the office as outlined in the job description. Education requirements shall include, at a minimum, a Bachelor's degree but there shall be a preference for a candidate holding a Master's degree with sufficient experience administering similarly sized communities, preferably within the commonwealth.

The Town Administrator shall not be required to be a resident of the Town at the time of appointment or at any other time during the period of such service. The Town Administrator shall not have served in an elective position in Town government for at least 12 months prior to appointment. The Town may from time to time establish, by Town by-laws, such additional qualifications as it deems necessary and appropriate. The Town Administrator shall not hold any other public office in the Town, except as authorized by the General Laws.

The Select Board shall provide for an annual review of the job performance of the Town Administrator that shall, at least in summary form, be a public record. The review shall reflect the Town Administrator's performance of the duties of the office as listed in the job description and any goals and objectives developed by the Select Board.

Section 4-2 Powers and Duties

The Town Administrator shall be the chief administrative officer of the Town and shall be directly responsible to the Select Board for the administration of all Town affairs for which the office of Town Administrator has responsibility under this Charter. For the purposes of this section, "chief administrative officer" shall mean the person responsible for administrative management of governmental operations. The powers and responsibilities of the Town Administrator shall include, but not be limited to, the following:

(i) to supervise, direct and provide for the efficient administration of all functions and activities for which the office of Town Administrator is responsible by this Charter, the laws of the Commonwealth, Town by-laws, by Town Meeting or by a vote of the Select Board as may be consistent with the General Laws;

(ii) to enforce all personnel policies, practices and rules and regulations so that they are equally administered for all Town employees; provided, however, that if a collective bargaining agreement or other employment contract is inconsistent with the Town's general policies, the Town Administrator shall assure that they are administered according to the collective bargaining agreement or contract, as the case may be; and provided further, that the Town Administrator's contract shall be overseen and administered by the Select Board;

(iii) to attend all regular and special meetings of the Select Board unless unavailable for reasonable cause; provided, however, that the Town Administrator shall have a voice, but no vote, in the proceedings;

(iv) to keep the Select Board fully advised at a public meeting or in writing as to the needs of the Town and all applicable local, state and federal agencies and to make recommendations as may be appropriate to the Select Board of any action required to

address matters of concern;

(v) to prepare budgets that fall directly under the Select Board and to oversee the budgets for any Town Agencies that fall directly under the Select Board; provided, however, that the Town Administrator shall present to the Select Board the budgets of elected Town Agencies and the Capital Plan in such a manner that the Select Board shall have an understanding of the total budget; and provided further, that the Town Administrator shall work with other Town Agencies including, but not limited to, the Finance Committee, the Accountant, the Assessor and the Treasurer, to develop a plan for the funding of appropriations;

(vi) to serve as the chief procurement officer for the Town in accordance with the General Laws and to appoint such assistant procurement officers as provided in the General Laws;

(vii) to see that all laws of the Commonwealth, this Charter, Town by-laws and any Town Meeting votes and votes of the Select Board that require enforcement by the Town Administrator or other officers subject to the direction and supervision of the Town Administrator, are faithfully executed, performed or otherwise carried out;

(viii) to inquire, at any time, into the conduct and operations of any office or the performance of any officers and employees of Town Agencies under the jurisdiction of the Select Board;

(ix) to attend all sessions of Town Meeting and to answer all questions raised by voters that relate to the warrant articles and to matters over which the Town Administrator exercises any supervision;

(x) to coordinate the activities of all Town departments serving under the Town Administrator and the Select Board with all Town departments under the control of other officers and multiple member bodies elected by the voters; provided, however, that the Town Administrator may require the person so elected, or that person's representative, to meet with the Town Administrator at reasonable times to effect the coordination and cooperation among all Town Agencies;

(xi) to perform any other duties that are required to be performed by the Town Administrator under the laws of the Commonwealth, this Charter, Town by-laws, the Administrative Code or by Town Meeting vote or votes of the Select Board; and

(xii) to consult with the Select Board in developing long-range goals and objectives for the Town, including keeping the Select Board informed on the long-range needs of the Town and proactively suggesting best practices for the Town; provided, however, that for the purposes of this clause, "best practices" shall mean procedures that have been shown by research or experience to produce optimal results and that are generally established as standards suitable for widespread adoption.

Section 4-3: Delegation of Authority

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

Section 4-4: Interim Town Administrator

A vacancy in the office of Town Administrator shall be filled as soon as possible by the Select Board pending a permanent appointment to that office by the Select Board. Upon any such vacancy, the Select Board shall appoint a qualified person to perform the duties of the Town Administrator on a temporary basis. The Interim Town Administrator shall have all duties and responsibilities of the Town Administrator; provided, however, that in selecting an Interim Town Administrator, the qualifications and educational requirements under section 4-1 shall be maintained unless waived by the Select Board; and provided further, that compensation for the Interim Town Administrator shall be set by the Select Board.

Article 5

Administrative Organization

Section 5-1 Administration of Government

(a)(1) Bylaws - Unless specifically prohibited by the General Laws or this Charter, the Town Meeting may, by Town by-law, reorganize, consolidate, create, merge, divide or abolish any Town Agency, in whole or in part, and establish any new Town Agencies as it deems necessary or advisable. In furtherance thereof, the Town Meeting may determine the manner of selection and the terms of office and prescribe the functions of any such agency; provided, however, that no function assigned by this Charter to a particular Town Agency shall be discontinued or assigned to any other agency unless this Charter authorizes such discontinuation or assignment.

(2) The Town Administrator, after consultation with the Select Board, may from time to time prepare and submit to the Town Meeting its plans for organization or reorganization which shall establish operating divisions for the orderly, efficient or convenient conduct of the business of the Town. If the Town Administrator prepares such a plan, the Select Board shall hold at least 1 public hearing on the proposal giving notice thereof by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing shall be held that shall be not less than 7 or more than 14 days after publication. Following the public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Town Meeting by an appropriate warrant article.

(3) An organization or reorganization plan shall become effective at the expiration of 60 days following the date of adjournment of the Town Meeting at which the proposal was approved. The Town Meeting shall vote only to approve or disapprove the plan and shall not vote to amend or to alter the plan.

(b) Administrative Code - Unless specifically prohibited by the General Laws or this Charter, the Select Board may, through the administrative code, reorganize, consolidate or abolish any Town Agency, in whole or in part, and establish any new Town Agencies it deems necessary to the same extent as provided in subsection (a) for Town by-laws. For such purpose, the Select Board may transfer the powers and duties and, so far as is consistent with the use for which the funds were made available, transfer the appropriation of 1 Town Agency to another; provided, however that no function assigned by this Charter to a particular Town Agency shall be discontinued or assigned to any other agency unless this Charter authorizes such transfer or assignment.

Section 5-2 Publication of Administrative Code and Personnel Plan

For public convenience, the administrative code and any amendments thereto shall be printed as an appendix to, and not as an integral part of, Town by-laws. The personnel and staffing plan prepared by the Select Board shall be published annually in the Town Report.

Section 5-3 Removals and Suspensions

(a) Any appointed officer, member of a multiple member body or employee of the Town who is not subject to civil service law or covered by the terms of a collective bargaining agreement or employment contract that provides a different method for removal or suspension, whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for cause. For the purposes of this section, "cause" shall include, but not be limited to: (i) incapacity or inability to complete assignments in a timely manner on a routine basis in accordance with principles of reasonable care; (ii) neglect, meaning failure to perform the duties of the position in a reasonably competent manner or failure to satisfy performance standards; (iii) chronic absenteeism; and (iv) insubordination, conduct unbecoming of the office, gross negligence, willful misconduct, willful dereliction of duty, embezzlement, fraud against the Town or conviction of a felonious act in office. An appointed officer, member of a multiple member body or employee of the Town may be suspended from office by the appointing authority if the appointing authority deems the suspension is necessary to protect the

interests of the Town; provided, however, that no suspension shall be for more than 15 days. A suspension may occur concurrently with a removal process and shall not interfere with the rights of the individual under the removal procedure as provided in subsection (b).

(b) When removal under this section is deemed necessary, the appointing authority shall act in accordance with the following procedure:

(i) written notice of the intent to remove and a statement of any cause therefor shall be delivered by hand or by registered or certified mail, return receipt requested, to the last known address of the person sought to be removed;

(ii) within 5 days following the delivery of notice to the person sought to be removed, such person may request a public hearing to be convened within 30 days after making the request unless such time is extended by agreement; provided, however, that any such person may be represented by counsel, shall be entitled to present evidence, to call witnesses and to question any witnesses appearing at the hearing; and

(iii) between 1 and 10 days after the public hearing has adjourned or, if no public hearing has been requested, between 6 and 15 days after delivery of the notice of intent to remove, the appointing authority shall take final action by either: (A) removing the officer, member of a multiple member body or employee; or (B) notifying such person that the notice has been rescinded; provided, however, that a failure of the appointing authority to take any such action within the time required by this clause shall be deemed a rescission of the original notice and the officer, member of a multiple member body or employee shall forthwith be reinstated.

(c) Notwithstanding any general or special law or any provision of this Charter to the contrary, a decision not to renew an employment contract of appointment for a fixed term shall not constitute a dismissal and shall not require a hearing or trigger the removal procedures required by this section.

(d) This section shall not apply to any appointed officer, member of a multiple member body or employee of the Town subject to civil service law, a collective bargaining agreement or employment contract and, as to such persons, the provisions of the civil service law, collective bargaining agreement or employment contract shall control and apply to the process and to the suspension, removal or non-renewal.

Section 5-4 Procedures Governing Multiple Member Bodies

(a) Meetings

All multiple member bodies shall meet regularly at such times and places within the Town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held at the call of the respective chair or by 1/3 of the members thereof by written notice delivered to the residence or place of business of each member not less than 48 hours in advance of the time set to convene. A copy of the notice shall be posted on the Town bulletin board. A special meeting of a multiple member body shall be called within 1 week after the date of the filing of a petition with the Town Clerk, signed by not less than 50 voters and stating the purpose for which the meeting is being called.

(b) Agendas

Before any meeting of a multiple member body is held, an agenda containing all items that are scheduled to come before the multiple member body shall be posted as required by law.

(c) Rules and Minutes

Each multiple member body shall determine its own rules and order of business unless otherwise provided by this Charter or Town by-laws and shall provide for the keeping of the minutes of its proceedings. The rules and minutes shall be public records and copies thereof shall be placed on file in the office of the Town Clerk and shall be available for public inspection.

(d) Voting

Except on procedural matters, all votes of a 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 shall be required to be recorded.

(e) Quorum

Unless otherwise required by law, a majority of the members of a multiple member body then in office shall constitute a quorum but a smaller number may adjourn from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body.

(f) Filling of Vacancies

Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the Select Board or other appointing authority. If, at the expiration of 45 days following the delivery of such notice, the Select Board or other appointing authority has not appointed a person to fill the vacancy, the remaining members, by a majority vote of the multiple member body, shall fill the vacancy for the remainder of the unexpired term. The Town Clerk and the Select Board or other appointing authority shall be notified in writing once the vacancy is filled.

(g) Composition of Multiple Member Bodies

When established, all multiple member bodies shall consist of an odd number of members. If the terms of office of the members of a multiple member body are for more than 1 year, such terms of office shall be so arranged so that the terms of as nearly an equal number of members as possible shall expire each year.

Section 5-5 Notice of Vacancies

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

Section 5-6 Loss of Office, Excessive Absence

If a person appointed to serve as a member of a multiple member body shall fail to attend 4 consecutive meetings or 1/2 of all meetings of the body held in 1 calendar year, the remaining members of the multiple member body may, by majority vote, declare the office vacant. Not less than 10 days prior to the date on which the vote shall be scheduled to be taken, the body shall deliver notice of the proposed vote by hand, or by registered or certified mail, return receipt requested, to the last known address of the person sought to be removed.

Section 5-7 Terms of Office

Notwithstanding any general or special law or any provision of this Charter to the contrary, if a person has served for an initial term of years in a full-time appointed Town office and is reappointed to the same office to succeed themselves, such reappointment shall be for an indefinite term and shall not be subject to further periodic reappointment; provided, however, that such person shall be subject to removal and suspension in accordance with the procedures in section 5-3. This section shall not apply to a person subject to a collective bargaining agreement or a personal services contract.

Article 6

Finance and Fiscal Procedures

Section 6-1 Fiscal Year

The fiscal year of the Town shall begin on July 1 and end on June 30 in the following year unless otherwise provided by the General Laws.

Section 6-2 Submission of Budget and Budget Message

Within the time fixed by Town by-law and before the Annual Town Meeting is to convene, the Town Administrator, with the approval of the Select Board, shall submit to the Finance Committee a proposed operating budget for the ensuing fiscal year for the Town Agencies under the responsibility of the Select Board. The proposed operating budget submission shall be accompanied by a budget message and supporting documents. Elected officials shall submit to the Town Administrator, the Select Board and the Finance Committee a proposed operating budget for the ensuing fiscal year which shall be accompanied by a budget message and supporting documents.

Section 6-3 Budget Message

The budget message of the Select Board shall explain the budget for all Town Agencies.

Section 6-4 Town Budget

The proposed operating budget shall provide a complete financial plan for all Town funds and activities for the ensuing fiscal year. The presentation of the budget shall utilize modern concepts of fiscal presentations required by the General Laws and any regulations promulgated by the Department of Revenue to furnish maximum information and the best financial control.

Section 6-5 Approval of Warrants

The Select Board shall be the chief fiscal officer of the Town. Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the General Laws shall be submitted to the Town Administrator for review.

Article 7

General Provisions; Definitions; Periodic Review

Section 7-1 Charter Changes

This Charter may be replaced, revised or amended in accordance with any procedures made available under the constitution and the laws of the Commonwealth and the General Laws.

Section 7-2 Severability

The provisions of this Charter shall be severable. If any provision is held to be invalid, the other provisions shall not be affected by such invalidity. If the application of this Charter to any person or circumstance is held to be invalid, such application of this Charter to any other person or circumstance shall not be affected such invalidity.

Section 7-3 Specific Provisions to Prevail

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

Section 7-4 Number and Gender

Words importing the singular number may extend and be applied to several persons or things. Words importing the plural number may include the singular. Words importing 1 gender shall apply to the other gender unless the context clearly requires otherwise.

Section 7-5 Rules and Regulations

A copy of all rules and regulations adopted by a Town Agency shall be filed in the office of the Town Clerk at least 10 days before any such rules and regulations shall take effect. Copies of such rules and regulations shall be made available in the Town Clerk's office for public inspection upon request.

Section 7-6 Periodic Review, Charter and Town by-laws

(a) Charter Review - Not less than once every 10 years, the Select Board shall establish a special committee to review this Charter and to file a report, including its recommendations,

to the Town Meeting concerning any proposed amendments that the committee deems necessary or advisable. The committee shall consist of 9 members who shall be appointed as follows the: (i) Select Board, Planning board, Council on Aging and the Board of Library Trustees shall each appoint 1 person; (ii) Finance Committee shall appoint 2 persons; and (iii) Town Moderator shall appoint 3 persons. A person appointed pursuant to clause (i) or (ii) shall not be required to be a member of the agency from which they were appointed. The committee shall meet to organize forthwith following the final adjournment of the Annual Town Meeting.

(b) Bylaw Review - In each year ending in 3 and in each year ending in 8, the Select Board shall cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all Town by-laws. The proposed revision or recodification shall be presented to the Town Meeting for subsequent enactment at the Annual Town Meeting in the year following the year in which the committee was appointed. The committee, in its final report and any interim reports, shall include recommendations for any substantive changes in Town by-laws as it deems necessary or advisable. The review of Town by-laws shall be conducted in cooperation with Town Counsel or by a special counsel retained for that purpose. Subsequent to enactment by the Town Meeting, copies of the revised Town by-laws shall be forwarded to the Attorney General of the Commonwealth for approval pursuant to the General Laws and shall be otherwise published and made available for public distribution as required by law.

Section 7-7 Continuation of Government

All Town officials shall continue to perform the duties of their office until: (i) they are reappointed or reelected; (ii) their successors are duly appointed or elected; or (iii) their duties have been transferred and assumed by another Town Agency in accordance with this charter.

Section 7-8 Definitions

For the purposes of this Charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Charter", this Charter and any amendments to it that may hereinafter be adopted.

(b) "Days", business days, which shall not include Saturdays, Sundays and legal holidays if the time set is for less than 7 days; provided, however, that if the time set is for 7 days or more, each day shall be counted.

(c) "Emergency", a sudden, unexcepted, unforeseen happening, occurrence, event or condition that necessitates immediate action.

(d) "General laws", the laws of the commonwealth that apply alike to all cities and towns, to all towns or to a class of municipalities of which the Town is a member.

(e) "Laws of the Commonwealth", the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, including all amendments thereto subsequently adopted.

(f) "Local newspaper", a newspaper of general circulation in the Town regardless of media.

(g) "Majority vote", a majority of those present and voting; provided, however, that a quorum of the body shall be present when the vote is taken unless a higher number is required by law.

(h) "Multiple member body", a Town body consisting of not less than 2 persons including, but not limited to: a board, commission, committee or subcommittee, however constituted.

(i) "Registered voter", a person registered to vote in the Town.

(j) "Town", the town of Townsend.

(k) "Town Agency", a board, commission, committee, department, division or office of town government.

(l) "Town bulletin board", the official Town webpage posting and the bulletin board at the

Town Hall on which official Town notices are posted and any other location that may from time to time be designated as a Town bulletin board by Town by-law or by vote of the Select Board or as required by the General Laws.

(m) "Registered voter" a person registered to vote in the town of Townsend.

SECTION 3. This act shall take effect upon its passage.

Approved, November 8, 2024.