

**PROCEEDINGS  
SPECIAL TOWN MEETING  
SEPTEMBER 21, 2009**

On Monday, September 21, 2009, Town Clerk, Maxwell Gould opened the Special Town Meeting at 7:13PM. "With 73 RTM members present, we have a quorum."

Pledge of Allegiance to our Flag.

Moment of silence for our men and women serving overseas in the Armed Forces.

Town Moderator, Steve Dalrymple, read the warrant.

**NORTH ATTLEBOROUGH WARRANT  
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING  
MONDAY, SEPTEMBER 21, 2009  
THE COMMONWEALTH OF MASSACHUSETTS**

**Bristol, ss.**

**To either Constables of North Attleborough:**

**GREETINGS:**

**In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the legal voters of the Town of North Attleborough to meet at the North Attleborough Middle School Cafetorium, in said North Attleborough on:**

**MONDAY, THE 21st OF SEPTEMBER 2009 A.D.**

**At 7:00 P.M., then and there to act upon the following articles to wit:**

And you are hereby directed to serve this warrant by posting up attested copies thereof in at least nineteen public places in said Town and also in one place in each of the voting precincts within the Town at least twenty-one days before the time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given our hands and seal of the Town of North Attleborough on this August 13, 2009.

Paul J. Belham, Sr., Chairman  
Mark Williamson, Vice-Chairman  
Michael S. Thompson  
John C. Rhyno  
Christopher L. Sweet

**BRISTOL, ss.**

Pursuant to this within warrant, I have notified the inhabitants of the Town of North Attleborough within described, to meet at the time and place for the purpose within mentioned by posting attested copies of this warrant in nineteen (19) public places in said town twenty-one (21) days before the time of said meeting.

Chief Michael P. Gould, Sr.  
Constable  
Town of North Attleborough

1. Central Fire Station
2. Town Clerk's Office (leave 3 copies)
3. Nissan Village
4. Housing for the Elderly - Center
5. Housing for the Elderly - Elm Terrace
6. Boch Toyota South
7. Shaws Supermarket
8. Cumberland Farms - Kelley Boulevard
9. Allen Avenue Fire Station
10. Richards Memorial Library
11. Hockomock YMCA
12. Falls Post Office
13. A&J Restaurant – 560 Kelley Boulevard
14. Housing for the Elderly - Circle Court
15. Sharon Credit Union
16. Bristol County Savings Bank
17. Cushman Union Church - 2 May Street
18. Bank of America - Center
19. Stop & Shop

John Donohue (P7) made a motion as follows:

*I move that the Town Meeting adopt the Bourne Amendment: That any motion to increase the amount of money recommended for an article must specify where the additional monies will come from.*

Motion seconded.

Motion carried.

John Donahue (P7) made a motion as follows:

*I move that the Town Meeting adopt the procedural rule: That the count of a super majority vote, when declared obvious by the Moderator, shall not be taken unless requested by seven or more RTM members.*

Motion seconded.

Motion carried unanimously.

**ARTICLE 1 AMEND FY2010 OMNIBUS BUDGET**

**B.O.S.**

To see if the town will vote to amend the FY2010 Town Operating Budget, Article 5 of the 2009 Annual Town Meeting, as per the changes listed and to appropriate by transfer or use of available funds, or otherwise, such sums of money as may be required to defray these changes.

Dept/Line No.	<u>FY2010</u>	<u>FY2010 Supplemental</u>	
	-	BOS Recom. For 9/21/09 STM	
	RTM Appropriated 6/17/09	Change	By tr Balance
<b>116</b> <u><b>BY LAW STUDY COMMITTEE</b></u>			
116A GENERAL EXPENSES	\$ 49.21	\$ 0.79	\$ 50.00
<i>Total By Law Study Committee</i>	<b>\$ 49.21</b>	<b>\$ 0.79</b>	<b>\$ 50.00</b>

<b>122</b>	<b><u>BOARD OF SELECTMEN</u></b>			
122A	SALARIES	\$ 248,052.00	\$ 4,056.02	\$ 252,108.02
122B	GENERAL EXPENSES	14,294.07	142.98	14,437.05
122C	SALARY RESERVES	-		-
	<i>Total Board of Selectmen</i>	<b>\$ 262,346.07</b>	<b>\$ 4,199.00</b>	<b>\$ 266,545.07</b>
<b>131</b>	<b><u>FINANCE COMMITTEE</u></b>			
131A	SALARIES	\$ 10,211.00	\$ 200.00	\$ 10,411.00
131B	GENERAL EXPENSES	3,479.72	19.08	3,498.80
	<i>Total Finance Committee</i>	<b>\$ 13,690.72</b>	<b>\$ 219.08</b>	<b>\$ 13,909.80</b>
<b>135</b>	<b><u>TOWN ACCOUNTANT</u></b>			
135A	SALARIES	\$ 223,043.00	\$ (140.00)	\$ 222,903.00
135B	GENERAL EXPENSES	6,128.24	3,807.37	9,935.61
	<i>Total Town Accountant</i>	<b>\$ 229,171.24</b>	<b>\$ 3,667.37</b>	<b>\$ 232,838.61</b>
<b>139</b>	<b><u>MUNICIPAL BLDG COMMITTEE</u></b>			
139A	SALARIES	\$ 8,054.00	\$ 129.00	\$ 8,183.00
139B	GENERAL EXPENSES	51.28		51.28
	<i>Total Municipal Bldg. Comm.</i>	<b>\$ 8,105.28</b>	<b>\$ 129.00</b>	<b>\$ 8,234.28</b>
<b>141</b>	<b><u>BOARD OF ASSESSORS</u></b>			
141A	SALARIES	\$ 196,583.00	\$ 3,219.00	\$ 199,802.00
141B	GENERAL EXPENSES	<u>12,570.00</u>	<u>128.00</u>	<u>12,698.00</u>
	<i>Total Board of Assessors</i>	<b>\$ 209,153.00</b>	<b>\$ 3,347.00</b>	<b>\$ 212,500.00</b>
<b>145</b>	<b><u>TREASURER</u></b>			
145A	SALARIES	\$ 190,723.00	\$ 2,726.00	\$ 193,449.00
145B	GENERAL EXPENSES	80,284.40	884.03	81,168.43
145C	MEDICARE TAX	-		-
	<i>Total Treasurer</i>	<b>\$ 271,007.40</b>	<b>\$ 3,610.03</b>	<b>\$ 274,617.43</b>
<b>146</b>	<b><u>TAX COLLECTOR</u></b>			
146A	SALARIES	\$ 165,404.00	\$ (798.00)	\$ 164,606.00
146B	GENERAL EXPENSES	39,118.16	798.00	39,916.16

146C	TAX TITLE EXPENSE	-		-
	<i>Total Tax Collector</i>	\$ 204,522.16	\$ -	\$ 204,522.16
<b>152</b>	<b><u>HUMAN RESOURCES</u></b>			
152A	SALARIES	\$ 195,605.00	\$ 2,585.36	\$ 198,190.36
152B	GENERAL EXPENSES	4,133.03	666.97	4,800.00
152C	EMPLOYMENT ADV.	5,767.35	37.18	5,804.53
	<i>Total Human Resources</i>	\$ 205,505.38	\$ 3,289.51	\$ 208,794.89
<b>155</b>	<b><u>INFORMATION TECHNOLOGY</u></b>			
155A	SALARIES	\$ 181,819.00	\$ (1,542.00)	\$ 180,277.00
155B	GENERAL EXPENSES	260,224.26	8,617.74	268,842.00
	<i>Total Information Technology</i>	\$ 442,043.26	\$ 7,075.74	\$ 449,119.00
<b>158</b>	<b><u>TAX TITLE FORECLOSURE</u></b>			
158A	GENERAL EXPENSES	\$ 9,497.89	\$ 3,881.84	\$ 13,379.73
	<i>Total Tax Title</i>	\$ 9,497.89	\$ 3,881.84	\$ 13,379.73
<b>161</b>	<b><u>TOWN CLERK</u></b>			
161A	SALARIES	\$ 100,733.16	\$ 1,654.84	\$ 102,388.00
161B	GENERAL EXPENSES	2,650.00		2,650.00
	<i>Total Town Clerk</i>	\$ 103,383.16	\$ 1,654.84	\$ 105,038.00
<b>162</b>	<b><u>ELECTIONS</u></b>			
162A	SALARIES	\$ 92,188.88	\$ 1,748.76	\$ 93,937.64
162B	GENERAL EXPENSES	33,576.93	264.36	33,841.29
	<i>Total Elections</i>	\$ 125,765.81	\$ 2,013.12	\$ 127,778.93
<b>171</b>	<b><u>CONSERVATION COMMISSION</u></b>			
171A	SALARIES	\$ 73,686.00	\$ (442.00)	\$ 73,244.00
171B	GENERAL EXPENSES	14,040.00	1,846.00	15,886.00
171C	BEACH PROGRAM EXPENSES			-
	<i>Total Conservation Commission</i>	\$ 87,726.00	\$ 1,404.00	\$ 89,130.00
<b>175</b>	<b><u>PLANNING BOARD</u></b>			
175A	SALARIES	\$	\$	\$ 115,570.00

	115,956.00	(386.00)	
175B GENERAL EXPENSES	4,100.00	2,307.00	6,407.00
<b>Total Planning Board</b>	<b>\$ 120,056.00</b>	<b>\$ 1,921.00</b>	<b>\$ 121,977.00</b>
<b>176 ZONING BOARD OF APPEALS</b>			
176A SALARIES	\$ 14,570.00		\$ 14,570.00
176B GENERAL EXPENSES	319.89	238.34	558.23
<b>Total Zoning Board of Appeals</b>	<b>\$ 14,889.89</b>	<b>\$ 238.34</b>	<b>\$ 15,128.23</b>
<b>192 TOWN HALL MAINTENANCE</b>			
192A SALARIES	\$ 43,237.00	\$ 1,827.00	\$ 45,064.00
192B GENERAL EXPENSES	95,307.77	390.67	95,698.44
			-
<i>That the following sums be appropriated from various Trust Fund: \$700 from the Jewett Town Hall Trust Fund, \$600 from the Mason Town Hall Trust Fund and \$115 from the Mason Comfort Station Trust Fund</i>			
<b>Total Town Hall Maintenance</b>	<b>\$ 138,544.77</b>	<b>\$ 2,217.67</b>	<b>\$ 140,762.44</b>
<b>210 POLICE DEPARTMENT</b>			
210A SALARIES	\$ 3,774,181.00	\$ 66,716.23	\$ 3,840,897.23
210B GENERAL EXPENSES	422,184.00		422,184.00
			-
<i>That the following sums be appropriated from the various Reserve and Trust Funds; \$220 from the Littlefield Police Trust Fund, and \$170,000 from the Police Reserve for Appropriation Fund</i>			
<b>Total Police Department</b>	<b>\$ 4,196,365.00</b>	<b>\$ 66,716.23</b>	<b>\$ 4,263,081.23</b>
<b>220 FIRE DEPARTMENT</b>			
220A SALARIES	\$ 3,284,086.00	\$ (59,080.06)	\$ 3,225,005.94
220B GENERAL EXPENSES	274,106.00	(18,400.00)	255,706.00
			-
<i>That the following sums be appropriated from the various Reserve and Trust Funds; \$220 from the Littlefield Fire Trust Fund, and</i>			

*\$22,000 from the Fire Alarm Reserve for Appropriation Fund.*

<b>Total Fire Department</b>	<b>\$ 3,558,192.00</b>	<b>\$ (77,480.06)</b>	<b>\$ 3,480,711.94</b>
<b>231 <u>AMBULANCE</u></b>			
231A SALARIES	\$ 840,537.00	\$ 155,920.96	\$ 996,457.96
231B GENERAL EXPENSES	130,900.00	(6,402.00)	124,498.00
			-
<i>That the sum of \$780,000 be appropriated from the Ambulance Reserve for Appropriation Fund.</i>			
<b>Total Ambulance</b>	<b>\$ 971,437.00</b>	<b>\$ 149,518.96</b>	<b>\$ 1,120,955.96</b>
<b>241 <u>BUILDING INSPECTOR</u></b>			
241A SALARIES	\$ 242,891.00	\$ (1,365.00)	\$ 241,526.00
241B GENERAL EXPENSES	13,200.00	5,464.00	18,664.00
<b>Total Building Inspector</b>	<b>\$ 256,091.00</b>	<b>\$ 4,099.00</b>	<b>\$ 260,190.00</b>
<b>292 <u>ANIMAL CONTROL</u></b>			
292A SALARIES	\$ 88,553.00	\$ 2,890.00	\$ 91,443.00
292B GENERAL EXPENSES	7,967.00		7,967.00
<b>Total Animal Control</b>	<b>\$ 96,520.00</b>	<b>\$ 2,890.00</b>	<b>\$ 99,410.00</b>
<b>300 <u>SCHOOL DEPARTMENT</u></b>			
300A GENERAL EXPENSES	\$ 32,484,593.80	\$ 494,011.89	\$ 32,978,605.69
300B BRISTOL COUNTY EXPENSES	17,787.00	-	17,787.00
300C SCHOOL TRANSPORTATION	1,501,483.40	50,000.00	1,551,483.40
<b>Total School Department</b>	<b>\$ 34,003,864.20</b>	<b>\$ 544,011.89</b>	<b>\$ 34,547,876.09</b>
<b>421 <u>DPW ADMINISTRATION</u></b>			
421A SALARIES	\$ 336,439.00	\$ (1,723.00)	\$ 334,716.00
421B GENERAL EXPENSES	21,150.00	1,723.00	22,873.00
421C KINGS GRANT WATER	7,735.00		7,735.00
<b>Total DPW Administration</b>	<b>\$ 365,324.00</b>	<b>\$ -</b>	<b>\$ 365,324.00</b>
<b>422 <u>HIGHWAY</u></b>			
422A SALARIES	\$	\$	\$ 521,486.00

	501,149.11	20,336.89	
422B GENERAL EXPENSES	156,931.00		156,931.00
<i>Total Highway</i>	<b>\$ 658,080.11</b>	<b>\$ 20,336.89</b>	<b>\$ 678,417.00</b>
<b>424 <u>STREET LIGHTING</u></b>			
424A GENERAL EXPENSES	\$ 159,541.24	\$ 2,553.76	\$ 162,095.00
<i>Total Street Lighting</i>	<b>\$ 159,541.24</b>	<b>\$ 2,553.76</b>	<b>\$ 162,095.00</b>
<b>511 <u>BOARD OF HEALTH</u></b>			
511A SALARIES	\$ 204,236.00	\$ 3,310.08	\$ 207,546.08
511B GENERAL EXPENSES	2,554.80		2,554.80
			-
<i>That the following sums be appropriated from The various Trust Funds; \$220 from the Littlefield Trust Fund, \$1,545 from the MB McKreth Hospital Trust Fund, and \$1,545 from the JF Mason Hospital Trust Fund.</i>			
<i>Total Board of Health</i>	<b>\$ 206,790.80</b>	<b>\$ 3,310.08</b>	<b>\$ 210,100.88</b>
<b>541 <u>COUNCIL ON AGING</u></b>			
541A SALARIES	\$ 118,164.00		\$ 118,164.00
541B GENERAL EXPENSES	36,525.48	2,476.10	39,001.58
<i>Total Council on Aging</i>	<b>\$ 154,689.48</b>	<b>\$ 2,476.10</b>	<b>\$ 157,165.58</b>
<b>543 <u>VETERANS' SERVICES</u></b>			
543A SALARIES	\$ 86,358.00	\$ 2,050.00	\$ 88,408.00
543B GENERAL EXPENSES	176,805.06	2,162.43	178,967.49
<i>Total Veterans Services</i>	<b>\$ 263,163.06</b>	<b>\$ 4,212.43</b>	<b>\$ 267,375.49</b>
<b>610 <u>LIBRARY</u></b>			
610A SALARIES	\$ 432,233.00	\$ (614.36)	\$ 431,618.64
610B GENERAL EXPENSES	103,317.54	9,186.36	112,503.90
<i>Total Library</i>	<b>\$ 535,550.54</b>	<b>\$ 8,572.00</b>	<b>\$ 544,122.54</b>
<b>640 <u>WWII POOL</u></b>			
640A SALARIES	\$ 32,064.00	\$ 724.00	\$ 32,788.00
640B GENERAL EXPENSES			13,217.00

	13,217.00		
<b>Total WWII Pool</b>	<b>\$ 45,281.00</b>	<b>\$ 724.00</b>	<b>\$ 46,005.00</b>
<b>650 <u>PARK DEPARTMENT</u></b>			
650A SALARIES	\$ 312,279.00	\$ (2,265.29)	\$ 310,013.71
650B GENERAL EXPENSES	52,680.88	8,099.96	60,780.84
<b>Total Park &amp; Rec.</b>	<b>\$ 364,959.88</b>	<b>\$ 5,834.67</b>	<b>\$ 370,794.55</b>
<b>691 <u>HISTORICAL COMMISSION</u></b>			
691A GENERAL EXPENSES	\$ 940.35	\$ 15.05	\$ 955.40
<b>Total Historical Commission</b>	<b>\$ 940.35</b>	<b>\$ 15.05</b>	<b>\$ 955.40</b>
<b>710 <u>DEBT SERVICE</u></b>			
710A GENERAL EXPENSES	\$ 5,358,873.00		\$ 5,358,873.00
<i>The sum of \$48,120 be appropriated from the Ambulance Receipts for Appropriation Fund; the sum of \$5,400 be appropriated from the Park &amp; Recreation Department Revolving Account; and the sum of \$900,000 be appropriated from the Stabilization Fund; and the sum of \$200,000 be appropriated from the Betterment Stabilization Fund.</i>			<b><u>Increase Stabilization Draw by \$196,698</u></b>
			<i>The sum of \$48,120 be appropriated from The Ambulance Receipts Reserve for Appropriation Fund; the sum of \$5,400 be appropriated from The Park &amp; Recreation Department Revolving Account; and the sum of \$1,096,698 be appropriated from the Stabilization Fund; and the sum of \$200,000 be appropriated from the Betterment Stabilization Fund.</i>
<b>Total Debt Service</b>	<b>\$ 5,358,873.00</b>		<b>\$ 5,358,873.00</b>
<b>913 <u>UNEMPLOYMENT</u></b>			
913A GENERAL EXPENSES	\$ 684,029.63	\$ (254,953.00)	\$ 429,076.63
<b>Total Unemployment</b>	<b>\$ 684,029.63</b>	<b>\$ (254,953.00)</b>	<b>\$ 429,076.63</b>
<b>914 <u>HEALTH INSURANCE</u></b>			
914A GENERAL EXPENSES	\$ 7,863,187.94	\$ (224,353.65)	\$ 7,638,834.29
<b>Total Health Insurance</b>	<b>\$ 7,863,187.94</b>	<b>\$ (224,353.65)</b>	<b>\$ 7,638,834.29</b>
<b>Total Adjustments</b>		<b>\$ 297,352.68</b>	

**General Govt. Budget after Supplement**

\$  
**68,278,767.79**

**\$ 68,576,120.47**

Or to do or act in any manner relative thereto.  
Board of Selectmen

**FINANCE COMMITTEE VOTE: 5-2**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town will vote to amend the FY2010 Town Operating Budget, Article 5 of the 2009 Annual Town Meeting, as per the changes listed and to appropriate by general taxation, other available funds or otherwise, such sums of money as may be required to defray these changes. (Please see recommended budget starting on page 76)

**FINANCE COMMITTEE REASON:** As stated in the Finance Committee Chairman's memo.

Don Bates (P8) asked the RTM to overturn the recommendation of the Finance Committee so that he might offer an affirmative action motion which would allocate additional monies from the Stabilization Fund to the FY2010 Budget.

After much discussion Charles Beale (P9) made a motion to Move the Question  
Motion Seconded  
Motion Carried

**The RTM defeated the Recommendation of the Finance Committee as read. 84 members voting, Yes = 36, No = 48.**

Don Bates (P8) withdrew his request to offer an Affirmative Action Motion as it would be a duplicate of the Warrant Article.

David Manoogian (P8) made a motion for affirmative action "To adopt the changes in the FY2010 Budget as printed in the Warrant".  
Motion seconded.

After discussion as to how to appropriate monies from the Stabilization Fund, David Manoogian (P8) made a motion to table the affirmative action motion.  
Motion seconded  
Motion carried.

Charles Beale (P9) made a motion to appropriate \$196, 698.00 from the Stabilization Fund to be used to supplement the FY2010 Budget.

**The RTM defeated the motion. 80 members voting. 2/3 required = 54. Yes = 51, No = 29.**

The Moderator declared the motion for affirmative action to be out of order due to the lack of funding for the motion.

David Manoogian (P8) made a motion that the RTM Reconsider the action taken on the Finance Committee's Recommendation for the FY2010 Budget amendment.

Motion seconded.

**The RTM approved the motion to reconsider with a 2/3 majority being obvious to the Moderator.**

David Manoogian (P8) made a motion that the RTM approve the recommendation of the Finance Committee as originally made.

Motion Seconded.

Charles Beale (P9) made a motion to Move The Question.



**the work, as specified in the approved plan. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the Board of Selectmen. The provisions of this paragraph shall not apply to cities or Towns having Town Councils.**

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

**The RTM approved the Finance Committee's Recommendation as read.**

**ARTICLE 4                      ACCEPTANCE OF PROCEEDS OF BOND                      PLANNING BOARD  
FORFEITURE FOR CEDAR RIDGE DEVELOPMENT**

To see if the town will vote to accept any and all forfeiture proceeds from the performance bond posted by Cedar Ridge Development Corporation and transfer it from the bond escrow account held by the Treasurer to a special revenue account to be allocated only by the Planning Board for the sole purposes of finishing Robert V. Beaupre Circle and Richard H. Pinsonnault Avenue and further allow any surplus funds not used for the completion of said subdivision to be refunded to Cedar Ridge Development Corporation in accordance with M.G.L. Ch. 41, Sections 81Y, 81U.

Or to do or act in any manner relative thereto.

Planning Board

**PURPOSE AND JUSTIFICATION**

Presently the Town has initiated a lawsuit against Cedar Ridge Development Corporation requesting the court to allow forfeiture of a performance bond that was posted by the developer. Under M.G.L. Chapter 41, Section 81Y and 81U, the Town is required to make an accounting of all monies used for the completion of the subdivision. It is further required to refund any amounts that are unused after completion has been achieved. This subdivision is commonly referred to as the Hickory Woods Subdivision.

**FINANCE COMMITTEE VOTE: 6-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the town vote to accept the anticipated settlement proceeds of \$154,354.20 from the forfeiture of the performance bond posted by Cedar Ridge Development Corporation and appropriate said funds from the bond escrow account held by the Treasurer to a special revenue account to be allocated by the Planning Board for the sole purposes of finishing Robert V. Beaupre Circle and Richard H. Pinsonnault Avenue and further allow any surplus funds not used for the completion of said subdivision to be refunded to Cedar Ridge Development Corporation in accordance with M.G.L. Ch. 41, Sections 81Y, 81U.

**FINANCE COMMITTEE REASON:** As stated in the purpose and justification.

**The RTM approved the Finance Committee's Recommendation as read.**

**ARTICLE 5                      ESTABLISH 53 ½ REVOLVING FUND FOR FINES                      BOARD OF HEALTH**

To see if the town will vote to establish an FY2010 Board of Health Revolving Fund for Fines, Forfeitures, Gifts and Grants in accordance with M.G.L. Chapter 44, Section 53E ½ and M.G.L. Chapter 111, Section 188 for the collection of fines relative to violations of Board of Health regulations and to authorize expenditures authorized by the Board of Health of up to \$5,000 for public health purposes.

Or to do or act in any manner relative thereto.

Board of Health

See Attached

**PURPOSE AND JUSTIFICATION**

Pursuant to M.G.L. Chapter 111, Section 31, et al, the Board of Health has statutory authority to produce regulations to protect the public health and set out enforcement and penalty mechanisms for those regulations. This amendment asks that a revolving fund be established to accept the fines and forfeitures incurred by the Board of Health or its agents under the general laws of the state, special laws applicable to the Town, and/or the bylaws and regulations of the Town relative to the protection of the community's public health.

**FINANCE COMMITTEE VOTE: 7-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the town will vote to indefinitely postpone this article.

**FINANCE COMMITTEE REASON:** This article was withdrawn at the request of the petitioner.

**The RTM approved the Finance Committee's Recommendation as read.**

**ARTICLE 6**

**SPECIAL ACT CHARTER**

**AD HOC GVT. STUDY COMMITTEE**

To see if the town will vote to petition the general court for the enactment of a special law providing for a mayor and town council for of government for the Town of North Attleborough, substantially in the form as is provided in the draft of a proposed charter which is attached hereto and incorporated herein, the general court may make changes in the text of said charter proposal, provided the same are consistent with the general thrust of the charter attached thereto and are approved by the North Attleborough Government Study Committee.

**PROPOSAL FOR SPECIAL ACT**

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF NORTH ATTLEBOROUGH

*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 North Attleborough shall consist of the provisions of SECTION 2 of this act, provided the same is ratified and approved by the voters of said town at as provided in SECTION 3 of this act.

SECTION 2. The charter of the town of North Attleborough shall consist of the following articles:

**ARTICLE 1**

**INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS**

**SECTION 1-1: INCORPORATION**

The inhabitants of the Town of North Attleborough, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "Town of North Attleborough."

**SECTION 1-2: SHORT TITLE**

This instrument shall be known and may be cited as the North Attleborough Special Act Charter.

**SECTION 1-3: DIVISION OF POWERS**

The administration of the fiscal, business and municipal affairs of North Attleborough, with the government thereof, shall be vested in an executive/administrative branch headed by a mayor and a legislative branch to consist of a town council. The legislative branch shall never exercise any executive/administrative power and the executive/administrative branch shall never exercise any legislative power.

**SECTION 1-4: 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 general laws of the Commonwealth, it is the intention and the purpose of the voters of North Attleborough through the adoption of this charter to secure for themselves and 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 1-5: CONSTRUCTION**

The powers of the Town of North Attleborough 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 section 1-4.

**SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject only to express limitations in the constitution or general laws of the Commonwealth, North Attleborough 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 1-7: 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:

- (a) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.
- (b) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (c) **Emolument** – any advantage, profit or gain, received as a result of one's employment or one's holding of office.
- (d) **Full Council, Full Multiple Member Body** - The words "full council" or "full multiple member body" shall mean the entire authorized complement of the town council, school committee or other multiple member body notwithstanding any vacancy which might exist.
- (e) **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 two or more cities and or cities and towns of which North Attleborough is a member.
- (f) **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.
- (g) **Initiative Measure** - The words "initiative measure" shall mean a measure proposed by the voters through the initiative process provided under this charter.
- (h) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within North Attleborough, with either a weekly or a daily circulation.
- (i) **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 ordinance, by law, or by its own rules.
- (j) **Measure** - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the town council or the school committee.
- (k) **Multiple Member Body** - The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the town council or the school committee.
- (l) **Organization or Reorganization Plan** — The words "organization or reorganization plan" shall mean a plan submitted by the mayor to the town council 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. Such plan may be complex and consist of many parts, or, it may simple and brief.
- (m) **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 ordinance.
- (n) **Referendum Measure** - The words "referendum measure" shall mean a measure adopted by the town council or the school committee that is protested under the referendum procedures of this charter.

- (o) **Town.** - The word "town" shall mean the town of North Attleborough.
- (p) **Town Agency** - The words "town agency" shall mean any multiple member body, any department, division, or office of the town of North Attleborough.
- (q) **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.
- (r) **Town Officer** - The words "town officer" when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the town.
- (s) **Voters** - The word "voters" shall mean registered voters of the town of North Attleborough.

## **ARTICLE 2 LEGISLATIVE BRANCH**

### **SECTION 2-1: COMPOSITION TERM OF OFFICE**

(a) *Composition* - There shall be a town council of nine members which shall exercise the legislative powers of the town. Four of these members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Five of these members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the five districts into which the town is divided, in accordance with section 7-5.

(b) *Term of Office* - The term of office for all town councillors shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.

(c) *Eligibility*- Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at the time of election be a voter of the district from which elected, provided, however, if any district councillor shall during the first forty two months of the term of office remove to another district in the town such office shall be deemed vacant and the balance of the unexpired term shall be filled in the manner provided in section 2-11. If such removal occurs after the first forty-two months of the term of office such councillor may continue to serve for the balance of the term for which elected. If a councillor-at-large or a district councillor removes from the town during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 2-11.

### **SECTION 2-2: COUNCIL CHAIR**

(a) *Election and Term* - As soon as practicable after the councillors-elect have been qualified following each biennial election, as provided in section 8-10, the members of the town council shall elect from among its members a council chair who shall serve until the council reorganizes following the next biennial town election.

(b) *Powers and Duties* - The council chair shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order. The council chair shall appoint all members of all committees of the town council, whether special or standing. The council chair shall have the same powers to vote upon all measures coming before the town council as any other member of the town council. The council chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the town council.

(c) *Council Vice-Chair* - The members of the town council shall also elect from among its members a council vice-chair who shall serve as acting chair during the temporary absence or disability of the council chair who shall serve until the council reorganizes following the next biennial town election. The powers of an acting council chair shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of any temporary absence or disability of the council chair, and no others.

### **SECTION 2-3: PROHIBITIONS**

(a) *Holding Other Town Office or Position* - No member of the town council shall, during the term for which elected, hold any other town office or town employment for which a salary or other emolument is payable from the town treasury. No former member of the town council shall hold any compensated, appointed town office or appointed town employment until one year following the date on which such former member's service on the town council has terminated. This provision shall not prevent a town officer or other town employee who has taken a leave of absence in order to serve as a member of the town council from returning to the same office or position of town employment held at the time such leave of absence commenced, provided, however no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the town council

(b) *Interference with Administration* — Except for the purpose of inquiries and investigations pursuant to section 2-7, the town council and its members shall deal with the officers and employees serving under the mayor, solely through the mayor, and neither the town council nor any member of the town council shall give orders or directions to any such officer or employee, either publicly or privately.

### **SECTION 2-4: COMPENSATION, EXPENSES**

(a) *Salary* -The members of the town council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of town councillors shall be effective unless it shall have been adopted at least six months prior to the date of the biennial town election and it provides that such salary is to take effect upon the organization of the town government following the next municipal election.

(b) *Expenses* - Subject to appropriation and to prior authorization, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

### **SECTION 2-5: GENERAL POWERS**

Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the town by law.

### **SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES**

(a) *Exercise of Powers* - Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.

(b) *Quorum* - The presence of five members shall constitute a quorum for the transaction of business, a smaller number may only vote to set a new date and time for a meeting. Except as otherwise provided by general law or by this charter the affirmative vote of five members shall be required to adopt any ordinance or appropriation order.

(c) *Rules of Procedure* - The town council shall from time to time adopt rules regulating to its procedures, which shall be in addition to the following:

- (i) Regular meetings of the town council shall be held at a time and place fixed by ordinance.
- (ii) Special meetings of the town council shall be held at the call of the council chair, or, on the call of any four or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council chair shall be judge, such notice shall be delivered at least forty-eight weekday hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the town bulletin boards.

- (iii) All sessions of the town council and of every committee or sub-committee thereof, shall at all times be open to the public and to the press, unless another provision is made by law.
- (iv) A full, accurate, up-to-date account of the proceedings of the town council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. The minutes of any, so-called, executive session shall be made available forthwith upon the expiration of the basis on which such executive session was held.
- (v) All business which is to come before the town council shall first be assigned to a standing committee for study and a report with its recommendations to the full council.

## **SECTION 2-7: ACCESS TO INFORMATION**

(a) *In General* - The town council may make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

(b) *Town Officers, Members of Town Agencies, Employees* - The town council may require any town officer, 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.

(c) *Mayor* - The town council may require the mayor to provide specific information to it on any matter within the jurisdiction of the town council. The town council may require the mayor to appear before it, in person, to respond to written questions made available to the mayor at the time the request to attend is made to the mayor to provide specific information on the conduct of any aspect of the business of the town. The mayor may bring to such meeting any assistant, department head or other town officer or employee the mayor may deem necessary to assist in responding to the questions posed by the town council.

(d) *Notice* - The town council shall give not less than five days notice to any person it may require to appear before it under the provisions of this section. 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 in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

## **SECTION 2-8: OFFICERS ELECTED BY TOWN COUNCIL**

(a) *Town Auditor* - The town council shall choose a town auditor to serve for a term of two years and until a successor is chosen and qualified. The town auditor shall conduct, or cause to be conducted, financial and performance audits following government auditing standards as promulgated by the Comptroller-General of the United States. The town auditor shall make periodic reports to the town council in such detail and with such frequency as the town council shall, by ordinance, by rule or by other vote, direct. All officials of the town shall cooperate with the town auditor in the performance of this audit function. The town auditor shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the town council.

(b) *Town Clerk* - The town council shall elect a town clerk to serve for a term of two years and until a successor is chosen and qualified. The town clerk shall, with the approval of the town council, appoint an assistant town clerk to serve coterminously with the town clerk. The town clerk shall be the keeper of vital statistics for the town; the custodian of the town seal; shall administer the oath of office to all persons, elected or appointed, to any town office; shall issue such licenses and permits as are required by law to be issued by town clerks; supervise and manage the conduct of all elections and all other matters relating to elections; may, if so designated by the town council, be the clerk of the town council, keep its records and give notice of all of its meetings to its members and to the public. The town clerk shall have such other powers and duties as are given to municipal clerks by general law, by this charter, by ordinance or by other vote of the town council.

(c) *Clerk of the Council* - The town council shall elect a clerk of the council, who may be the town clerk, to serve for a term of two years and until a successor is chosen and qualified. The clerk of the council shall give notice

of its meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the town council.

(d) *Salaries/Compensation* - The officers appointed or elected by the town council shall receive such salaries or other compensation as may from time to time be provided for such office, by ordinance.

(e) *Removal/Suspension* - Any person appointed or elected by the town council may be removed or suspended by the town council by the use of procedures substantially the same as those contained in the personnel ordinance for the removal of other town employees.

## **SECTION 2-9: ORDINANCES AND OTHER MEASURES**

(a) *Emergency Ordinances* - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of seven or more members of the town council.

Emergency ordinances shall stand repealed on the sixty-first day 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.

(b) *Measures, In General*- The town council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, provided that no member of the town council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the town council. On the first occasion that the question of adopting any measure is put to the town council, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the town council regular or special. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.

(c) *Publication* - Every proposed ordinance, appropriation order or loan authorization (except emergency ordinances as provided in section 2-9(a)), shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least ten days before its final passage. After final passage it shall be posted on the town bulletin board and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances 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 newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least ten days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

## **SECTION 2-10: COUNCIL REVIEW OF CERTAIN APPOINTMENTS**

The mayor shall submit to the town council the name of each person the mayor desires to appoint to any town office, as a department head, or as a member of a multiple-member body, but not including any position which is subject to the civil service law. The town council shall refer each such name as is submitted to it to a standing committee of the town council which shall investigate each such candidate for appointment and may make a report, with recommendations, to the full town council not less than seven nor more than twenty-one days following such referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the town council, to give such information relevant to such appointment as the committee, or the town council, may require.

Appointments made by the mayor shall become effective on the thirtieth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless eight members of the town council shall within the said thirty days vote to reject such appointment, or unless the town council has sooner voted to affirm the appointment. Rejection by the town council shall require a two-thirds vote of the full council (six members so

voting). The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section 2-9 (b) of this charter,

### **SECTION 2-11: FILLING OF VACANCIES**

(a) *Councillor-at-Large* - If a vacancy shall occur in the office of councillor-at-large during the first eighteen months of the term for which councillors are elected, or after the twenty second month but before the forty second month, the vacancy shall be filled in descending order of votes received by the candidate for the office of councillor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of councillor-at-large at the said election. The town clerk shall certify such candidate to the office of councillor at-large to serve for the balance of the then unexpired term.

If a vacancy shall occur in the office of councillor-at-large after the first eighteen months of the term for which councilors are elected, but before the twenty-fourth month, or during the last six months of the term for which councillors-at-large are elected, such vacancy shall be filled by the person at the biennial town election who receives the highest number of votes for the office of councillor-at-large and who is not then serving as a member of the town council. Such person shall forthwith be certified and shall serve for the last two months of the calendar year in addition to the term for which such person was elected.

(b) *District Councillor*- If a vacancy shall occur in the office of district councillor it shall be filled in the same manner as provided in section 2-11(a) for the office of councillor-at-large except that the list shall be of the candidates for the office of district councillor in the district in which the vacancy occurs, provided however, if there be no candidate on such list who remains eligible and willing to serve the next highest ranking candidate from among the candidates for election to the council at large who is a resident of the district in which the vacancy exists shall be certified and shall serve until the next regular election provided such candidate remains a resident of the district, is willing to serve as a district councillor and received votes in the district at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of district councillor at the said election. The town clerk shall certify such candidate to the office of district councillor to serve for the balance of the then unexpired term.

(c) *Filling of Vacancies By Town Council* - Whenever a vacancy shall occur in the office of councillor-at-large or in that of district councillor and there is no available candidate to fill such vacancy in the manner provided in section 2-11 (a) or (b), the vacancy shall be filled by the remaining members of the town council. Persons elected to fill a vacancy by the town council shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as town councillors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

## **ARTICLE 3 EXECUTIVE BRANCH**

### **SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE COMPENSATION**

(a) *Mayor, Qualifications* -- The chief executive officer of the town shall be a mayor, elected by and from the voters of the town at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be engaged in any other business, occupation or profession during the period of service as mayor.

(b) *Term of Office* - The term of office of the mayor shall be four years beginning on the first business day of January following the biennial town election at which chosen and until a successor is qualified.

(c) *Compensation* - The town council shall, by ordinance, establish an annual salary for the mayor. No ordinance altering the salary of the mayor shall be effective unless it shall have been adopted in the first forty-two months of the term for which the mayor is elected and it provides that such salary is to become effective in January of the year following the next biennial town election.

(d) *Expenses* - Subject to appropriation, the mayor shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.

(e) *Prohibitions* - The mayor shall hold no other town office or town employment for which a salary or other emolument is payable from the town treasury. No former mayor shall hold any compensated appointed town office or town employment until one year following the date on which such former mayor's town service has terminated.

### **SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES**

The executive powers of the town shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several town agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, the laws, the ordinances and other orders for the government of the town to be enforced, and shall cause a record of all official acts of the executive branch of the town government to be kept.

The mayor shall exercise a general supervision and direction over all town agencies, unless otherwise provided by law, by the charter or by ordinance. Each town agency shall furnish to the mayor, forthwith upon request, any information, materials or otherwise as the mayor may request and as the needs of the office of mayor and the interest of the town may require.

The mayor shall supervise, direct and be responsible for the efficient administration of all town activities and functions placed under the control of the mayor by law, by this charter, by ordinance or otherwise. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the town of North Attleborough and for this purpose shall have authority consistent with law, to call together for consultation, conference and discussion at reasonable times all persons serving the town, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise.

The mayor shall be, by virtue of the office, a member of every multiple member body of the town. The mayor shall have a right, as such ex officio member, to attend any meeting of any multiple member body of the town, at any time, including, so called, executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote. The mayor shall serve as a member of the school committee in accordance with article 4 of this charter.

### **SECTION 3-3: APPOINTMENTS BY THE MAYOR**

The mayor shall appoint, subject to the review of such appointments by the town council as provided in section 2-10, all town officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the town council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for indefinite terms. All persons categorized as department heads shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which such person is responsible.

All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which chosen.

### **SECTION 3-4 REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS**

(a) *Town Officers and Department Heads* - The mayor may, in writing, remove or suspend any town officer, or the head of any town department appointed by the mayor by filing a written statement, with the town clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said town officer, or head of a department. The procedures to be followed by the mayor shall be in accordance with the procedures established for suspension and removal of town employees generally, in the personnel ordinance. The decision of the mayor to suspend or remove any department head, assistant, subordinate or other employee shall be final. Nothing in this section shall be construed to be a bar to any other review as may be provided in any applicable collective bargaining agreement, or by law.

(b) *Other Town Employees* -- Unless some other procedure is specified in a collective bargaining agreement or by the provisions of the civil service law, a department head may suspend or remove any assistant, subordinate or other employee of the agency for which such person is responsible in accordance with the procedures established for suspension and removal in the personnel ordinance. The decision of the department head to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department head has determined a suspension or removal is appropriate may seek review of such determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within ten days following receipt of notice of such determination. The review by the mayor shall follow the procedures established for suspension and removal in the personnel ordinance. The decision of the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review as may be provided in any applicable collective bargaining agreement, or by law.

### **SECTION 3-5: TEMPORARY APPOINTMENTS TO TOWN OFFICES**

Whenever a vacancy, either temporary or permanent, occurs in a town office and the needs of the town require that such office be filled, the mayor may designate the head of another town agency or a town officer or town employee, or some other person to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the town clerk, whenever a person is designated under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the town of North Attleborough.

(signed) Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary appointment and no others. No temporary appointment shall be for more than ninety days, provided, however, not more than one thirty day extension of a temporary appointment may be made when a permanent vacancy exists in the office.

### **SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS**

(a) *Communications to the Town Council* - Within twelve weeks following the start of each fiscal year the mayor shall submit to the town council, and make available for public distribution, a complete report on the financial and administrative activities of the town for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the town council for its consideration such measures as, in the judgment of the mayor, the needs of the town require. The mayor shall, from time to time throughout the year by written communications, keep the town council fully informed of the financial and administrative condition of the town and shall specifically indicate in any such reports any fiscal, financial or administrative problems of the town.

(b) *Special Meetings of the Town Council* - The mayor may at any time call a special meeting of the town council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the town council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight hours (including Saturdays, but not Sundays or legal holidays) in advance of the time set, and shall specify the purpose, or purposes, for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the town bulletin board.

### **SECTION 3-7: APPROVAL OF MAYOR, EXCEPTION (VETO)**

Every order, ordinance, resolution or vote adopted or passed by the town council relative to the affairs of the town, except memorial resolutions, the selection of town officers by the town council and any matters relating to the internal affairs of the town council, shall be presented to the mayor for approval. If the mayor approves of the measure the mayor shall sign it; if the mayor disapproves of the measure the mayor shall return the measure, with

the specific reason or reasons for such disapproval attached thereto, in writing, to the town council. The town council shall enter the objections of the mayor on its records, and not sooner than ten days, nor after thirty days from the date of its return to the town council, shall again consider the same measure. If the town council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the town council within ten days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

### **SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR**

(a) *Acting Mayor*- Whenever, by reason of sickness, absence from the town or other cause, the mayor shall be unable to perform the duties of the office for a period of more than ten successive working days, the chair of the town council shall be the acting mayor. In the event of the absence or disability of the chair of the town council, the vice-chair of the town council shall serve as acting mayor.

The mayor shall, by a letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or town employee to serve as acting mayor during the temporary absence of the mayor for periods of ten days or less and to serve only when the needs of the town require and only to the extent necessary under the then circumstances. If no such letter is on file then the council chair shall be the acting mayor.

(b) *Powers of Acting Mayor* - The acting mayor shall have only those powers of the mayor as are indispensably essential to the conduct of the business of the town in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from town service unless the disability of the mayor shall extend beyond sixty days nor shall an acting mayor approve or disapprove of any measure adopted by the town council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which any member of the town council is serving as acting mayor, such councillor shall not vote as a member of the town council.

### **SECTION 3-9: DELEGATION OF AUTHORITY BY MAYOR**

The mayor may authorize any subordinate officer or employee of the town to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor and the mayor may rescind or revoke any such authorizations previously made, provided, however, that all acts performed under any such delegation of authority during such period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the power of appointment to town office or employment or to sign or return measures approved by the town council.

### **SECTION 3-10: VACANCY IN OFFICE OF MAYOR**

(a) *Special Election* - If a vacancy in the office of mayor occurs during the first three years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the town council shall forthwith, in the manner provided in section 7-1, order a special election to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then unexpired term.

(b) *Council Election* - If a vacancy in the office of mayor occurs after the forty-second month of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the chair of the town council shall become the mayor. Upon the qualification of the chair of the town council as the mayor, under this section, a vacancy shall exist in that council seat on the town council which shall be filled in the manner provided in section 2-11. A council chair serving as mayor under this sub-section shall not be subject to the restrictions contained in the third sentence of section 3-1(a), nor shall such person be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

(c) *Powers, Term of Office* - The mayor elected under Section 3-9(a) or (b) shall have all the powers of the mayor. A person elected pursuant to subsection (a), above, shall serve for the balance of the term unexpired at the time of election to the office. A person chosen pursuant to subsection (b), above, shall serve until the time of the next regular election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

**ARTICLE 4  
OTHER ELECTED DEPARTMENTS**

**SECTION 4-1: SCHOOL COMMITTEE**

(a) *Composition, Term of Office*- There shall be a school committee which shall consist of seven members. Six of these members shall be nominated and elected by and from the voters of the town at large. The mayor shall serve, by virtue of office, as the seventh member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.

(b) *Term of Office* - The term of office for the six school committee members elected by the voters as school committee members shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that three such terms are to be filled at each biennial election.

(c) *Eligibility*- A school committee member shall at the time of election be a voter. If a school committee member removes from the town during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 4-6.

**SECTION 4-2: SCHOOL COMMITTEE CHAIR**

(a) *Election and Term* - As soon as practicable after the school committee members-elect have been qualified following each biennial town election, as provided in section 8-10, the school committee shall organize by electing one of the persons elected to the office of school committee member to serve as school committee chair who shall serve until the school committee reorganizes following the next biennial town election.

(b) *Powers and Duties* - The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and shall decide all questions of order. The school committee chair shall appoint all members of all committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the school committee.

**SECTION 4-3: PROHIBITIONS**

No member of the school committee shall hold any other town office or town employment for which a salary or other emolument is payable from the town treasury.

No former member of the school committee shall hold any compensated appointed town office or town employment until one year following the date on which such member's service on the school committee has terminated.

**SECTION 4-4: COMPENSATION, EXPENSES**

(a) *Salary* - The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted during the first eighteen months of the period following the organization of the town government following a biennial town election and it provides that such salary is to take effect upon the organization of the town government following the next municipal election.

(b) *Expenses* - Subject to appropriation and to prior authorization, the school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

**SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES**

The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

1) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the

recommendation of said superintendent, to establish and appoint assistant or associate superintendents as provided in section fifty-nine of chapter seventy-one of the General Laws;

2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;

3) To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town council.

The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

#### **SECTION 4-6: FILLING OF VACANCIES**

(a) *Runner-Up to Succeed to Office* - If a vacancy shall occur in the office of school committee member the vacancy shall be filled in descending order of votes received by the candidate for the office of school committee member at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of school committee member at the said election. The town clerk shall certify such candidate to the office of school committee member to serve for the balance of the then unexpired term, provided, however, if the vacancy occurs during the first eighteen months of the term for which school committee members are elected the person so chosen shall serve only until the next biennial election at which election the remainder of the term shall be filled by the voters. If a vacancy shall occur in the office of school committee member during the last six months of the term for which councillors-at-large are elected, such vacancy shall be filled by the person at the biennial town election who receives the highest number of votes for the office of school committee member and who is not then serving as a member of the school committee. Such person shall forthwith be certified and shall serve for the last two months of the concluding term in addition to the term for which such person was elected.

(b) *Filling of Vacancies By School Committee* - Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill such vacancy in the manner provided in section 4.6 (a), the vacancy shall be filled by the remaining members of the school committee. Persons elected to fill a vacancy by the school committee shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

#### **SECTION 4-7 BOARD OF ELECTRIC COMMISSIONERS**

(a) *Composition, Term of Office* - There shall be a board of electric commissioners which shall consist of three members.

(b) *Term of Office* - The term of office for a board of electric commissioner shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.

(c) *Eligibility* - A board of electric commissioner shall at the time of election be a voter. If a board of electric commissioner removes from the town during the term for which elected such office shall immediately be deemed vacant.

(d) *Vacancies* — Vacancies on the board of electric commissioners shall be filled in the same manner as that provided in section 4-6 for filling vacancies on the school committee. In construing section 4-6 for such purpose the words "board of electric commissioners" shall be understood to replace the words "school committee" wherever the said words appear.

#### **SECTION 4-8: MUNICIPAL LIGHT DEPARTMENT**

The board of electric commissioners shall appoint a manager of municipal lighting who shall have all of the powers, duties and responsibilities which are assigned to such officers by section fifty-six of chapter one hundred sixty-four of the General Laws. The municipal light department shall have all of the powers, duties, rights and privileges as are assigned to or incumbent upon municipal electric departments pursuant to sections thirty-four to sixty-nine of chapter one hundred and sixty-four of the general Laws and such other sections of said chapter as may be applicable.

### **ARTICLE 5 ADMINISTRATIVE ORGANIZATION**

#### **SECTION 5-1: ORGANIZATION OF TOWN AGENCIES**

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

(a) **Ordinances** - Subject only to express prohibitions in a general law or the provisions of this charter, the town council may, by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

(b) **Administrative Code** - The mayor may from time to time prepare and submit to the town council plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the mayor prepares such a plan the mayor shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time, not later than fourteen days following said publication, and the place at which the public hearing will be held. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town council for its consideration.

The administrative code, subject only to express prohibitions in a general law, or this charter, may reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

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

An organization or reorganization plan shall become effective at the expiration of sixty 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. An organization or reorganization plan shall become effective on the date specified in any plan which has been approved by majority vote of the town council .

#### **SECTION 5-2: MERIT PRINCIPLE**

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

### **SECTION 5-3 BOARD OF LICENSE COMMISSIONERS**

(a) **Powers and Duties** - There shall be a board of license commissioners which shall have the power to issue licenses for inn holders or common victuallers, the powers of a licensing board appointed under section four of chapter one hundred and thirty-eight of the General Laws, and which shall be the licensing authority for the purposes of chapter one hundred and thirty-eight and chapter one hundred and forty of the General Laws and which shall have all of the other powers with respect to licenses which prior to the adoption of the home rule charter were exercised by the board of selectmen. The board of licensing commissioners may grant licenses relating to alcoholic beverages under chapter one hundred and thirty-eight of the General Laws and those licenses under chapter one hundred and forty of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and it shall have all the powers and duties of a licensing authority under said chapters.

(b) **Composition of Board** - The town clerk, the inspector of buildings, the health agent, the fire chief and the police chief (or persons performing similar duties under any other title) shall serve by virtue of their offices and without additional compensation as the members of the board of license commissioners. The town clerk shall serve as chair of the board of license commissioners.

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

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

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

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

(a) *Public Hearing* - At least twenty-one days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. It shall further indicate the times and places at which complete copies of its draft proposed budget are available for examination by the public, and the date, time and place, not less than seven nor more than fourteen days following such publication, when a public hearing will be held by the school committee on the proposed budget. The school committee shall not take its final vote on its proposed budget until all persons who desire to be heard concerning the budget proposal have had a reasonable opportunity to be heard.

(b) *Submission to Mayor* - The proposed budget adopted by the school committee shall be submitted to the mayor at least twenty-one days before the date the mayor is required to submit a proposed town budget to the town council, to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total town operating budget the mayor is required to submit to the town council under this article. The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

### **SECTION 6- 3: SUBMISSION OF BUDGET AND BUDGET MESSAGE**

All town officers, department heads and other spending authorities shall transmit their budget requests for the ensuing fiscal year to the mayor not later than January 15, unless the mayor shall request an earlier submission. The mayor shall submit a preliminary budget estimate to the town council, for informational purposes only, on or before the first day of March, annually. Not later than sixty days before the start of the town's fiscal year, the mayor shall submit to the town council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide for the publication in a local newspaper of a notice and a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the town are available for examination by the public.

### **SECTION 6-4: BUDGET MESSAGE**

The budget message of the mayor shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current fiscal year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the mayor deems desirable, or as may be required by the provisions of a town ordinance.

#### **SECTION 6-5: THE BUDGET**

The proposed operating budget shall provide a complete financial plan for all town funds and town activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form which the mayor deems desirable or as a town ordinance may require. In the presentation of the budget, the mayor shall utilize modern concepts of fiscal presentation so as to furnish an optimum level of information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and from all other sources and all proposed expenditures, including debt service, for the fiscal year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position, in terms of work programs, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure;

(3) The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under section 6-10; and

(4) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

#### **SECTION 6-6: ACTION ON THE BUDGET**

(a) *Public Hearing* - Forthwith upon its receipt of the proposed operating budget the town council shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted by the mayor. To enable the voters of North Attleborough to be as fully informed as is possible on the items contained in the proposed budget and on the legislative activities of the town council, the public hearing on the mayor's proposed budget shall be held in the form of a town meeting. The council chair shall preside and govern the proceedings at each such meeting.

(b) *Review* - The town council shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The town council may require the mayor, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) *Action by Town Council* - The town council shall adopt the budget, with or without amendments, within ninety days following the day the proposed budget is received by it. In amending the budget, the town council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but, the town council shall have no authority to add programs or increase amounts. If the town council fails to take any action with respect to any item in the proposed budget within ninety days following the date of its receipt of the proposed budget, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

#### **SECTION 6-7: SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS**

Whenever the mayor shall submit to the town council a request for a new appropriation of any sum of money, either as a supplement to some item in the annual operating budget or for an item, or items, not included in the annual operating budget as adopted, the town council shall not act upon such request until it has (1) given notice by publication in a local newspaper of the request, and (2) held a public hearing concerning such request. The

publication of the notice and the public hearing shall be generally in conformity with the provisions of section 6-6 concerning the proposed annual operating budget.

#### **SECTION 6-8: ALLOTMENTS**

On or before August first of each year, or within ten days after the approval by the town council and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the town officials in charge of departments or agencies including the superintendent of schools for the school department, shall submit to the chief financial officer, with a copy to the town clerk, in such form as the chief financial officer may prescribe, an allotment schedule of the appropriations of all personnel categories included in said budget, indicating the amounts to be expended by the department or agency for such purposes during each of the fiscal quarters of said fiscal year, or such shorter time periods as the mayor or chief financial officer, may prescribe.

Whenever said chief financial officer determines that any department or agency including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to such effect to the department head, the mayor, the town solicitor, and to the town clerk who shall forthwith transmit the same to the town council. Upon such a determination and notice thereof, said chief financial officer shall provide such officers additional reports on at least a monthly basis indicating the status of such accounts.

The mayor, within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for such period is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of such period. All actions, notices, and decisions provided for in this section shall be transmitted to the town council and the town clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid for such department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages, or salaried or other personnel expenses which expenditure in excess of the allotment shall be a violation of this section by the department or agency head, including the superintendent of schools and the school committee. If the continued payment of wages, salaries or other personnel expenses is not approved in a period where a department head has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its appropriation for a fiscal year, the town shall have no obligation to pay such personnel cost or expense arising after such allotment or appropriation has been exhausted.

#### **SECTION 6-9: PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATIONS**

No official of the Town of North Attleborough, except in the case of an emergency 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 thirty-one of chapter forty-four of the General Laws shall be strictly enforced.

Any official who violates the provisions of this section shall be personally liable to the town for any amounts so expended to the extent the town does not recover such amounts from the person to whom such sums were paid.

#### **SECTION 6-10: CAPITAL IMPROVEMENT PROGRAM**

The mayor shall submit a capital improvement program to the town council at least one hundred twenty days before the start of each fiscal year. The capital outlay program shall be based on material prepared by the capital planning committee established by ordinance. It shall include:

- a clear and concise general summary of its contents;
- a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;

- cost estimates, methods of financing and recommended time schedules for each improvement;
- the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

#### **SECTION 6-11: INDEPENDENT AUDIT**

The town council shall annually provide for an outside audit of the books and accounts of the town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The mayor shall annually provide to the town council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the town council. The award of a contract to audit shall be made by the town council, on the recommendation of its budget/management committee on or before September fifteenth of each year. The budget/management committee shall coordinate the work of the individual or firm selected with the municipal officials. The report of the audit shall be filed in final form with the town council and the budget/management committee not later than March first in the year following its award.

### **ARTICLE 7 ELECTIONS AND ELECTION RELATED MATTERS**

#### **SECTION 7-1: TOWN ELECTIONS: GENERAL, PRELIMINARY**

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

A preliminary election for the purpose of nominating candidates shall be held on the third Tuesday in September in each odd numbered year, provided, however the town clerk may, with the approval of the town council, reschedule such election to the fourth Tuesday to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted twenty-eight days preceding the date established for such special election.

#### **SECTION 7-2: 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 7-3: 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 mayor not less than one hundred fifty such signatures, provided, however, that at least twenty signatures must be certified from each district; for the office of councillor-at-large or school committee member, not less than one hundred fifty such signatures, provided, however, that at least twenty signatures must be certified from each district; for the office of district councillor not less than one hundred such signatures, all of which shall be from the district from which the nomination is sought.

(b) *Ballot Position* - 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.

(c) *Determination of Candidates* - The two 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 two 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 their 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 be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) *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 town clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the town clerk 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 town clerk 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 to be used in any particular district or districts of the town, no preliminary election shall be held in such district or districts.

#### **SECTION 7-4: BALLOT POSITION, REGULAR TOWN ELECTION**

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 drawing shall be open to the public.

#### **SECTION 7-5: DISTRICTS**

The territory of the town shall be divided into five districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of voting precincts established in accordance with general laws. The town council shall from time to time, but at least once in each ten years, review such districts to insure their uniformity in number of inhabitants.

#### **SECTION 7-6: APPLICATION OF STATE GENERAL LAWS**

Except as expressly provided in this charter and authorized by law, 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.

#### **SECTION 7-7: PETITIONS TO 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 one hundred voters, or more, and which seeks the passage of a measure. The hearing shall be held by the town council or the school committee, or, in either case, by a committee or subcommittee thereof, and the action by the town council or the school committee shall be taken not later than three 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 two or more petitions filed under this section may be held on the same date and 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 ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice, by publication in a local newspaper not less than seven nor more than fourteen days prior to the date set for the public hearing shall be at public expense.

#### **SECTION 7-8: CITIZEN INITIATIVE MEASURES**

(a) *Commencement* - Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the town council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least two hundred voters provided, however, that at least twenty signatures must be certified from each district. The petition shall be accompanied by an affidavit signed by ten voters and containing their residential addresses stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) *Referral to Town Solicitor* - The clerk of the council or the secretary of the school committee, as the case may be, shall forthwith following receipt of each such proposed petition deliver a copy of the petition to the town solicitor. The town solicitor shall, within fifteen days following receipt of a copy of the petition, in writing, advise

the town council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the town council or the school committee. If the opinion of the town solicitor is that the measure is not in proper form the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town solicitor shall also be mailed to the person designated as clerk of the petitioners committee.

(c) *Submission to Town Clerk* - If the opinion of the town solicitor is that the petition is in a proper form the town clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town solicitor, together with the names and addresses of the first ten voters who signed the originating petition. Within forty-five days following the date the blank forms are issued by the town clerk the petitions shall be returned and filed with the town clerk signed by at least ten per cent of the total number of voters as of the date of the most recent town election. The signatures on such petitions shall contain the names of at least five percent of the voters in each of the districts into which the town is divided for the purpose of elections. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within ten days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent town election. The town clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the clerk of the council, or the secretary of the school committee, according to how the petition is addressed. A copy of the board of registrars of voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.

(d) *Action on Petitions* - Within thirty days following the date a petition has been returned to the clerk of the council, or the secretary of the school committee, and after publication in accordance with the provisions of section 3-9(c), the town council or the school committee shall act 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 with respect to any initiative measure which is presented to it within thirty days following the date it is returned to it, the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the clerk of the council, or the secretary of the school committee, shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.

(e) *Supplementary Petitions* - Within sixty days following the date an initiative petition has been rejected a supplemental initiative petition may be filed with the clerk of the 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 number of additional voters which is equal to five percent of the total number of voters as of the date of the most recent town election. If the number of signatures to such supplemental petition is found to be sufficient by the town clerk, the town council shall call a special election to be held on a date fixed by it not less than thirty nor more than ninety days following the date of the certificate of the town clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other town election is to be held within one hundred and twenty days following the date of the said certificate, the town council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.

(f) *Publication* - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which such 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.

(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 a fair, concise summary prepared by the petitioners, and approved by the town solicitor.)

\_\_\_\_\_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 forthwith, unless a later date is specified in such measure.

#### **SECTION 7-9: CITIZEN REFERENDUM PROCEDURES**

(a) *Petition, Effect on Final Vote* - If, within twenty-one days following the date on which the town council or the school committee has voted finally to approve of any measure a petition signed by a number of voters equal to ten percent of the total number of voters as of the date of the most recent general town election and addressed to the town council or to the school committee as may be, protesting against the measure or any part thereof is filed with the secretary of the school committee or clerk of the council the effective date of such measure shall be temporarily suspended. The school committee or the town council shall forthwith reconsider its vote on such measure or part thereof, and, if such 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, or within such time as may be requested by the school committee, or at the next regular town election, but pending such submission and determination the effect of such measure shall continue to be suspended.

(b) *Certain Initiative Provisions to Apply*- The petition described in this section shall be termed a referendum petition and insofar as applicable the provisions of section 7-7 shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections. The measure, or part thereof protested against, shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

#### **SECTION 7-10: 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 in conformity with the charter;
- (3) the town budget or the school committee budget as a whole;
- (4) revenue loan orders;
- (5) any appropriation for the payment of the town's debt or debt service;
- (6) an appropriation of funds to implement a collective bargaining agreement;
- (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- (8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures;
- (9) any proceedings providing for the submission or referral to the voters at an election; and
- (10) memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

#### **SECTION 7-11: SUBMISSION OF OTHER MATTERS TO VOTERS**

The town council may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

#### **SECTION 7- 12: CONFLICTING PROVISIONS**

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

#### **SECTION 7-13: RECALL ELECTIONS**

(a) *Application* - Any person holding an elected town office may be recalled from such office by the voters in accordance with the procedures made available in this section.

*(b Recall Petition*

(1) Office Elected by Voters at Large - Four hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names of at least eighty voters in each of the districts into which the town is divided for the purpose of elections.

(2) Office Elected by Voters by District - One hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names only of voters in the district from which the officer was elected.

(3) At Large, or by District -If the affidavit is found to be valid the town clerk shall thereupon deliver to the first ten persons named on said affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the town council; they shall contain the names and residence addresses of the ten persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the town clerk.

The recall petitions shall be returned to the office of the board of registrars of voters within twenty-one days following the date they are issued, signed by not less than ten percent of the total number of voters (of the district or of the town as is appropriate) as of the date of the most recent town election. The signatures on such petitions shall contain the names of at least ten percent of the voters in each of the districts into which the town is divided for the purpose of elections.

The sheets constituting a petition need not all be filed at the same time. For the purposes of this section such a petition shall be deemed filed whenever the persons responsible for its filing notify the board of registrars of voters, in writing, that the filing is complete. Before receiving such notice the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed.

The board of registrars of voters shall within ten days following the date the petition forms are filed certify the number of signatures thereon which are the names of voters and the percentage that number represents of the total number of voters in each district, as of the date of the most recent town election.

*(c Recall Election* - If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall forthwith submit the same, with their certificate, to the town council. Upon receipt of the certified petition forms the town council shall forthwith give written notice to the officer whose recall is sought of the validity of such petitions. If the officer whose recall is sought does not resign the office within five days following delivery of the said notice, or by its having been left at the last known place of residence, the town council after consultation with the town clerk shall order a special election to be held on a date fixed by it not more than ninety days after the date of its notice to the officer whose recall is sought.

*(d Ballot Question* - Ballots used at the recall election shall state the proposition in substantially the following form: 'Shall (insert name of officer) be recalled from the office of (insert name of office held)?

YES NO

*(e Officeholder* - The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question as stated above is in the affirmative, the officer shall be deemed to be recalled and the office shall be deemed to be vacant upon the certification of the election results. If a majority of the votes cast on the said question is in the negative the person whose recall was sought shall continue in the office until the expiration of the term for which elected, but subject to recall as provided in section (f), below.

*(f Restriction on Recall Petition* - No recall petition shall be filed against any officer until at least six months following the commencement of a term of office, nor, in the case of an officer subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than six months of the term of office of the person whose recall is sought remains at the time of the certification of the petition forms.

(g) *Filling of Vacancy* - If the office of mayor is declared vacant as the result of a recall election the town council shall forthwith call a special election to be held on a date fixed by it not less than sixty nor more than ninety days following the date of the recall election. The person elected at such special election shall serve for the balance of the unexpired term remaining at the time of election.

Vacancies in any other office shall be filled in accordance with the procedures for filling the same as provided in section 2-11 and section 4-6.

No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by such recall.

## **ARTICLE 8 GENERAL PROVISIONS**

### **SECTION 8-1: CHARTER CHANGES**

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

### **SECTION 8-2: 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 the charter and its provisions to other persons and circumstances shall not be affected thereby.

### **SECTION 8-3: SPECIFIC PROVISION TO PREVAIL**

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

### **SECTION 8-4: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency shall be placed on file in the office of the town clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any town agency shall become effective until five days following the date it is so filed.

### **SECTION 8-5: PERIODIC REVIEW OF CHARTER AND ORDINANCES**

(a) *Ordinance Review* - Not later than the first day of July, at five year intervals, in each year ending in a five or in a zero, the mayor and town council shall provide for a review to be made of the ordinances of the town for the purpose of preparing a proposed revision or recodification of the same, without substantive change. Such review shall be made by a special committee to consist of nine members, four of these members shall be appointed by the town council chair and five of the members shall be appointed by the mayor. At least two of the persons appointed by the town council chair shall be members of the town council and the remaining members shall be voters of the town. The special committee shall file its report with the clerk of the council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth day of June in said year and if not so scheduled by the clerk of the council the matter shall come before the council for action at its next meeting held following the said fifteenth day of June and no other business shall be in order until such report has been acted upon, by roll call vote.

The review of town ordinances shall be under the supervision of the town solicitor. A revision, recodification or republication of the ordinances shall be made at five year intervals. Copies of the revision, recodification or republication shall be made available to the public at a cost not to exceed the actual cost of such reproduction. In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

(b) *Review of Charter* - The committee established to review town ordinances shall also consider proposed revisions to the town charter. The committee shall hold at least one open, public hearing at which the public will be afforded the opportunity to comment on the existing charter and to make comments or suggestions concerning ways in which

the charter might be changed. The special committee shall file its report with the clerk of the council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth day of June in said year and if not so scheduled by the clerk of the council the matter shall notwithstanding come before the council for action at its next meeting held following the said fifteenth day of June and no other business shall be in order until such report has been acted upon, by roll call vote.

#### **SECTION 8-6: UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER BODIES**

(a) Meetings • All multiple member bodies of the town, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places as they may, by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple member body shall be held on the call of the chairman or by one-third of the members thereof by written notice delivered in hand or to the place of residence of each member at least forty-eight hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the said notice, shall also be posted on the town bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public and the media.

(b) Rules and Journals - Each multiple member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record and for the convenience of the public certified copies shall be placed on file in the office of the town clerk and in the main branch of the public library. In case of any dispute concerning any such record the official copy shall always be deemed to be the copy kept by the clerk of the multiple member body.

(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 journal, provided, however, if the vote is unanimous, only that fact need be recorded.

(d) Quorum - A majority of the members of a multiple member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time. Unless some other provision is made by law, by ordinance or by the multiple member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to adopt any vote representing an exercise of the powers of the multiple member body.

#### **SECTION 8-7: 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; and words importing the masculine gender shall include the feminine gender.

#### **SECTION 8-8: REFERENCES TO GENERAL LAWS**

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

#### **SECTION 8-9: COMPUTATION OF TIME**

In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is less than seven days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is seven days or more, every day shall be counted.

#### **SECTION 8-10: OATH OF OFFICE OF MAYOR, COUNCILLORS, AND SCHOOL COMMITTEE MEMBERS**

The mayor-elect, councilors-elect, and school committee members-elect shall, on the first business day in January of each even-numbered year, meet and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the town clerk, or by a judge of a court of record, or by a justice of the peace. The oath may be administered to the members of the town council and the school committee by the mayor, after the mayor has been

duly sworn, or by any of the above named officials. A certificate that said oath or oaths have been taken shall be entered in the journal of the town council.

In case of the absence of the mayor-elect, or any member-elect of the town council school committee on said day the oath of office may at any time thereafter be administered to such person who for any reason shall not have taken the oath on the day named. A certificate of each oath subsequently taken shall be entered in the journal of the town council.

After the oath has been administered to the councilors present, they shall organize by electing from among their number a person to serve as the chair and a person to serve as the vice-chair, as provided in section 2-2. If the town clerk is unable to preside during such election the council member senior in years of service on the town council shall preside during such election. If two or more members are equally senior in years of service on the town council the member senior both in years of service and age shall preside. The council chair and vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations. After the oath has been administered to the school committee members present, they shall organize by electing from among their number a person to serve as the school committee chair and a person to serve as the vice-chair, as provided in section 4-2. If the town clerk is unable to preside during such election the member senior in years of service on the school committee shall preside during such election. If two or more members are equally senior in years of service on the school committee the member senior both in years of service and age shall preside. The school committee chair and the vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations.

#### **SECTION 8-11: CERTIFICATE OF ELECTION OR APPOINTMENT**

Every person who is elected, including those elected by the town council, or appointed to an office of the town shall receive a certificate of such election or appointment from the town clerk. Except as otherwise provided by law, every person who is elected, including those elected by the town council, or appointed to an office of the town before performing any act under such appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties. A record of such oath shall be kept by the town clerk.

#### **SECTION 8-12: LIMITATION ON OFFICE HOLDING**

No person shall simultaneously hold more than one full time town office or position of employment. Any hours worked in any part time position shall not be the same or otherwise conflict with the hours worked in a full time position.

#### **SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS**

It shall be the duty of the mayor to see that the provisions of the charter are faithfully followed and complied with by all town agencies and town employees. Whenever it appears to the mayor that any town agency or town employee is failing to follow any provision of this charter the mayor shall, in writing, cause notice to be given to such agency or employee directing compliance with the charter. If it shall appear to the town council that the mayor personally is not following the provisions of the charter it shall, by resolution, direct the attention of the mayor to those areas in which they believe there is a failure to comply with charter provisions. The procedures made available in chapter two hundred and thirty-one A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

#### **SECTION 8-14: ANNUAL REPORT OF THE TOWN**

An annual report which contains a general summary of the activities of all town agencies shall be published within ninety days following the close of each fiscal year. The annual report shall contain reports by the mayor, the town council, the town comptroller, the treasurer, the school committee and such other town agencies as may be required by ordinance to provide such reports.

#### **SECTION 8-15. NOTICE OF VACANCIES**

Whenever a vacancy occurs, or is about to occur, in any town office or town employment, except for positions covered by the civil service law, the appointing authority shall forthwith cause public notice of such vacancy, or impending vacancy, to be posted on the town bulletin board for a period of not less than fourteen days. Any person who desires to be considered for appointment to said office or employment may file with the appointing authority a

statement in clear and specific terms setting forth such person's qualifications for the position. No permanent appointment to fill a vacancy in an office or employment shall be effective until at least fourteen days have elapsed following such posting, and until all persons who have filed statements in application have been considered.

## **ARTICLE 9 TRANSITIONAL PROVISIONS**

### **SECTION 9-1: CONTINUATION OF EXISTING LAWS**

All general laws, special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to North Attleborough that are in force when this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law which would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

### **SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION**

All town agencies shall continue to perform their duties until re-elected, re-appointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another town agency.

### **SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY**

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

### **SECTION 9-4: 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 causes 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 9-5: TIME OF TAKING EFFECT**

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

(a) A special election to elect the first officers to serve under this charter shall be held on the second Tuesday in September in the year in which the special act charter has been accepted by the voters (September 14, 2010).

1. At the special election held on September 14, 2010, the voters shall elect a mayor, a town council, two members of the board of electric commissioners and three members of the school committee and no other town officers. A preliminary election for the purpose of nominating candidates to be elected at such election shall be held on the sixth Tuesday preceding such election. So much of this charter shall become effective as is necessary to conduct such elections. The board of selectmen shall issue the warrants for such elections and the election shall be conducted under the supervision of the election commission.

2. Because the redistricting which will result from the census taken in the year 2010 will not have been completed on the date the first election under this charter is to be held, notwithstanding the provisions of charter section 2-1, all members of the town council shall be elected at-large at such election. The nine persons who receive the highest number of votes shall be declared elected to terms which expire on the first business day in January 2014.

3. A mayor shall be elected at the said special election to serve for a term expiring on the first business day in January 2016.

4. At the said special election the board of electric commissioners shall be reorganized, as follows: The term of office of the candidate for electric commissioner who received the highest number of votes at the regular town

election held in the spring of 2010 shall be extended to expire on the first business day of January 2014. At the special election held in September 2010 the terms of the other two members of the said board shall be terminated and two successors shall be elected to the board of electric commissioners. The candidate who receives the highest number of votes shall be declared elected to a term of office that expires on the first business day in January 2016. The candidate who receives the next highest number of votes shall be declared elected to a term of office that expires on the first business day in January 2014. Thereafter as the terms of office of incumbents expire, successors shall be elected for terms of four years each.

5. At the said special election the school committee shall be reorganized as follows: The terms of office of the three candidates elected as members of the school committee at the regular town election held in the spring of 2010 shall be extended to expire on the first business day of January 2014. At the special election held in September 2010, the terms of all other members of the school committee shall be terminated and three successors shall be elected to the school committee for terms that expire on the first business day in January 2016. Thereafter, as the terms of office expire, three school committee members shall be elected at each biennial town election. The mayor shall serve, by virtue of office, as the seventh member of the school committee.

6. Forthwith following the special election the persons elected as mayor, school committee members and town council members shall be sworn to the faithful performance of their duties and shall take up so much of the powers and duties of their offices as are necessary to begin the process of transition from the existing form of government to the new form of government.

7. The members-elect of the town council shall meet, elect transitional officers to serve until its formal organization on the first business day in January 2011, and begin preparation for the transfer of powers to it by the consideration of policies and procedures to govern the conduct of the business of the town council and the formulation of rules by which it will conduct its business, and which will be adopted when the town council formally organizes and takes up its duties on the first business day in January 2011. Members of the town council shall receive one fourth of the annual salary established for town council members for their service in the transitional period

8. The person chosen as mayor-elect shall begin at once to meet regularly with the members of the board of selectmen and for such purpose shall be considered a member ex officio of such body. The person chosen as mayor-elect shall forthwith begin to serve as the seventh member of the school committee. The mayor-elect shall have a right to meet with any town officer, town agency or town employee during regular business hours for the purpose of acquiring and advancing knowledge and information necessary to assume the full powers of mayor on the first business day of January 2011. The mayor-elect shall be responsible for a review of the existing town bylaws to be undertaken to bring them into conformity with the new charter. The mayor shall receive one fourth of the annual salary established for the office of the mayor for service in the transitional period. The provisions of section 3-1 (a) and (e) regarding full time service by the mayor shall not apply during the transitional period.

9. On the first business day of January 2011 the terms of office of the members of the board of selectmen, the town moderator and of the representative town meeting members shall all be terminated, and their offices abolished and on said date the finance committee shall also be terminated. The mayor, town council and school committee shall organize as provided in section 8-10. Each other elected and appointed town officer and employee shall continue to serve in the same office or position unless some other provision is specifically made hereinafter for any particular office or position or until some other provision is made in accordance with the provisions of section 5-1.

10. As the terms of office of the incumbent members of the North Attleborough Housing Authority expire, or as vacancies may otherwise occur in such offices, successors shall be chosen in the manner provided for city governments in section five of chapter one hundred twenty-one B of the General Laws.

( b ) As soon as practicable following the special election the persons elected as mayor, as members of the town council and as members of the school committee shall be called together by the town clerk who shall make arrangements for the organization of the new government generally in conformity with the provisions of section 8-10.

(c) The town council shall proceed forthwith to adopt temporary rules governing the conduct of the meetings of the town council and shall make provision for its full assumption of the powers, duties and responsibilities which will devolve upon it under this charter including, but not limited to the taking of the following steps:

1) It shall provide for a review to be made of all existing by-laws, rules and regulations of the town, with a view to bringing them into conformity with the provisions of this charter.

2) It shall provide for the adoption of permanent rules governing the bringing of matters before the town council for action, the establishment of standing committees and such other related matters as seems necessary and desirable. It shall provide in its rules for the establishment of standing committees to which shall be referred all matters to come before the council.

(d) The person chosen as mayor shall take all steps as may be necessary to be prepared to assume the full duties of the office of mayor on the aforesaid first business day of January. The mayor-elect shall, during the transitional period, for the purpose of gaining a knowledge and understanding of the town's needs in order to be prepared to perform the duties of mayor beginning on the first business day in January 2011, have full power and authority to attend, either in person or through a designated representative, all meetings of all multiple member bodies held during such period including any portions of such meetings held in a closed or, so called, executive session and for such purpose such mayor elect shall be deemed to be an ex officio member of each such multiple member body.

(e) The board of selectmen in office at the time of the special election shall continue to serve in that office until the mayor and a majority of the town council members have been qualified, at which time their offices shall be abolished and the mayor shall be the lawful successor to the board of selectmen. During the transitional period from the date of the special election through to the said last day of December the board of selectmen shall continue to be responsible for the general operation of the government and shall continue to perform all of its powers, duties and functions as though this charter had not been adopted, provided, however, the board of selectmen shall coordinate all of its long-range plans with the person chosen as mayor. The person chosen as mayor shall have a right to attend all meetings of the board of selectmen held during such transitional period, including any meetings held in, so-called, executive session and for such purpose the mayor shall be considered to be a member of the board of selectmen during such period.

(f) All legislative business necessary for the orderly conduct of the town during the transitional period shall continue to be conducted by the representative town meeting members in office at the time of the special election until the full powers of the town council become operative on the first business day of January following their election. On the said first day of January, upon the qualification of a majority of the members of the town council, the terms of office of all members of the representative town meeting shall be terminated and the said representative town meeting shall thereafter cease to exist. All of its powers, duties and responsibilities shall devolve upon the town council.

(g) Except where some other provision is made for a specific office or multiple member body, all town officers and all members of multiple member bodies who have prior to the effective date of this charter been elected by the voters may continue to serve for the balance of the term for which they were elected, but their successors shall be appointed.

(h) The office of town-administrator established by a by-law adopted in 1994 is hereby abolished and the said by-law is hereby repealed effective on the first business day of July 2001. The incumbent of the office of town administrator shall continue to serve in that office until the said first business day of July. Such incumbent may be continued in the service of the municipality beyond said termination date, in some other position, if such person and the mayor so agree

(i) Notwithstanding any other provision of this charter which might be construed to the contrary it is not expected that the first person elected as mayor will be able to begin at once to exercise every power and every function which devolves upon the office of mayor under this charter. It is recognized that such assumption and change from existing practices will be phased in during the term of office of the first person chosen as mayor.

(j) As the terms of office of the incumbent members of the North Attleborough Housing Authority expire, or as vacancies may otherwise occur in such offices, successors shall be chosen in the manner provided for city governments in section five of chapter one hundred twenty-one B of the General Laws.

(k) Not later than thirty days following the date of the ratification of this charter by the voters the town clerk shall give to each member of the Massachusetts House and Senate who represent any part of North Attleborough a copy of the vote ratifying this charter and the following petition for the enactment of a special law applicable to North Attleborough in the following form:

AN ACT EXCEPTING NORTH ATTLEBOROUGH FROM CERTAIN PROVISIONS OF  
THE CIVIL SERVICE LAW  
Be it enacted, etc.

For the purpose of classifying positions under the civil service law and rules, North Attleborough, notwithstanding the provisions of a home rule charter establishing its form of government, shall continue to be governed by the provisions of section fifty-two of chapter thirty-one of the General Laws and not by the provisions of section fifty-one of said chapter thirty-one.

Nothing in this act shall be construed to affect the civil service status of any person currently covered by such law and rules.

This act shall take effect upon its passage.

The above draft is provided for guidance and general scope and it may be altered by the General Court to conform to its normal practice, provided the result expected, that future civil service positions will continue to be covered on an individual, case by case basis and not on blanket coverage is achieved.

(l) Until such time as the town is redistricted as provided in MGL chapter fifty-four sections one through ten, as a result of the census taken in the year 2000 one district councillor shall be elected from each of the seven precincts into which the town is now divided and two councillors shall be elected from the town at large.

When the town is being divided into new precincts based on the population as determined by the census taken in the year 2000 such number of precincts shall be established as will enable the appropriate authority to establish, by combining precincts, four equal districts for the purpose of thereafter electing district councillors.

(m) Not later than thirty days following the election at which this charter is ratified the board of selectmen shall appoint seven persons to be a committee to begin a review of the town by-laws 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. The committee shall further serve as a general transition committee making recommendations to the appropriate authorities for steps to be taken to smooth or facilitate the transition to the new form of government, including, but not limited to, submission of a proposed budget to cover the expenses of the mayor-elect and council-elect for the period from the date of the town election in 2010 to the first business day in January 2011.

At least two of the persons appointed to the committee shall have been members of the North Attleborough Government Study Committee. The committee shall submit a report, with recommendations, to the mayor-elect and council-elect forthwith following the election held in September, 2010. The review shall be conducted under the supervision of the town counsel, or, by special counsel appointed for that express purpose.

(n) The position of town accountant which has heretofore existed in North Attleborough shall, after the assumption of power and authority by the mayor and council, be divided into two separate and distinct functions. The powers of the office which are associated with auditing, including those described in sections fifty, fifty-one, fifty-three and fifty-four A of chapter forty-one of the General Laws shall be assigned to the office of town auditor established by section 2-8(a) of the charter. The remaining powers of a town accountant having to do with the regular payment of bills and invoices submitted by municipal agencies including those described in sections fifty-

two, fifty-six, fifty-seven and fifty-eight of chapter forty-one shall be exercised by a person in the executive branch under the title town accountant, subject to the control of the chief financial officer.

The annual salary of the town auditor appointed by the city council pursuant to charter section 2-8(a) shall initially be established at twenty-five thousand dollars with a proviso the amount provided for such office shall never be less than one-half the amount provided for the office of finance director. The town council may, in lieu of expending such sum as salary, expend the said sum as a consultant account paying the certified public accountant, or firm of such accountants, retained to provide the annual audit pursuant to section 6-11 from such account to provide periodic oversight services to it throughout the fiscal year.

(o) The mayor and town council shall have authority to adopt measures which clarify, confirm or extend any of the transitional provisions contained in this section in order that the transition of the government from the 'old' form to the 'new' form may be made in the most expeditious and least contentious manner possible. Pending the election of the mayor and town council in September, 2010, the board of selectmen and the representative town meeting shall have a similar power, provided, however, no action shall be taken which is contrary to the spirit or the intent of any permanent provision of the charter.

(p) Following the election at which this charter is ratified by the voters, in the fall of the year 2010, the board of selectmen and its staff shall keep the persons who will serve as the board of license commissioners established by section 5-3 of the charter fully apprised of its activities during the year-end renewing of licenses in order to acquaint the persons who will serve as the members of the said board to these procedures. As soon as practical after the first mayor and council have been elected and taken the oath of office following the town election in September 2010, the mayor shall call together for an initial meeting the members of the board of license commissioners established in section 5-3 of this charter. The board of license commissioners shall assume full authority under chapter one hundred and thirty-eight and chapter one hundred forty of the General Laws on the first business day in January 2011.

(q) Within eighteen months following the adoption of this charter the mayor shall prepare a comprehensive plan of reorganization of the town government administrative structure in the form of a proposed administrative code provision, in accordance with section 5-1 (b) of this charter.

In preparing the proposed administrative code the mayor shall consider the proposed consolidated departments set out below. The mayor may amend, or revise, or delete, any of the draft ordinances provided below to best suit the needs of North Attleborough. The mayor shall establish a time table for the achievement of the reorganization of the government contemplated in the draft ordinances set out below.

The mayor, when preparing such comprehensive plan, shall consider, but shall not be bound in the preparation of such plan to the departments provided below.

The mayor may organize such departments incorporating functions, services and agencies into such departments as the mayor deems to be appropriate. The mayor may appoint department heads, or the mayor may act as the department head.

#### Proposed Ordinances

##### 1 DEPARTMENT OF PUBLIC WORKS

(a) Establishment, Scope -There shall be a department of public works responsible for the performance of all public works related functions and activities of the town. The department of public works shall assume all of the duties and responsibilities related to public works activities which prior to the adoption of the home rule charter were performed by or under the authority of the board of public works. The department of public works shall perform all of the public works related functions which are associated with the following boards, departments and offices or which are now or may from time to time by general or special law be vested in such boards, departments and offices: road commissioners, surveyors of highways, superintendent of streets, water commissioners, sewer commissioners, park commissioners, cemetery commissioners, tree warden, superintendent of shade tree management and pest control and it may have such additional powers, duties and responsibilities with respect to public works related functions and activities as may from time to time be provided, by ordinance, including but not limited to solid waste collection and disposal and a public works engineer. The policy making and program

development powers, duties and responsibilities which are now or may from time to time by general or special law be vested in such boards, departments and offices as are included in the department of public works shall be vested in the mayor.

Notwithstanding any provision of this section to the contrary the mayor may, pursuant to the provisions of charter section 5-1, divide the powers and duties of the department of public works into two or more departments.

(b) Director of Public Works - The department of public works shall be under the direct control and supervision of a director of public works who shall be appointed by and who shall be responsible to the mayor. The director of public works shall serve for an indefinite term. The director of public works shall be a person especially fitted by education, training and previous, experience and training to perform the duties of the office. The director of public works shall be responsible for the supervision and coordination of all activities of the department of public works in accordance with state statutes, town ordinances, administrative code and rules and regulations.

## 2 DEPARTMENT OF MUNICIPAL FINANCE

(a) Establishment, Scope - There shall be a department of municipal finance responsible for the performance of all of the fiscal and financial activities of the town. The department of municipal finance shall assume all of the duties and responsibilities related to fiscal and financial activities which prior to the adoption of the home rule charter were performed by or under the authority of the town accountant, the town treasurer-collector, the chief procurement officer, the board of assessors and it may have such additional powers, duties and responsibilities with respect to fiscal and financial related functions and activities as may from time to time be provided by ordinance.

(b) Director of Municipal Finance - The department of municipal finance shall be under the direct control and supervision of a director of municipal finance who shall be appointed by and who shall be responsible to the mayor. The director of municipal finance shall serve for an indefinite term. The director of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of municipal finance shall be responsible for the supervision and coordination of all activities of the department of municipal finance in accordance with state statutes, town ordinances, administrative code and rules and regulations. The director of municipal finance shall serve, ex officio, as the mayor may from time to time specify, as the town treasurer, collector, or treasurer-collector.

## 3 DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

(a) Establishment, Scope - There shall be a department of planning and community development responsible for the coordination of all the planning and development related activities of the town. The department of planning and community development shall be responsible for the coordination of all of the duties and responsibilities related to planning and development activities which prior to the adoption of the home rule charter were performed by or under the authority of the redevelopment authority, the planning board, the development and industrial commission, the industrial development financing authority, the board of appeals, and the conservation commission and it may have such additional powers, duties and responsibilities with respect to the coordination of planning and development related functions and activities as may from time to time be provided, by ordinance. Such ordinance may include in its scope the coordination of all land acquisition and land management proposals, economic development planning, community development block grants, the preparation of a comprehensive or master plan and maintenance of a centralized source of records, reports, statistical data and other planning and development related materials.

(b) Director of Planning and Community Development - The department of planning and community development shall be under the direct control and supervision of a director of planning and community development who shall be appointed by and who shall be responsible to the mayor. The director of planning and community development shall serve for an indefinite term. The director of planning and community development shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of planning and community development shall be responsible for the supervision and coordination of all activities of the department of planning and community development in accordance with state statutes, town ordinances, and rules and regulations.

#### 4 DEPARTMENT OF HUMAN RESOURCES

(a) Establishment, Scope - There shall be a department of human resources which shall be responsible for all personnel and employee related functions and activities of the town government and its administration. The department of human resources shall assume all of the duties and responsibilities related to human resources activities which prior to the adoption of the home rule charter were performed by or under the authority of the board of selectmen, town accountant, the town treasurer-collector, the personnel board, the personnel director and the heads of town agencies and it may have such additional powers, duties and responsibilities with respect to human resources related functions and activities as the town may from time to time provide, by ordinance.

(b) Director of Human Resources - The department of human resources shall be headed by a director of human resources who shall be appointed by and who shall be responsible to the mayor. The director of human resources shall serve for an indefinite term. The director of human resources shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of human resources shall be responsible for the supervision and coordination of all activities of the department of human resources in accordance with state statutes, town ordinances, and rules and regulations.

#### 5 DEPARTMENT OF MUNICIPAL LICENSES AND INSPECTIONS

(a) Establishment, Scope - There shall be a department of municipal licenses and inspections which shall be responsible for the coordination of all licensing and inspection functions performed by any town officer, employee or agent. The department of municipal licenses and inspections shall be responsible for the coordination of all of the licensing and inspection functions conducted by the town, including but not limited to those required under the zoning, wetlands protection, historic districts or any other town ordinance, the provisions of the Code of Massachusetts Regulations relating to buildings, electrical wiring, plumbing, gas fitting, sanitation, wetlands, fire protection and fire safety, hazardous materials, local regulations adopted by the board of health, conservation commission, historical commission, planning board or any other town agency, under any other title, performing any of the duties of any such multiple member body and every other local inspection as may be otherwise authorized or conducted, the licensing functions as provided in chapter one hundred thirty-eight and one hundred forty of the General Laws and including responsibilities with respect to the coordination of municipal licensing and inspection functions as the town may from time to time provide, by ordinance, and which may include the maintenance of all records relating to inspections in a central place through a common index, a single application process which would indicate all inspections which might be necessary for a particular project and provide for a consolidated, coordinated review and processing of each such application.

(b) Director of Municipal Licenses and Inspections - The department of municipal inspections shall be under the direct control and supervision of a director of municipal licenses and inspections who shall be appointed by and who shall be responsible to the mayor. The director of municipal licenses and inspections shall serve for an indefinite term. The director of municipal licenses inspections shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of municipal licenses and inspections shall be responsible for the supervision and coordination of all activities of the department of municipal licenses and inspections in accordance with state statutes, town ordinances, and rules and regulations. The director of municipal licenses and inspections shall in addition to the coordination responsibilities assigned by this provision also perform the duties of building inspector or of any other position within the department as the mayor may from time to time specify.

#### 6 DEPARTMENT OF PARK AND RECREATION

(a) Establishment, Scope - There shall be a department of park and recreation responsible for the coordination of all the park and recreation related activities of the town. The department of park and recreation shall be responsible for the coordination of all of the duties and responsibilities related to park and recreation activities which prior to the adoption of the Petition were performed by or under the authority of the world war Ii memorial pool committee, landfill reuse committee, youth center and grounds maintenance. It may have such additional powers, duties and responsibilities with respect to the coordination of park and recreation related functions and activities as may from time to time be provided, by ordinance.

(b) Director of Park and Recreation - The department of park and recreation shall be under the direct control and supervision of a director of park and recreation who shall be appointed by and who shall be responsible to the mayor. The director of park and recreation shall serve for an indefinite term. The director of park and recreation

shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of park and recreation shall be responsible for the supervision and coordination of all activities of the department of park and recreation in accordance with state statutes, town ordinances, and rules and regulations. The director of park and recreation shall also be responsible for the world war II memorial pool committee, landfill reuse committee, youth center and grounds maintenance.

7 DEPARTMENT OF MUNICIPAL SERVICES

(a) Establishment, Scope - There shall be a department of municipal services responsible for the coordination of all the municipal services activities of the town. The department of municipal services shall be responsible for the coordination of all of the duties and responsibilities related to municipal services activities which prior to the adoption of the charter were performed by or under the authority of council on aging, cultural council, fair housing, cable TV advisory committee, veterans agent and Richards memorial library. It may have such additional powers, duties and responsibilities with respect to the coordination of municipal services related functions and activities as may from time to time be provided, by ordinance.

(b) Director of Municipal Services - The department of municipal services shall be under the direct control and supervision of the mayor. The mayor shall be responsible for the supervision and coordination of all activities of the department of municipal services in accordance with state statutes, town ordinances, and rules and regulations. The director of municipal services shall also be responsible for the council on aging, cultural council, fair housing, cable TV advisory committee, veteran's agent and Richards Memorial Library.

(r) Until such time as another salary is established for the office of the mayor, in accordance with the procedure provided in section 3-1(c), the initial salary for the mayor of North Attleborough shall be established as the same sum which is provided for the position of town administrator for the fiscal year beginning on July 1, 2010. The initial salary for the members of the town council and the school committee shall be established at the same rate as is then being paid to members of the board of selectmen. The chair of the town council and the chair of the school committee shall receive the same compensation as is then being paid to the chair of the board of selectmen.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of North Attleborough at the town election to be held in the spring of 2010 in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: "Shall an act passed by the general court In the year 2009 entitled "An Act Relative to the Charter of the Town of North Attleborough" be accepted?" if a majority of the votes cast In answer to said question Is in the affirmative, the special act municipal charter contained In SECTION 2 of this act shall take effect, but not otherwise.

SECTION 4. This act shall take effect upon its passage.

Or to do or act in any manner relative thereto.

Ad Hoc Government Study Committee

**FINANCE COMMITTEE VOTE: 6-0-1**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the town vote to petition the general court for the enactment of a special law providing for a mayor and town council form of government for the Town of North Attleborough, substantially in the form as is provided in the draft of a proposed charter which is attached hereto and incorporated herein, the general court may make changes in the text of said charter proposal, provided the same are consistent with the general thrust of the charter attached thereto and are approved by the North Attleborough Government Study Committee.

PROPOSAL FOR SPECIAL ACT

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF NORTH ATTLEBOROUGH

**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 North Attleborough shall consist of the provisions of SECTION 2 of this act, provided the same is ratified and approved by the voters of said town at as provided in SECTION 3 of this act.

SECTION 2. The charter of the town of North Attleborough shall consist of the following articles:

**ARTICLE 1  
INCORPORATION; SHORT TITLE; POWERS; DEFINITIONS**

**SECTION 1-1: INCORPORATION**

The inhabitants of the Town of North Attleborough, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "Town of North Attleborough."

**SECTION 1-2: SHORT TITLE**

This instrument shall be known and may be cited as the North Attleborough Special Act Charter.

**SECTION 1-3: DIVISION OF POWERS**

The administration of the fiscal, business and municipal affairs of North Attleborough, with the government thereof, shall be vested in an executive/administrative branch headed by a mayor and a legislative branch to consist of a town council. The legislative branch shall never exercise any executive/administrative power and the executive/administrative branch shall never exercise any legislative power.

**SECTION 1-4: 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 general laws of the Commonwealth, it is the intention and the purpose of the voters of North Attleborough through the adoption of this charter to secure for themselves and 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 1-5: CONSTRUCTION**

The powers of the Town of North Attleborough 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 section 1-4.

**SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject only to express limitations in the constitution or general laws of the Commonwealth, North Attleborough 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 1-7: 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:

- (a) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.
- (b) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (c) **Emolument** – any advantage, profit or gain, received as a result of one's employment or one's holding of office.
- (d) **Full Council, Full Multiple Member Body** - The words "full council" or "full multiple member body" shall mean the entire authorized complement of the town council, school committee or other multiple member body notwithstanding any vacancy which might exist.

- (e) **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 two or more cities and or cities and towns of which North Attleborough is a member.
- (f) **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.
- (g) **Initiative Measure** - The words "initiative measure" shall mean a measure proposed by the voters through the initiative process provided under this charter.
- (h) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within North Attleborough, with either a weekly or a daily circulation.
- (i) **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 ordinance, by law, or by its own rules.
- (j) **Measure** - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the town council or the school committee.
- (k) **Multiple Member Body** - The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the town council or the school committee.
- (l) **Organization or Reorganization Plan** — The words "organization or reorganization plan" shall mean a plan submitted by the mayor to the town council 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. Such plan may be complex and consist of many parts, or, it may simple and brief.
- (m) **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 ordinance.
- (n) **Referendum Measure** - The words "referendum measure" shall mean a measure adopted by the town council or the school committee that is protested under the referendum procedures of this charter.
- (o) **Town.** - The word "town" shall mean the town of North Attleborough.
- (p) **Town Agency** - The words "town agency" shall mean any multiple member body, any department, division, or office of the town of North Attleborough.
- (q) **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.
- (r) **Town Officer** - The words "town officer" when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the town.
- (s) **Voters** - The word "voters" shall mean registered voters of the town of North Attleborough.

## ARTICLE 2 LEGISLATIVE BRANCH

### SECTION 2-1: COMPOSITION TERM OF OFFICE

(a) *Composition* - There shall be a town council of nine members which shall exercise the legislative powers of the town. Four of these members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Five of these members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the five districts into which the town is divided, in accordance with section 7-5.

(b) *Term of Office* - The term of office for all town councillors shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.

(c) *Eligibility*- Any voter shall be eligible to hold the office of councillor-at-large. A district councillor shall at the time of election be a voter of the district from which elected, provided, however, if any district councillor shall during the first forty two months of the term of office remove to another district in the town such office shall be deemed vacant and the balance of the unexpired term shall be filled in the manner provided in section 2-11. If such removal occurs after the first forty-two months of the term of office such councillor may continue to serve for the balance of the term for which elected. If a councillor-at-large or a district councillor removes from the town during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 2-11.

## **SECTION 2-2: COUNCIL CHAIR**

(a) *Election and Term* - As soon as practicable after the councillors-elect have been qualified following each biennial election, as provided in section 8-10, the members of the town council shall elect from among its members a council chair who shall serve until the council reorganizes following the next biennial town election.

(b) *Powers and Duties* - The council chair shall preside at all meetings of the town council, regulate its proceedings and shall decide all questions of order. The council chair shall appoint all members of all committees of the town council, whether special or standing. The council chair shall have the same powers to vote upon all measures coming before the town council as any other member of the town council. The council chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the town council.

(c) *Council Vice-Chair* - The members of the town council shall also elect from among its members a council vice-chair who shall serve as acting chair during the temporary absence or disability of the council chair who shall serve until the council reorganizes following the next biennial town election. The powers of an acting council chair shall be limited to only those powers of the office indispensably essential to the performance of the duties of the office during the period of any temporary absence or disability of the council chair, and no others.

## **SECTION 2-3: PROHIBITIONS**

(a) *Holding Other Town Office or Position* - No member of the town council shall, during the term for which elected, hold any other town office or town employment for which a salary or other emolument is payable from the town treasury. No former member of the town council shall hold any compensated, appointed town office or appointed town employment until one year following the date on which such former member's service on the town council has terminated. This provision shall not prevent a town officer or other town employee who has taken a leave of absence in order to serve as a member of the town council from returning to the same office or position of town employment held at the time such leave of absence commenced, provided, however no such person shall be eligible for any other municipal position until at least one year following the termination of service as a member of the town council

(b) *Interference with Administration* — Except for the purpose of inquiries and investigations pursuant to section 2-7, the town council and its members shall deal with the officers and employees serving under the mayor, solely through the mayor, and neither the town council nor any member of the town council shall give orders or directions to any such officer or employee, either publicly or privately.

## **SECTION 2-4: COMPENSATION, EXPENSES**

(a) *Salary* -The members of the town council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of town councillors shall be effective unless it shall

have been adopted at least six months prior to the date of the biennial town election and it provides that such salary is to take effect upon the organization of the town government following the next municipal election.

(b) *Expenses* - Subject to appropriation and to prior authorization, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

#### **SECTION 2-5: GENERAL POWERS**

Except as otherwise provided by general law or by this charter, all powers of the town shall be vested in the town council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the town by law.

#### **SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES**

(a) *Exercise of Powers* - Except as otherwise provided by general law or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.

(b) *Quorum* - The presence of five members shall constitute a quorum for the transaction of business, a smaller number may only vote to set a new date and time for a meeting. Except as otherwise provided by general law or by this charter the affirmative vote of five members shall be required to adopt any ordinance or appropriation order.

(c) *Rules of Procedure* - The town council shall from time to time adopt rules regulating to its procedures, which shall be in addition to the following:

- (v) Regular meetings of the town council shall be held at a time and place fixed by ordinance.
- (vi) Special meetings of the town council shall be held at the call of the council chair, or, on the call of any four or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council chair shall be judge, such notice shall be delivered at least forty-eight weekday hours in advance of the time set for such meeting. A copy of the notice to members shall, forthwith, be posted upon the town bulletin boards.
- (vii) All sessions of the town council and of every committee or sub-committee thereof, shall at all times be open to the public and to the press, unless another provision is made by law.
- (viii) A full, accurate, up-to-date account of the proceedings of the town council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. The minutes of any, so-called, executive session shall be made available forthwith upon the expiration of the basis on which such executive session was held.
- (v) All business which is to come before the town council shall first be assigned to a standing committee for study and a report with its recommendations to the full council.

#### **SECTION 2-7: ACCESS TO INFORMATION**

(a) *In General* - The town council may make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

(b) *Town Officers, Members of Town Agencies, Employees* - The town council may require any town officer, 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.

(c) *Mayor* - The town council may require the mayor to provide specific information to it on any matter within the jurisdiction of the town council. The town council may require the mayor to appear before it, in person, to

respond to written questions made available to the mayor at the time the request to attend is made to the mayor to provide specific information on the conduct of any aspect of the business of the town. The mayor may bring to such meeting any assistant, department head or other town officer or employee the mayor may deem necessary to assist in responding to the questions posed by the town council.

(d) *Notice*- The town council shall give not less than five days notice to any person it may require to appear before it under the provisions of this section. 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 in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of any such person.

## **SECTION 2-8: OFFICERS ELECTED BY TOWN COUNCIL**

(a) *Town Auditor*- The town council shall choose a town auditor to serve for a term of two years and until a successor is chosen and qualified. The town auditor shall conduct, or cause to be conducted, financial and performance audits following government auditing standards as promulgated by the Comptroller-General of the United States. The town auditor shall make periodic reports to the town council in such detail and with such frequency as the town council shall, by ordinance, by rule or by other vote, direct. All officials of the town shall cooperate with the town auditor in the performance of this audit function. The town auditor shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the town council.

(b) *Town Clerk*- The town council shall elect a town clerk to serve for a term of two years and until a successor is chosen and qualified. The town clerk shall, with the approval of the town council, appoint an assistant town clerk to serve coterminously with the town clerk. The town clerk shall be the keeper of vital statistics for the town; the custodian of the town seal; shall administer the oath of office to all persons, elected or appointed, to any town office; shall issue such licenses and permits as are required by law to be issued by town clerks; supervise and manage the conduct of all elections and all other matters relating to elections; may, if so designated by the town council, be the clerk of the town council, keep its records and give notice of all of its meetings to its members and to the public. The town clerk shall have such other powers and duties as are given to municipal clerks by general law, by this charter, by ordinance or by other vote of the town council.

(c) *Clerk of the Council*- The town council shall elect a clerk of the council, who may be the town clerk, to serve for a term of two years and until a successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as may be provided by ordinance or by other vote of the town council.

(d) *Salaries/Compensation* - The officers appointed or elected by the town council shall receive such salaries or other compensation as may from time to time be provided for such office, by ordinance.

(e) *Removal/Suspension* - Any person appointed or elected by the town council may be removed or suspended by the town council by the use of procedures substantially the same as those contained in the personnel ordinance for the removal of other town employees.

## **SECTION 2-9: ORDINANCES AND OTHER MEASURES**

(a) *Emergency Ordinances* - No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property. No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to such ordinance, separately voted upon and receiving the affirmative vote of seven or more members of the town council.

Emergency ordinances shall stand repealed on the sixty-first day 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.

(b) *Measures, In General*- The town council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, provided that no member of the town council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting

of the town council. On the first occasion that the question of adopting any measure is put to the town council, except an emergency measure as defined in section 2-9(a), if a single member objects to the taking of a vote, the vote shall be postponed until the next meeting of the town council regular or special. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.

(c) *Publication* - Every proposed ordinance, appropriation order or loan authorization (except emergency ordinances as provided in section 2-9(a)), shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least ten days before its final passage. After final passage it shall be posted on the town bulletin board and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances 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 newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least ten days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

#### **SECTION 2-10: COUNCIL REVIEW OF CERTAIN APPOINTMENTS**

The mayor shall submit to the town council the name of each person the mayor desires to appoint to any town office, as a department head, or as a member of a multiple-member body, but not including any position which is subject to the civil service law. The town council shall refer each such name as is submitted to it to a standing committee of the town council which shall investigate each such candidate for appointment and may make a report, with recommendations, to the full town council not less than seven nor more than twenty-one days following such referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the town council, to give such information relevant to such appointment as the committee, or the town council, may require.

Appointments made by the mayor shall become effective on the thirtieth day following the date on which notice of the proposed appointment was filed with the clerk of the council, unless eight members of the town council shall within the said thirty days vote to reject such appointment, or unless the town council has sooner voted to affirm the appointment. Rejection by the town council shall require a two-thirds vote of the full council (six members so voting). The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section 2-9 (b) of this charter,

#### **SECTION 2-11: FILLING OF VACANCIES**

(a) *Councillor-at-Large* - If a vacancy shall occur in the office of councillor-at-large during the first eighteen months of the term for which councillors are elected, or after the twenty second month but before the forty second month, the vacancy shall be filled in descending order of votes received by the candidate for the office of councillor-at-large at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of councillor-at-large at the said election. The town clerk shall certify such candidate to the office of councillor at-large to serve for the balance of the then unexpired term.

If a vacancy shall occur in the office of councillor-at-large after the first eighteen months of the term for which councilors are elected, but before the twenty-fourth month, or during the last six months of the term for which councillors-at-large are elected, such vacancy shall be filled by the person at the biennial town election who receives the highest number of votes for the office of councillor-at-large and who is not then serving as a member of the town council. Such person shall forthwith be certified and shall serve for the last two months of the calendar year in addition to the term for which such person was elected.

(b) *District Councillor*- If a vacancy shall occur in the office of district councillor it shall be filled in the same manner as provided in section 2-11(a) for the office of councillor-at-large except that the list shall be of the candidates for the office of district councillor in the district in which the vacancy occurs, provided however, if there be no candidate on such list who remains eligible and willing to serve the next highest ranking candidate from among the candidates for election to the council at large who is a resident of the district in which the vacancy exists

shall be certified and shall serve until the next regular election provided such candidate remains a resident of the district, is willing to serve as a district councillor and received votes in the district at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of district councillor at the said election. The town clerk shall certify such candidate to the office of district councillor to serve for the balance of the then unexpired term.

(c) *Filling of Vacancies By Town Council* - Whenever a vacancy shall occur in the office of councillor-at-large or in that of district councillor and there is no available candidate to fill such vacancy in the manner provided in section 2-11 (a) or (b), the vacancy shall be filled by the remaining members of the town council. Persons elected to fill a vacancy by the town council shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as town councillors under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

### **ARTICLE 3 EXECUTIVE BRANCH**

#### **SECTION 3-1: MAYOR: QUALIFICATIONS; TERM OF OFFICE COMPENSATION**

(a) *Mayor, Qualifications* -- The chief executive officer of the town shall be a mayor, elected by and from the voters of the town at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be engaged in any other business, occupation or profession during the period of service as mayor.

(b) *Term of Office* - The term of office of the mayor shall be four years beginning on the first business day of January following the biennial town election at which chosen and until a successor is qualified.

(c) *Compensation* - The town council shall, by ordinance, establish an annual salary for the mayor. No ordinance altering the salary of the mayor shall be effective unless it shall have been adopted in the first forty-two months of the term for which the mayor is elected and it provides that such salary is to become effective in January of the year following the next biennial town election.

(d) *Expenses* - Subject to appropriation, the mayor shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.

(e) *Prohibitions* - The mayor shall hold no other town office or town employment for which a salary or other emolument is payable from the town treasury. No former mayor shall hold any compensated appointed town office or town employment until one year following the date on which such former mayor's town service has terminated.

#### **SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES**

The executive powers of the town shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several town agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, the laws, the ordinances and other orders for the government of the town to be enforced, and shall cause a record of all official acts of the executive branch of the town government to be kept.

The mayor shall exercise a general supervision and direction over all town agencies, unless otherwise provided by law, by the charter or by ordinance. Each town agency shall furnish to the mayor, forthwith upon request, any information, materials or otherwise as the mayor may request and as the needs of the office of mayor and the interest of the town may require.

The mayor shall supervise, direct and be responsible for the efficient administration of all town activities and functions placed under the control of the mayor by law, by this charter, by ordinance or otherwise. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the town of North Attleborough and for this purpose shall have authority consistent with law, to call together for consultation, conference and discussion at reasonable times all persons serving the town, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise.

The mayor shall be, by virtue of the office, a member of every multiple member body of the town. The mayor shall have a right, as such ex officio member, to attend any meeting of any multiple member body of the town, at any time, including, so called, executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote. The mayor shall serve as a member of the school committee in accordance with article 4 of this charter.

### **SECTION 3-3: APPOINTMENTS BY THE MAYOR**

The mayor shall appoint, subject to the review of such appointments by the town council as provided in section 2-10, all town officers, department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the town council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for indefinite terms. All persons categorized as department heads shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which such person is responsible.

All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which chosen.

### **SECTION 3-4 REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS**

(a) *Town Officers and Department Heads* - The mayor may, in writing, remove or suspend any town officer, or the head of any town department appointed by the mayor by filing a written statement, with the town clerk, setting forth in precise detail the specific reasons for such removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the said town officer, or head of a department. The procedures to be followed by the mayor shall be in accordance with the procedures established for suspension and removal of town employees generally, in the personnel ordinance. The decision of the mayor to suspend or remove any department head, assistant, subordinate or other employee shall be final. Nothing in this section shall be construed to be a bar to any other review as may be provided in any applicable collective bargaining agreement, or by law.

(b) *Other Town Employees* -- Unless some other procedure is specified in a collective bargaining agreement or by the provisions of the civil service law, a department head may suspend or remove any assistant, subordinate or other employee of the agency for which such person is responsible in accordance with the procedures established for suspension and removal in the personnel ordinance. The decision of the department head to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department head has determined a suspension or removal is appropriate may seek review of such determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within ten days following receipt of notice of such determination. The review by the mayor shall follow the procedures established for suspension and removal in the personnel ordinance. The decision of the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review as may be provided in any applicable collective bargaining agreement, or by law.

### **SECTION 3-5: TEMPORARY APPOINTMENTS TO TOWN OFFICES**

Whenever a vacancy, either temporary or permanent, occurs in a town office and the needs of the town require that such office be filled, the mayor may designate the head of another town agency or a town officer or town employee, or some other person to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the town clerk, whenever a person is designated under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said

person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the town of North Attleborough.

(signed) Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office indispensably essential to the performance of the duties of the office during the period of such temporary appointment and no others. No temporary appointment shall be for more than ninety days, provided, however, not more than one thirty day extension of a temporary appointment may be made when a permanent vacancy exists in the office.

### **SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS**

(a) *Communications to the Town Council* - Within twelve weeks following the start of each fiscal year the mayor shall submit to the town council, and make available for public distribution, a complete report on the financial and administrative activities of the town for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the town council for its consideration such measures as, in the judgment of the mayor, the needs of the town require. The mayor shall, from time to time throughout the year by written communications, keep the town council fully informed of the financial and administrative condition of the town and shall specifically indicate in any such reports any fiscal, financial or administrative problems of the town.

(b) *Special Meetings of the Town Council* - The mayor may at any time call a special meeting of the town council, for any purpose, by causing a notice of such meeting to be delivered in hand or to the place of business or residence of each member of the town council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight hours (including Saturdays, but not Sundays or legal holidays) in advance of the time set, and shall specify the purpose, or purposes, for which the meeting is to be held. A copy of each such notice shall, forthwith, be posted on the town bulletin board.

### **SECTION 3-7: APPROVAL OF MAYOR, EXCEPTION (VETO)**

Every order, ordinance, resolution or vote adopted or passed by the town council relative to the affairs of the town, except memorial resolutions, the selection of town officers by the town council and any matters relating to the internal affairs of the town council, shall be presented to the mayor for approval. If the mayor approves of the measure the mayor shall sign it; if the mayor disapproves of the measure the mayor shall return the measure, with the specific reason or reasons for such disapproval attached thereto, in writing, to the town council. The town council shall enter the objections of the mayor on its records, and not sooner than ten days, nor after thirty days from the date of its return to the town council, shall again consider the same measure. If the town council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the town council within ten days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

### **SECTION 3-8: TEMPORARY ABSENCE OF THE MAYOR**

(a) *Acting Mayor*- Whenever, by reason of sickness, absence from the town or other cause, the mayor shall be unable to perform the duties of the office for a period of more than ten successive working days, the chair of the town council shall be the acting mayor. In the event of the absence or disability of the chair of the town council, the vice-chair of the town council shall serve as acting mayor.

The mayor shall, by a letter filed with the town council and a copy filed with the town clerk, designate a qualified town officer or town employee to serve as acting mayor during the temporary absence of the mayor for periods of ten days or less and to serve only when the needs of the town require and only to the extent necessary under the then circumstances. If no such letter is on file then the council chair shall be the acting mayor.

(b) *Powers of Acting Mayor* - The acting mayor shall have only those powers of the mayor as are indispensably essential to the conduct of the business of the town in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from town service unless the disability of the mayor shall extend beyond sixty days nor shall an acting mayor approve or disapprove of any measure adopted by the town council unless the time within which the mayor must act would

expire before the return of the mayor. During any period in which any member of the town council is serving as acting mayor, such councillor shall not vote as a member of the town council.

### **SECTION 3- 9: DELEGATION OF AUTHORITY BY MAYOR**

The mayor may authorize any subordinate officer or employee of the town to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor and the mayor may rescind or revoke any such authorizations previously made, provided, however, that all acts performed under any such delegation of authority during such period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the power of appointment to town office or employment or to sign or return measures approved by the town council.

### **SECTION 3-10: VACANCY IN OFFICE OF MAYOR**

(a) *Special Election* - If a vacancy in the office of mayor occurs during the first three years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the town council shall forthwith, in the manner provided in section 7-1, order a special election to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then unexpired term.

(b) *Council Election* - If a vacancy in the office of mayor occurs after the forty-second month of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, or otherwise, the chair of the town council shall become the mayor. Upon the qualification of the chair of the town council as the mayor, under this section, a vacancy shall exist in that council seat on the town council which shall be filled in the manner provided in section 2-11. A council chair serving as mayor under this sub-section shall not be subject to the restrictions contained in the third sentence of section 3-1(a), nor shall such person be entitled to have the words "candidate for re-election" printed against their name on the election ballot.

(c) *Powers, Term of Office* - The mayor elected under Section 3-9(a) or (b) shall have all the powers of the mayor. A person elected pursuant to subsection (a), above, shall serve for the balance of the term unexpired at the time of election to the office. A person chosen pursuant to subsection (b), above, shall serve until the time of the next regular election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

## **ARTICLE 4 OTHER ELECTED DEPARTMENTS**

### **SECTION 4-1: SCHOOL COMMITTEE**

(a) *Composition, Term of Office*- There shall be a school committee which shall consist of seven members. Six of these members shall be nominated and elected by and from the voters of the town at large. The mayor shall serve, by virtue of office, as the seventh member of the school committee with all of the same powers and duties as the members elected by the voters as school committee members.

(b) *Term of Office* - The term of office for the six school committee members elected by the voters as school committee members shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that three such terms are to be filled at each biennial election.

(c) *Eligibility*- A school committee member shall at the time of election be a voter. If a school committee member removes from the town during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in section 4-6.

### **SECTION 4-2: SCHOOL COMMITTEE CHAIR**

(a) *Election and Term* - As soon as practicable after the school committee members-elect have been qualified following each biennial town election, as provided in section 8-10, the school committee shall organize by electing one of the persons elected to the office of school committee member to serve as school committee chair who shall serve until the school committee reorganizes following the next biennial town election.

(b) *Powers and Duties* - The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and shall decide all questions of order. The school committee chair shall appoint all members of all committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the school committee.

#### **SECTION 4-3: PROHIBITIONS**

No member of the school committee shall hold any other town office or town employment for which a salary or other emolument is payable from the town treasury.

No former member of the school committee shall hold any compensated appointed town office or town employment until one year following the date on which such member's service on the school committee has terminated.

#### **SECTION 4-4: COMPENSATION, EXPENSES**

(a) *Salary* - The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted during the first eighteen months of the period following the organization of the town government following a biennial town election and it provides that such salary is to take effect upon the organization of the town government following the next municipal election.

(b) *Expenses* - Subject to appropriation and to prior authorization, the school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

#### **SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES**

The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

1) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of said superintendent, to establish and appoint assistant or associate superintendents as provided in section fifty-nine of chapter seventy-one of the General Laws;

2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;

3) To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town council.

The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; provided, however, the town council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

#### **SECTION 4-6: FILLING OF VACANCIES**

(a) *Runner-Up to Succeed to Office* - If a vacancy shall occur in the office of school committee member the vacancy shall be filled in descending order of votes received by the candidate for the office of school committee member at the preceding town election who received the largest number of votes without being elected, provided such person remains eligible and willing to serve and provided such person received votes at least equal to thirty percent of the vote total received by the person receiving the largest number of votes for the office of school

committee member at the said election. The town clerk shall certify such candidate to the office of school committee member to serve for the balance of the then unexpired term, provided, however, if the vacancy occurs during the first eighteen months of the term for which school committee members are elected the person so chosen shall serve only until the next biennial election at which election the remainder of the term shall be filled by the voters. If a vacancy shall occur in the office of school committee member during the last six months of the term for which councillors-at-large are elected, such vacancy shall be filled by the person at the biennial town election who receives the highest number of votes for the office of school committee member and who is not then serving as a member of the school committee. Such person shall forthwith be certified and shall serve for the last two months of the concluding term in addition to the term for which such person was elected.

*(b) Filling of Vacancies By School Committee* - Whenever a vacancy shall occur in the office of school committee member and there is no available candidate to fill such vacancy in the manner provided in section 4.6 (a), the vacancy shall be filled by the remaining members of the school committee. Persons elected to fill a vacancy by the school committee shall serve only until the next regular election at which time the vacancy shall be filled by the voters and the person chosen to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term in addition to the term for which elected. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for re-election" printed against their names on the election ballot.

#### **SECTION 4-7 BOARD OF ELECTRIC COMMISSIONERS**

*(a) Composition, Term of Office* - There shall be a board of electric commissioners which shall consist of three members.

*(b) Term of Office* -The term of office for a board of electric commissioner shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.

*(c) Eligibility* - A board of electric commissioner shall at the time of election be a voter. If a board of electric commissioner removes from the town during the term for which elected such office shall immediately be deemed vacant.

*(d) Vacancies* — Vacancies on the board of electric commissioners shall be filled in the same manner as that provided in section 4-6 for filling vacancies on the school committee. In construing section 4-6 for such purpose the words "board of electric commissioners" shall be understood to replace the words "school committee" wherever the said words appear.

#### **SECTION 4-8: MUNICIPAL LIGHT DEPARTMENT**

The board of electric commissioners shall appoint a manager of municipal lighting who shall have all of the powers, duties and responsibilities which are assigned to such officers by section fifty-six of chapter one hundred sixty-four of the General Laws. The municipal light department shall have all of the powers, duties, rights and privileges as are assigned to or incumbent upon municipal electric departments pursuant to sections thirty-four to sixty-nine of chapter one hundred and sixty-four of the general Laws and such other sections of said chapter as may be applicable.

### **ARTICLE 5 ADMINISTRATIVE ORGANIZATION**

#### **SECTION 5-1: ORGANIZATION OF TOWN AGENCIES**

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

**(a) Ordinances** - Subject only to express prohibitions in a general law or the provisions of this charter, the town council may, by ordinance, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

**(b) Administrative Code** - The mayor may from time to time prepare and submit to the town council plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the mayor prepares such a plan the mayor shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time, not later than fourteen days following said publication, and the place at which the public hearing will be held. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town council for its consideration.

The administrative code, subject only to express prohibitions in a general law, or this charter, may reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

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

An organization or reorganization plan shall become effective at the expiration of sixty 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. An organization or reorganization plan shall become effective on the date specified in any plan which has been approved by majority vote of the town council .

#### **SECTION 5-2: MERIT PRINCIPLE**

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

#### **SECTION 5-3 BOARD OF LICENSE COMMISSIONERS**

**(a) Powers and Duties** - There shall be a board of license commissioners which shall have the power to issue licenses for inn holders or common victuallers, the powers of a licensing board appointed under section four of chapter one hundred and thirty-eight of the General Laws, and which shall be the licensing authority for the purposes of chapter one hundred and thirty-eight and chapter one hundred and forty of the General Laws and which shall have all of the other powers with respect to licenses which prior to the adoption of the home rule charter were exercised by the board of selectmen. The board of licensing commissioners may grant licenses relating to alcoholic beverages under chapter one hundred and thirty-eight of the General Laws and those licenses under chapter one hundred and forty of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and it shall have all the powers and duties of a licensing authority under said chapters.

**(b) Composition of Board** - The town clerk, the inspector of buildings, the health agent, the fire chief and the police chief (or persons performing similar duties under any other title) shall serve by virtue of their offices and without additional compensation as the members of the board of license commissioners. The town clerk shall serve as chair of the board of license commissioners.

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

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

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

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

(a) *Public Hearing* - At least twenty-one days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. It shall further indicate the times and places at which complete copies of its draft proposed budget are available for examination by the public, and the date, time and place, not less than seven nor more than fourteen days following such publication, when a public hearing will be held by the school committee on the proposed budget. The school committee shall not take its final vote on its proposed budget until all persons who desire to be heard concerning the budget proposal have had a reasonable opportunity to be heard.

(b) *Submission to Mayor* - The proposed budget adopted by the school committee shall be submitted to the mayor at least twenty-one days before the date the mayor is required to submit a proposed town budget to the town council, to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total town operating budget the mayor is required to submit to the town council under this article. The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

## **SECTION 6-3: SUBMISSION OF BUDGET AND BUDGET MESSAGE**

All town officers, department heads and other spending authorities shall transmit their budget requests for the ensuing fiscal year to the mayor not later than January 15, unless the mayor shall request an earlier submission. The mayor shall submit a preliminary budget estimate to the town council, for informational purposes only, on or before the first day of March, annually. Not later than sixty days before the start of the town's fiscal year, the mayor shall submit to the town council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide for the publication in a local newspaper of a notice and a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the town are available for examination by the public.

## **SECTION 6-4: BUDGET MESSAGE**

The budget message of the mayor shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current fiscal year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the mayor deems desirable, or as may be required by the provisions of a town ordinance.

## **SECTION 6-5: THE BUDGET**

The proposed operating budget shall provide a complete financial plan for all town funds and town activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form which the mayor deems desirable or as a town ordinance may require. In the presentation of the budget, the mayor shall utilize modern concepts of fiscal presentation so as to furnish an optimum level of information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and from all other sources and all proposed expenditures, including debt service, for the fiscal year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position, in terms of work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure;
- (3) The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under section 6-10; and

(4) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

#### **SECTION 6- 6: ACTION ON THE BUDGET**

(a) *Public Hearing* - Forthwith upon its receipt of the proposed operating budget the town council shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted by the mayor. To enable the voters of North Attleborough to be as fully informed as is possible on the items contained in the proposed budget and on the legislative activities of the town council, the public hearing on the mayor's proposed budget shall be held in the form of a town meeting. The council chair shall preside and govern the proceedings at each such meeting.

(b) *Review* - The town council shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The town council may require the mayor, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) *Action by Town Council* - The town council shall adopt the budget, with or without amendments, within ninety days following the day the proposed budget is received by it. In amending the budget, the town council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but, the town council shall have no authority to add programs or increase amounts. If the town council fails to take any action with respect to any item in the proposed budget within ninety days following the date of its receipt of the proposed budget, such amount shall, without any action by the town council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

#### **SECTION 6-7: SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS**

Whenever the mayor shall submit to the town council a request for a new appropriation of any sum of money, either as a supplement to some item in the annual operating budget or for an item, or items, not included in the annual operating budget as adopted, the town council shall not act upon such request until it has (1) given notice by publication in a local newspaper of the request, and (2) held a public hearing concerning such request. The publication of the notice and the public hearing shall be generally in conformity with the provisions of section 6-6 concerning the proposed annual operating budget.

#### **SECTION 6-8: ALLOTMENTS**

On or before August first of each year, or within ten days after the approval by the town council and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the town officials in charge of departments or agencies including the superintendent of schools for the school department, shall submit to the chief financial officer, with a copy to the town clerk, in such form as the chief financial officer may prescribe, an allotment schedule of the appropriations of all personnel categories included in said budget, indicating the amounts to be expended by the department or agency for such purposes during each of the fiscal quarters of said fiscal year, or such shorter time periods as the mayor or chief financial officer, may prescribe.

Whenever said chief financial officer determines that any department or agency including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to such effect to the department head, the mayor, the town solicitor, and to the town clerk who shall forthwith transmit the same to the town council. Upon such a determination and notice thereof, said chief financial officer shall provide such officers additional reports on at least a monthly basis indicating the status of such accounts.

The mayor, within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for such period is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of such period. All actions, notices, and decisions provided for in this section shall be transmitted to the town council and the town clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid for such department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages, or salaried or other personnel expenses which expenditure in excess of the allotment shall be a violation of this section by the department or agency head, including the superintendent of schools and the school committee. If the continued payment of wages, salaries or other personnel expenses is not approved in a period where a department head has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its appropriation for a fiscal year, the town shall have no obligation to pay such personnel cost or expense arising after such allotment or appropriation has been exhausted.

#### **SECTION 6-9: PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATIONS**

No official of the Town of North Attleborough, except in the case of an emergency 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 thirty-one of chapter forty-four of the General Laws shall be strictly enforced.

Any official who violates the provisions of this section shall be personally liable to the town for any amounts so expended to the extent the town does not recover such amounts from the person to whom such sums were paid.

#### **SECTION 6-10: CAPITAL IMPROVEMENT PROGRAM**

The mayor shall submit a capital improvement program to the town council at least one hundred twenty days before the start of each fiscal year. The capital outlay program shall be based on material prepared by the capital planning committee established by ordinance. It shall include:

- a clear and concise general summary of its contents;
- a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- cost estimates, methods of financing and recommended time schedules for each improvement;
- the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

#### **SECTION 6-11: INDEPENDENT AUDIT**

The town council shall annually provide for an outside audit of the books and accounts of the town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The mayor shall annually provide to the town council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the town council. The award of a contract to audit shall be made by the town council, on the recommendation of its budget/management committee on or before September fifteenth of each year. The budget/management committee shall coordinate the work of the individual or firm selected with the municipal officials. The report of the audit shall be filed in final form with the town council and the budget/management committee not later than March first in the year following its award.

### **ARTICLE 7**

#### **ELECTIONS AND ELECTION RELATED MATTERS**

#### **SECTION 7-1: TOWN ELECTIONS: GENERAL, PRELIMINARY**

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

A preliminary election for the purpose of nominating candidates shall be held on the third Tuesday in September in each odd numbered year, provided, however the town clerk may, with the approval of the town council, reschedule such election to the fourth Tuesday to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted twenty-eight days preceding the date established for such special election.

#### **SECTION 7-2: 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 7-3: 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 mayor not less than one hundred fifty such signatures, provided, however, that at least twenty signatures must be certified from each district; for the office of councillor-at-large or school committee member, not less than one hundred fifty such signatures, provided, however, that at least twenty signatures must be certified from each district; for the office of district councillor not less than one hundred such signatures, all of which shall be from the district from which the nomination is sought.

(b) *Ballot Position* - 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.

(c) *Determination of Candidates* - The two 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 two 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 their 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 be printed on such ballots the names of candidates exceeding twice the number to be elected.

(d) *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 town clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the town clerk 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 town clerk 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 to be used in any particular district or districts of the town, no preliminary election shall be held in such district or districts.

#### **SECTION 7-4: BALLOT POSITION, REGULAR TOWN ELECTION**

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 drawing shall be open to the public.

#### **SECTION 7-5: DISTRICTS**

The territory of the town shall be divided into five districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of voting precincts established in accordance with general laws. The town council shall from time to time, but at least once in each ten years, review such districts to insure their uniformity in number of inhabitants.

## **SECTION 7-6: APPLICATION OF STATE GENERAL LAWS**

Except as expressly provided in this charter and authorized by law, 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.

## **SECTION 7-7: PETITIONS TO 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 one hundred voters, or more, and which seeks the passage of a measure. The hearing shall be held by the town council or the school committee, or, in either case, by a committee or subcommittee thereof, and the action by the town council or the school committee shall be taken not later than three 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 two or more petitions filed under this section may be held on the same date and 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 ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice, by publication in a local newspaper not less than seven nor more than fourteen days prior to the date set for the public hearing shall be at public expense,

## **SECTION 7-8: CITIZEN INITIATIVE MEASURES**

(a) *Commencement* - Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the town council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least two hundred voters provided, however, that at least twenty signatures must be certified from each district. The petition shall be accompanied by an affidavit signed by ten voters and containing their residential addresses stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) *Referral to Town Solicitor* - The clerk of the council or the secretary of the school committee, as the case may be, shall forthwith following receipt of each such proposed petition deliver a copy of the petition to the town solicitor. The town solicitor shall, within fifteen days following receipt of a copy of the petition, in writing, advise the town council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the town council or the school committee. If the opinion of the town solicitor is that the measure is not in proper form the reply shall state the reasons for such opinion, in full. A copy of the opinion of the town solicitor shall also be mailed to the person designated as clerk of the petitioners committee.

(c) *Submission to Town Clerk* - If the opinion of the town solicitor is that the petition is in a proper form the town clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the town solicitor, together with the names and addresses of the first ten voters who signed the originating petition. Within forty-five days following the date the blank forms are issued by the town clerk the petitions shall be returned and filed with the town clerk signed by at least ten per cent of the total number of voters as of the date of the most recent town election. The signatures on such petitions shall contain the names of at least five percent of the voters in each of the districts into which the town is divided for the purpose of elections. Signatures to an initiative petition need not all be on one paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within ten days following the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent town election. The town clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the clerk of the council, or the secretary of the school committee, according to how the petition is addressed. A copy of the board of registrars of voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.

(d) *Action on Petitions* - Within thirty days following the date a petition has been returned to the clerk of the council, or the secretary of the school committee, and after publication in accordance with the provisions of section

3-9(c), the town council or the school committee shall act 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 with respect to any initiative measure which is presented to it within thirty days following the date it is returned to it, the measure shall be deemed to have been rejected on such thirtieth day. If an initiative measure is rejected, the clerk of the council, or the secretary of the school committee, shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.

(e) *Supplementary Petitions* - Within sixty days following the date an initiative petition has been rejected a supplemental initiative petition may be filed with the clerk of the 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 number of additional voters which is equal to five percent of the total number of voters as of the date of the most recent town election. If the number of signatures to such supplemental petition is found to be sufficient by the town clerk, the town council shall call a special election to be held on a date fixed by it not less than thirty nor more than ninety days following the date of the certificate of the town clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other town election is to be held within one hundred and twenty days following the date of the said certificate, the town council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters.

(f) *Publication* - The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than seven nor more than fourteen days preceding the date of the election at which such 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.

(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 a fair, concise summary prepared by the petitioners, and approved by the town solicitor.)

\_\_\_\_\_ 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 forthwith, unless a later date is specified in such measure.

#### **SECTION 7-9: CITIZEN REFERENDUM PROCEDURES**

(a) *Petition, Effect on Final Vote* - If, within twenty-one days following the date on which the town council or the school committee has voted finally to approve of any measure a petition signed by a number of voters equal to ten percent of the total number of voters as of the date of the most recent general town election and addressed to the town council or to the school committee as may be, protesting against the measure or any part thereof is filed with the secretary of the school committee or clerk of the council the effective date of such 'measure shall be temporarily suspended. The school committee or the town council shall forthwith reconsider its vote on such measure or part thereof, and, if such 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, or within such time as may be requested by the school committee, or at the next regular town election, but pending such submission and determination the effect of such measure shall continue to be suspended.

(b) *Certain Initiative Provisions to Apply*- The petition described in this section shall be termed a referendum petition and insofar as applicable the provisions of section 7-7 shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections. The measure, or part thereof protested against, shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

#### **SECTION 7-10: 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 in conformity with the charter;
- (3) the town budget or the school committee budget as a whole;
- (4) revenue loan orders;
- (5) any appropriation for the payment of the town's debt or debt service;
- (6) an appropriation of funds to implement a collective bargaining agreement;
- (7) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- (8) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures;
- (9) any proceedings providing for the submission or referral to the voters at an election; and
- (10) memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

#### **SECTION 7-11: SUBMISSION OF OTHER MATTERS TO VOTERS**

The town council may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular town election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

#### **SECTION 7- 12: CONFLICTING PROVISIONS**

If two or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

#### **SECTION 7-13: RECALL ELECTIONS**

(a) *Application* - Any person holding an elected town office may be recalled from such office by the voters in accordance with the procedures made available in this section.

(b) *Recall Petition*

(1) Office Elected by Voters at Large - Four hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names of at least eighty voters in each of the districts into which the town is divided for the purpose of elections.

(2) Office Elected by Voters by District - One hundred or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on such affidavit shall contain the names only of voters in the district from which the officer was elected.

(3) At Large, or by District -If the affidavit is found to be valid the town clerk shall thereupon deliver to the first ten persons named on said affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the town council; they shall contain the names and residence addresses of the ten persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; and they shall be dated and signed by the town clerk.

The recall petitions shall be returned to the office of the board of registrars of voters within twenty-one days following the date they are issued, signed by not less than ten percent of the total number of voters (of the district or of the town as is appropriate) as of the date of the most recent town election. The signatures on such petitions shall contain the names of at least ten percent of the voters in each of the districts into which the town is divided for the purpose of elections.

The sheets constituting a petition need not all be filed at the same time. For the purposes of this section such a petition shall be deemed filed whenever the persons responsible for its filing notify the board of registrars of voters,

in writing, that the filing is complete. Before receiving such notice the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed.

The board of registrars of voters shall within ten days following the date the petition forms are filed certify the number of signatures thereon which are the names of voters and the percentage that number represents of the total number of voters in each district, as of the date of the most recent town election.

(c) *Recall Election* - If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall forthwith submit the same, with their certificate, to the town council. Upon receipt of the certified petition forms the town council shall forthwith give written notice to the officer whose recall is sought of the validity of such petitions. If the officer whose recall is sought does not resign the office within five days following delivery of the said notice, or by its having been left at the last known place of residence, the town council after consultation with the town clerk shall order a special election to be held on a date fixed by it not more than ninety days after the date of its notice to the officer whose recall is sought.

(d) *Ballot Question* - Ballots used at the recall election shall state the proposition in substantially the following form: 'Shall (insert name of officer) be recalled from the office of (insert name of office held)?'

YES NO

(e) *Officeholder* - The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question as stated above is in the affirmative, the officer shall be deemed to be recalled and the office shall be deemed to be vacant upon the certification of the election results. If a majority of the votes cast on the said question is in the negative the person whose recall was sought shall continue in the office until the expiration of the term for which elected, but subject to recall as provided in section (f), below.

(f) *Restriction on Recall Petition* - No recall petition shall be filed against any officer until at least six months following the commencement of a term of office, nor, in the case of an officer subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than six months of the term of office of the person whose recall is sought remains at the time of the certification of the petition forms.

(g) *Filling of Vacancy* - If the office of mayor is declared vacant as the result of a recall election the town council shall forthwith call a special election to be held on a date fixed by it not less than sixty nor more than ninety days following the date of the recall election. The person elected at such special election shall serve for the balance of the unexpired term remaining at the time of election.

Vacancies in any other office shall be filled in accordance with the procedures for filling the same as provided in section 2-11 and section 4-6.

No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by such recall.

## **ARTICLE 8 GENERAL PROVISIONS**

### **SECTION 8-1: CHARTER CHANGES**

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution, or by statutes enacted in accordance with the state constitution.

### **SECTION 8-2: 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 the charter and its provisions to other persons and circumstances shall not be affected thereby.

### **SECTION 8-3: SPECIFIC PROVISION TO PREVAIL**

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

#### **SECTION 8-4: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency shall be placed on file in the office of the town clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any town agency shall become effective until five days following the date it is so filed.

#### **SECTION 8-5: PERIODIC REVIEW OF CHARTER AND ORDINANCES**

(a) Ordinance Review - Not later than the first day of July, at five year intervals, in each year ending in a five or in a zero, the mayor and town council shall provide for a review to be made of the ordinances of the town for the purpose of preparing a proposed revision or recodification of the same, without substantive change. Such review shall be made by a special committee to consist of nine members, four of these members shall be appointed by the town council chair and five of the members shall be appointed by the mayor. At least two of the persons appointed by the town council chair shall be members of the town council and the remaining members shall be voters of the town. The special committee shall file its report with the clerk of the council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth day of June in said year and if not so scheduled by the clerk of the council the matter shall come before the council for action at its next meeting held following the said fifteenth day of June and no other business shall be in order until such report has been acted upon, by roll call vote.

The review of town ordinances shall be under the supervision of the town solicitor. A revision, recodification or republication of the ordinances shall be made at five year intervals. Copies of the revision, recodification or republication shall be made available to the public at a cost not to exceed the actual cost of such reproduction. In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

*(b) Review of Charter* - The committee established to review town ordinances shall also consider proposed revisions to the town charter. The committee shall hold at least one open, public hearing at which the public will be afforded the opportunity to comment on the existing charter and to make comments or suggestions concerning ways in which the charter might be changed. The special committee shall file its report with the clerk of the council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth day of June in said year and if not so scheduled by the clerk of the council the matter shall notwithstanding come before the council for action at its next meeting held following the said fifteenth day of June and no other business shall be in order until such report has been acted upon, by roll call vote.

#### **SECTION 8-6: UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER BODIES**

(a) Meetings • All multiple member bodies of the town, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places as they may, by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple member body shall be held on the call of the chairman or by one-third of the members thereof by written notice delivered in hand or to the place of residence of each member at least forty-eight hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the said notice, shall also be posted on the town bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple member bodies shall at all times be open to the public and the media.

(b) Rules and Journals - Each multiple member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record and for the convenience of the public certified copies shall be placed on file in the office of the town clerk and in the main branch of the public library. In case of any dispute concerning any such record the official copy shall always be deemed to be the copy kept by the clerk of the multiple member body.

(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 journal, provided, however, if the vote is unanimous, only that fact need be recorded.

(d) Quorum - A majority of the members of a multiple member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time. Unless some other provision is made by law, by ordinance or by the multiple member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to adopt any vote representing an exercise of the powers of the multiple member body.

#### **SECTION 8-7: 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; and words importing the masculine gender shall include the feminine gender.

#### **SECTION 8-8: REFERENCES TO GENERAL LAWS**

All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

#### **SECTION 8-9: COMPUTATION OF TIME**

In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is less than seven days, intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is seven days or more, every day shall be counted.

#### **SECTION 8-10: OATH OF OFFICE OF MAYOR, COUNCILLORS, AND SCHOOL COMMITTEE MEMBERS**

The mayor-elect, councilors-elect, and school committee members-elect shall, on the first business day in January of each even-numbered year, meet and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the town clerk, or by a judge of a court of record, or by a justice of the peace. The oath may be administered to the members of the town council and the school committee by the mayor, after the mayor has been duly sworn, or by any of the above named officials. A certificate that said oath or oaths have been taken shall be entered in the journal of the town council.

In case of the absence of the mayor-elect, or any member-elect of the town council school committee on said day the oath of office may at any time thereafter be administered to such person who for any reason shall not have taken the oath on the day named. A certificate of each oath subsequently taken shall be entered in the journal of the town council.

After the oath has been administered to the councilors present, they shall organize by electing from among their number a person to serve as the chair and a person to serve as the vice-chair, as provided in section 2-2. If the town clerk is unable to preside during such election the council member senior in years of service on the town council shall preside during such election. If two or more members are equally senior in years of service on the town council the member senior both in years of service and age shall preside. The council chair and vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations. After the oath has been administered to the school committee members present, they shall organize by electing from among their number a person to serve as the school committee chair and a person to serve as the vice-chair, as provided in section 4-2. If the town clerk is unable to preside during such election the member senior in years of service on the school committee shall preside during such election. If two or more members are equally senior in years of service on the school committee the member senior both in years of service and age shall preside. The school committee chair and the vice-chair shall be sworn by the town clerk, or, in the case of the absence of the town clerk, by any person qualified to take oaths or affirmations.

#### **SECTION 8-11: CERTIFICATE OF ELECTION OR APPOINTMENT**

Every person who is elected, including those elected by the town council, or appointed to an office of the town shall receive a certificate of such election or appointment from the town clerk. Except as otherwise provided by law, every person who is elected, including those elected by the town council, or appointed to an office of the town

before performing any act under such appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties. A record of such oath shall be kept by the town clerk.

**SECTION 8-12: LIMITATION ON OFFICE HOLDING**

No person shall simultaneously hold more than one full time town office or position of employment. Any hours worked in any part time position shall not be the same or otherwise conflict with the hours worked in a full time position.

**SECTION 8-13: ENFORCEMENT OF CHARTER PROVISIONS**

It shall be the duty of the mayor to see that the provisions of the charter are faithfully followed and complied with by all town agencies and town employees. Whenever it appears to the mayor that any town agency or town employee is failing to follow any provision of this charter the mayor shall, in writing, cause notice to be given to such agency or employee directing compliance with the charter. If it shall appear to the town council that the mayor personally is not following the provisions of the charter it shall, by resolution, direct the attention of the mayor to those areas in which they believe there is a failure to comply with charter provisions. The procedures made available in chapter two hundred and thirty-one A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

**SECTION 8-14: ANNUAL REPORT OF THE TOWN**

An annual report which contains a general summary of the activities of all town agencies shall be published within ninety days following the close of each fiscal year. The annual report shall contain reports by the mayor, the town council, the town comptroller, the treasurer, the school committee and such other town agencies as may be required by ordinance to provide such reports.

**SECTION 8-15. NOTICE OF VACANCIES**

Whenever a vacancy occurs, or is about to occur, in any town office or town employment, except for positions covered by the civil service law, the appointing authority shall forthwith cause public notice of such vacancy , or impending vacancy, to be posted on the town bulletin board for a period of not less than fourteen days. Any person who desires to be considered for appointment to said office or employment may file with the appointing authority a statement in clear and specific terms setting forth such person's qualifications for the position. No permanent appointment to fill a vacancy in an office or employment shall be effective until at least fourteen days have elapsed following such posting, and until all persons who have filed statements in application have been considered.

**ARTICLE 9  
TRANSITIONAL PROVISIONS**

**SECTION 9-1: CONTINUATION OF EXISTING LAWS**

All general laws, special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to North Attleborough that are in force when this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law which would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

**SECTION 9-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION**

All town agencies shall continue to perform their duties until re-elected, re-appointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another town agency.

**SECTION 9-3: TRANSFER OF RECORDS AND PROPERTY**

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

#### **SECTION 9-4: 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 causes 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 9-5: TIME OF TAKING EFFECT**

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

(a) A special election to elect the first officers to serve under this charter shall be held on the second Tuesday in September in the year in which the special act charter has been accepted by the voters (September 14, 2010).

1. At the special election held on September 14, 2010, the voters shall elect a mayor, a town council, two members of the board of electric commissioners and three members of the school committee and no other town officers. A preliminary election for the purpose of nominating candidates to be elected at such election shall be held on the sixth Tuesday preceding such election. So much of this charter shall become effective as is necessary to conduct such elections. The board of selectmen shall issue the warrants for such elections and the election shall be conducted under the supervision of the election commission.

2. Because the redistricting which will result from the census taken in the year 2010 will not have been completed on the date the first election under this charter is to be held, notwithstanding the provisions of charter section 2-1, all members of the town council shall be elected at-large at such election. The nine persons who receive the highest number of votes shall be declared elected to terms which expire on the first business day in January 2014.

3. A mayor shall be elected at the said special election to serve for a term expiring on the first business day in January 2016.

4. At the said special election the board of electric commissioners shall be reorganized, as follows: The term of office of the candidate for electric commissioner who received the highest number of votes at the regular town election held in the spring of 2010 shall be extended to expire on the first business day of January 2014. At the special election held in September 2010 the terms of the other two members of the said board shall be terminated and two successors shall be elected to the board of electric commissioners. The candidate who receives the highest number of votes shall be declared elected to a term of office that expires on the first business day in January 2016. The candidate who receives the next highest number of votes shall be declared elected to a term of office that expires on the first business day in January 2014. Thereafter as the terms of office of incumbents expire, successors shall be elected for terms of four years each.

5. At the said special election the school committee shall be reorganized as follows: The terms of office of the three candidates elected as members of the school committee at the regular town election held in the spring of 2010 shall be extended to expire on the first business day of January 2014. At the special election held in September 2010, the terms of all other members of the school committee shall be terminated and three successors shall be elected to the school committee for terms that expire on the first business day in January 2016. Thereafter, as the terms of office expire, three school committee members shall be elected at each biennial town election. The mayor shall serve, by virtue of office, as the seventh member of the school committee.

6. Forthwith following the special election the persons elected as mayor, school committee members and town council members shall be sworn to the faithful performance of their duties and shall take up so much of the powers and duties of their offices as are necessary to begin the process of transition from the existing form of government to the new form of government.

7. The members-elect of the town council shall meet, elect transitional officers to serve until its formal organization on the first business day in January 2011, and begin preparation for the transfer of powers to it by the consideration of policies and procedures to govern the conduct of the business of the town council and the formulation of rules by which it will conduct its business, and which will be adopted when the town council formally organizes and takes up

its duties on the first business day in January 2011.. Members of the town council shall receive one fourth of the annual salary established for town council members for their service in the transitional period

8. The person chosen as mayor-elect shall begin at once to meet regularly with the members of the board of selectmen and for such purpose shall be considered a member ex officio of such body. The person chosen as mayor-elect shall forthwith begin to serve as the seventh member of the school committee. The mayor-elect shall have a right to meet with any town officer, town agency or town employee during regular business hours for the purpose of acquiring and advancing knowledge and information necessary to assume the full powers of mayor on the first business day of January 2011. The mayor-elect shall be responsible for a review of the existing town bylaws to be undertaken to bring them into conformity with the new charter. The mayor shall receive one fourth of the annual salary established for the office of the mayor for service in the transitional period. The provisions of section 3-1 (a) and (e) regarding full time service by the mayor shall not apply during the transitional period.

9. On the first business day of January 2011 the terms of office of the members of the board of selectmen, the town moderator and of the representative town meeting members shall all be terminated, and their offices abolished and on said date the finance committee shall also be terminated. The mayor, town council and school committee shall organize as provided in section 8-10. Each other elected and appointed town officer and employee shall continue to serve in the same office or position unless some other provision is specifically made hereinafter for any particular office or position or until some other provision is made in accordance with the provisions of section 5-1.

10. As the terms of office of the incumbent members of the North Attleborough Housing Authority expire, or as vacancies may otherwise occur in such offices, successors shall be chosen in the manner provided for city governments in section five of chapter one hundred twenty-one B of the General Laws.

( b ) As soon as practicable following the special election the persons elected as mayor, as members of the town council and as members of the school committee shall be called together by the town clerk who shall make arrangements for the organization of the new government generally in conformity with the provisions of section 8-10.

(c) The town council shall proceed forthwith to adopt temporary rules governing the conduct of the meetings of the town council and shall make provision for its full assumption of the powers, duties and responsibilities which will devolve upon it under this charter including, but not limited to the taking of the following steps:

1) It shall provide for a review to be made of all existing by-laws, rules and regulations of the town, with a view to bringing them into conformity with the provisions of this charter.

2) It shall provide for the adoption of permanent rules governing the bringing of matters before the town council for action, the establishment of standing committees and such other related matters as seems necessary and desirable. It shall provide in its rules for the establishment of standing committees to which shall be referred all matters to come before the council.

(d) The person chosen as mayor shall take all steps as may be necessary to be prepared to assume the full duties of the office of mayor on the aforesaid first business day of January. The mayor-elect shall, during the transitional period, for the purpose of gaining a knowledge and understanding of the town's needs in order to be prepared to perform the duties of mayor beginning on the first business day in January 2011, have full power and authority to attend, either in person or through a designated representative, all meetings of all multiple member bodies held during such period including any portions of such meetings held in a closed or, so called, executive session and for such purpose such mayor elect shall be deemed to be an ex officio member of each such multiple member body.

(e) The board of selectmen in office at the time of the special election shall continue to serve in that office until the mayor and a majority of the town council members have been qualified, at which time their offices shall be abolished and the mayor shall be the lawful successor to the board of selectmen. During the transitional period from the date of the special election through to the said last day of December the board of selectmen shall continue to be responsible for the general operation of the government and shall continue to perform all of its powers, duties and functions as though this charter had not been adopted, provided, however, the board of selectmen shall coordinate all

of its long-range plans with the person chosen as mayor. The person chosen as mayor shall have a right to attend all meetings of the board of selectmen held during such transitional period, including any meetings held in, so-called, executive session and for such purpose the mayor shall be considered to be a member of the board of selectmen during such period.

(f) All legislative business necessary for the orderly conduct of the town during the transitional period shall continue to be conducted by the representative town meeting members in office at the time of the special election until the full powers of the town council become operative on the first business day of January following their election. On the said first day of January, upon the qualification of a majority of the members of the town council, the terms of office of all members of the representative town meeting shall be terminated and the said representative town meeting shall thereafter cease to exist. All of its powers, duties and responsibilities shall devolve upon the town council.

(g) Except where some other provision is made for a specific office or multiple member body, all town officers and all members of multiple member bodies who have prior to the effective date of this charter been elected by the voters may continue to serve for the balance of the term for which they were elected, but their successors shall be appointed.

(h) The office of town-administrator established by a by-law adopted in 1994 is hereby abolished and the said by-law is hereby repealed effective on the first business day of July 2001. The incumbent of the office of town administrator shall continue to serve in that office until the said first business day of July. Such incumbent may be continued in the service of the municipality beyond said termination date, in some other position, if such person and the mayor so agree

(i) Notwithstanding any other provision of this charter which might be construed to the contrary it is not expected that the first person elected as mayor will be able to begin at once to exercise every power and every function which devolves upon the office of mayor under this charter. It is recognized that such assumption and change from existing practices will be phased in during the term of office of the first person chosen as mayor.

(j) As the terms of office of the incumbent members of the North Attleborough Housing Authority expire, or as vacancies may otherwise occur in such offices, successors shall be chosen in the manner provided for city governments in section five of chapter one hundred twenty-one B of the General Laws.

(k) Not later than thirty days following the date of the ratification of this charter by the voters the town clerk shall give to each member of the Massachusetts House and Senate who represent any part of North Attleborough a copy of the vote ratifying this charter and the following petition for the enactment of a special law applicable to North Attleborough in the following form:

**AN ACT EXCEPTING NORTH ATTLEBOROUGH FROM CERTAIN PROVISIONS OF  
THE CIVIL SERVICE LAW**

Be it enacted, etc.

For the purpose of classifying positions under the civil service law and rules, North Attleborough, notwithstanding the provisions of a home rule charter establishing its form of government, shall continue to be governed by the provisions of section fifty-two of chapter thirty-one of the General Laws and not by the provisions of section fifty-one of said chapter thirty-one.

Nothing in this act shall be construed to affect the civil service status of any person currently covered by such law and rules.

This act shall take effect upon its passage.

The above draft is provided for guidance and general scope and it may be altered by the General Court to conform to its normal practice, provided the result expected, that future civil service positions will continue to be covered on an individual, case by case basis and not on blanket coverage is achieved.

(l) Until such time as the town is redistricted as provided in MGL chapter fifty-four sections one through ten, as a result of the census taken in the year 2000 one district councillor shall be elected from each of the seven precincts into which the town is now divided and two councillors shall be elected from the town at large.

When the town is being divided into new precincts based on the population as determined by the census taken in the year 2000 such number of precincts shall be established as will enable the appropriate authority to establish, by combining precincts, four equal districts for the purpose of thereafter electing district councillors.

(m) Not later than thirty days following the election at which this charter is ratified the board of selectmen shall appoint seven persons to be a committee to begin a review of the town by-laws 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. The committee shall further serve as a general transition committee making recommendations to the appropriate authorities for steps to be taken to smooth or facilitate the transition to the new form of government, including, but not limited to, submission of a proposed budget to cover the expenses of the mayor-elect and council-elect for the period from the date of the town election in 2010 to the first business day in January 2011.

At least two of the persons appointed to the committee shall have been members of the North Attleborough Government Study Committee. The committee shall submit a report, with recommendations, to the mayor-elect and council-elect forthwith following the election held in September, 2010. The review shall be conducted under the supervision of the town counsel, or, by special counsel appointed for that express purpose.

(n) The position of town accountant which has heretofore existed in North Attleborough shall, after the assumption of power and authority by the mayor and council, be divided into two separate and distinct functions. The powers of the office which are associated with auditing, including those described in sections fifty, fifty-one, fifty-three and fifty-four A of chapter forty-one of the General Laws shall be assigned to the office of town auditor established by section 2-8(a) of the charter. The remaining powers of a town accountant having to do with the regular payment of bills and invoices submitted by municipal agencies including those described in sections fifty-two, fifty-six, fifty-seven and fifty-eight of chapter forty-one shall be exercised by a person in the executive branch under the title town accountant, subject to the control of the chief financial officer.

The annual salary of the town auditor appointed by the city council pursuant to charter section 2-8(a) shall initially be established at twenty-five thousand dollars with a proviso the amount provided for such office shall never be less than one-half the amount provided for the office of finance director. The town council may, in lieu of expending such sum as salary, expend the said sum as a consultant account paying the certified public accountant, or firm of such accountants, retained to provide the annual audit pursuant to section 6-11 from such account to provide periodic oversight services to it throughout the fiscal year.

(o) The mayor and town council shall have authority to adopt measures which clarify, confirm or extend any of the transitional provisions contained in this section in order that the transition of the government from the 'old' form to the 'new' form may be made in the most expeditious and least contentious manner possible. Pending the election of the mayor and town council in September, 2010, the board of selectmen and the representative town meeting shall have a similar power, provided, however, no action shall be taken which is contrary to the spirit or the intent of any permanent provision of the charter.

(p) Following the election at which this charter is ratified by the voters, in the fall of the year 2010, the board of selectmen and its staff shall keep the persons who will serve as the board of license commissioners established by section 5-3 of the charter fully apprised of its activities during the year-end renewing of licenses in order to acquaint the persons who will serve as the members of the said board to these procedures. As soon as practical after the first mayor and council have been elected and taken the oath of office following the town election in September 2010, the mayor shall call together for an initial meeting the members of the board of license commissioners established in section 5-3 of this charter. The board of license commissioners shall assume full authority under

chapter one hundred and thirty-eight and chapter one hundred forty of the General Laws on the first business day in January 2011.

(q) Within eighteen months following the adoption of this charter the mayor shall prepare a comprehensive plan of reorganization of the town government administrative structure in the form of a proposed administrative code provision, in accordance with section 5-1 (b) of this charter.

In preparing the proposed administrative code the mayor shall consider the proposed consolidated departments set out below. The mayor may amend, or revise, or delete, any of the draft ordinances provided below to best suit the needs of North Attleborough. The mayor shall establish a time table for the achievement of the reorganization of the government contemplated in the draft ordinances set out below.

The mayor, when preparing such comprehensive plan, shall consider, but shall not be bound in the preparation of such plan to the departments provided below.

The mayor may organize such departments incorporating functions, services and agencies into such departments as the mayor deems to be appropriate. The mayor may appoint department heads, or the mayor may act as the department head.

#### Proposed Ordinances

##### 1 DEPARTMENT OF PUBLIC WORKS

(a) Establishment, Scope - There shall be a department of public works responsible for the performance of all public works related functions and activities of the town. The department of public works shall assume all of the duties and responsibilities related to public works activities which prior to the adoption of the home rule charter were performed by or under the authority of the board of public works. The department of public works shall perform all of the public works related functions which are associated with the following boards, departments and offices or which are now or may from time to time by general or special law be vested in such boards, departments and offices: road commissioners, surveyors of highways, superintendent of streets, water commissioners, sewer commissioners, park commissioners, cemetery commissioners, tree warden, superintendent of shade tree management and pest control and it may have such additional powers, duties and responsibilities with respect to public works related functions and activities as may from time to time be provided, by ordinance, including but not limited to solid waste collection and disposal and a public works engineer. The policy making and program development powers, duties and responsibilities which are now or may from time to time by general or special law be vested in such boards, departments and offices as are included in the department of public works shall be vested in the mayor.

Notwithstanding any provision of this section to the contrary the mayor may, pursuant to the provisions of charter section 5-1, divide the powers and duties of the department of public works into two or more departments.

(b) Director of Public Works - The department of public works shall be under the direct control and supervision of a director of public works who shall be appointed by and who shall be responsible to the mayor. The director of public works shall serve for an indefinite term. The director of public works shall be a person especially fitted by education, training and previous, experience and training to perform the duties of the office. The director of public works shall be responsible for the supervision and coordination of all activities of the department of public works in accordance with state statutes, town ordinances, administrative code and rules and regulations.

##### 2 DEPARTMENT OF MUNICIPAL FINANCE

(a) Establishment, Scope - There shall be a department of municipal finance responsible for the performance of all of the fiscal and financial activities of the town. The department of municipal finance shall assume all of the duties and responsibilities related to fiscal and financial activities which prior to the adoption of the home rule charter were performed by or under the authority of the town accountant, the town treasurer-collector, the chief procurement officer, the board of assessors and it may have such additional powers, duties and responsibilities with respect to fiscal and financial related functions and activities as may from time to time be provided by ordinance.

(b) Director of Municipal Finance - The department of municipal finance shall be under the direct control and supervision of a director of municipal finance who shall be appointed by and who shall be responsible to the mayor.

The director of municipal finance shall serve for an indefinite term. The director of municipal finance shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of municipal finance shall be responsible for the supervision and coordination of all activities of the department of municipal finance in accordance with state statutes, town ordinances, administrative code and rules and regulations. The director of municipal finance shall serve, ex officio, as the mayor may from time to time specify, as the town treasurer, collector, or treasurer-collector.

### 3 DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

(a) Establishment, Scope - There shall be a department of planning and community development responsible for the coordination of all the planning and development related activities of the town. The department of planning and community development shall be responsible for the coordination of all of the duties and responsibilities related to planning and development activities which prior to the adoption of the home rule charter were performed by or under the authority of the redevelopment authority, the planning board, the development and industrial commission, the industrial development financing authority, the board of appeals, and the conservation commission and it may have such additional powers, duties and responsibilities with respect to the coordination of planning and development related functions and activities as may from time to time be provided, by ordinance. Such ordinance may include in its scope the coordination of all land acquisition and land management proposals, economic development planning, community development block grants, the preparation of a comprehensive or master plan and maintenance of a centralized source of records, reports, statistical data and other planning and development related materials.

(b) Director of Planning and Community Development - The department of planning and community development shall be under the direct control and supervision of a director of planning and community development who shall be appointed by and who shall be responsible to the mayor. The director of planning and community development shall serve for an indefinite term. The director of planning and community development shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of planning and community development shall be responsible for the supervision and coordination of all activities of the department of planning and community development in accordance with state statutes, town ordinances, and rules and regulations.

### 4 DEPARTMENT OF HUMAN RESOURCES

(a) Establishment, Scope - There shall be a department of human resources which shall be responsible for all personnel and employee related functions and activities of the town government and its administration. The department of human resources shall assume all of the duties and responsibilities related to human resources activities which prior to the adoption of the home rule charter were performed by or under the authority of the board of selectmen, town accountant, the town treasurer-collector, the personnel board, the personnel director and the heads of town agencies and it may have such additional powers, duties and responsibilities with respect to human resources related functions and activities as the town may from time to time provide, by ordinance.

(b) Director of Human Resources - The department of human resources shall be headed by a director of human resources who shall be appointed by and who shall be responsible to the mayor. The director of human resources shall serve for an indefinite term. The director of human resources shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of human resources shall be responsible for the supervision and coordination of all activities of the department of human resources in accordance with state statutes, town ordinances, and rules and regulations.

### 5 DEPARTMENT OF MUNICIPAL LICENSES AND INSPECTIONS

(a) Establishment, Scope - There shall be a department of municipal licenses and inspections which shall be responsible for the coordination of all licensing and inspection functions performed by any town officer, employee or agent. The department of municipal licenses and inspections shall be responsible for the coordination of all of the licensing and inspection functions conducted by the town, including but not limited to those required under the zoning, wetlands protection, historic districts or any other town ordinance, the provisions of the Code of Massachusetts Regulations relating to buildings, electrical wiring, plumbing, gas fitting, sanitation, wetlands, fire protection and fire safety, hazardous materials, local regulations adopted by the board of health, conservation commission, historical commission, planning board or any other town agency, under any other title, performing any of the duties of any such multiple member body and every other local inspection as may be otherwise authorized or conducted, the licensing functions as provided in chapter one hundred thirty-eight and one hundred forty of the

General Laws and including responsibilities with respect to the coordination of municipal licensing and inspection functions as the town may from time to time provide, by ordinance, and which may include the maintenance of all records relating to inspections in a central place through a common index, a single application process which would indicate all inspections which might be necessary for a particular project and provide for a consolidated, coordinated review and processing of each such application.

(b) Director of Municipal Licenses and Inspections - The department of municipal inspections shall be under the direct control and supervision of a director of municipal licenses and inspections who shall be appointed by and who shall be responsible to the mayor. The director of municipal licenses and inspections shall serve for an indefinite term. The director of municipal licenses inspections shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of municipal licenses and inspections shall be responsible for the supervision and coordination of all activities of the department of municipal licenses and inspections in accordance with state statutes, town ordinances, and rules and regulations. The director of municipal licenses and inspections shall in addition to the coordination responsibilities assigned by this provision also perform the duties of building inspector or of any other position within the department as the mayor may from time to time specify.

## 6 DEPARTMENT OF PARK AND RECREATION

(a) Establishment, Scope - There shall be a department of park and recreation responsible for the coordination of all the park and recreation related activities of the town. The department of park and recreation shall be responsible for the coordination of all of the duties and responsibilities related to park and recreation activities which prior to the adoption of the Petition were performed by or under the authority of the world war II memorial pool committee, landfill reuse committee, youth center and grounds maintenance. It may have such additional powers, duties and responsibilities with respect to the coordination of park and recreation related functions and activities as may from time to time be provided, by ordinance.

(b) Director of Park and Recreation - The department of park and recreation shall be under the direct control and supervision of a director of park and recreation who shall be appointed by and who shall be responsible to the mayor. The director of park and recreation shall serve for an indefinite term. The director of park and recreation shall be a person especially fitted by education, experience and training to perform the duties of the office. The director of park and recreation shall be responsible for the supervision and coordination of all activities of the department of park and recreation in accordance with state statutes, town ordinances, and rules and regulations. The director of park and recreation shall also be responsible for the world war II memorial pool committee, landfill reuse committee, youth center and grounds maintenance.

## 7 DEPARTMENT OF MUNICIPAL SERVICES

(a) Establishment, Scope - There shall be a department of municipal services responsible for the coordination of all the municipal services activities of the town. The department of municipal services shall be responsible for the coordination of all of the duties and responsibilities related to municipal services activities which prior to the adoption of the charter were performed by or under the authority of council on aging, cultural council, fair housing, cable TV advisory committee, veterans agent and Richards memorial library. It may have such additional powers, duties and responsibilities with respect to the coordination of municipal services related functions and activities as may from time to time be provided, by ordinance.

(b) Director of Municipal Services - The department of municipal services shall be under the direct control and supervision of the mayor. The mayor shall be responsible for the supervision and coordination of all activities of the department of municipal services in accordance with state statutes, town ordinances, and rules and regulations. The director of municipal services shall also be responsible for the council on aging, cultural council, fair housing, cable TV advisory committee, veteran's agent and Richards Memorial Library.

(r) Until such time as another salary is established for the office of the mayor, in accordance with the procedure provided in section 3-1(c), the initial salary for the mayor of North Attleborough shall be established as the same sum which is provided for the position of town administrator for the fiscal year beginning on July 1, 2010. The initial salary for the members of the town council and the school committee shall be established at the same rate as is then being paid to members of the board of selectmen. The chair of the town council and the chair of the school committee shall receive the same compensation as is then being paid to the chair of the board of selectmen.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of North Attleborough at the town election to be held in the spring of 2010 in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: "Shall an act passed by the general court In the year 2009 entitled "An Act Relative to the Charter of the Town of North Attleborough" be accepted?" if a majority of the votes cast In answer to said question Is in the affirmative, the special act municipal charter contained In SECTION 2 of this act shall take effect, but not otherwise.

SECTION 4. This act shall take effect upon its passage.

**FINANCE COMMITTEE REASON:** The Committee's recommendation of this article does not mean that they are endorsing it. The majority of the Committee felt it was important that this article found its way to Town Meeting floor for open discussions.

After some discussion, Roger Horton (P8) made a motion to Move the Question.

Motion seconded.

Motion carried.

**The RTM defeated the recommendation of the Finance Committee as presented.**

Motion made to adjourn the meeting "Sine Die"

Motion seconded

Motion carried at 9:33 PM.