

**PROCEEDINGS  
SPECIAL TOWN MEETING  
MARCH 23, 2015**

**On Monday, March 23, 2015, Town Clerk, Maxwell G. Gould, opened the Special Town Meeting at 7:04 PM by announcing, "With 91 members present, we have a quorum."**

Town Moderator, Deborah Kohl, led the membership in the Pledge of Allegiance to our Flag.

She then called for a moment of silence for the men and women serving in our Armed Forces.

She then called for a moment of silence for Fire Lt. Albert Chabot and former RTM Member Paul Hamilton who very recently have passed away.

**Town Moderator, Deborah Kohl, read the warrant:**

**NORTH ATTLEBOROUGH WARRANT  
FOR THE REPRESENTATIVE SPECIAL TOWN MEETING  
Monday, March 23, 2015  
THE COMMONWEALTH OF MASSACHUSETTS**

**Bristol, ss.**

**To either Constables of the Town 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 23<sup>rd</sup> of March 2015, 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 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 February 19, 2015

**NORTH ATTLEBOROUGH BOARD OF SELECTMEN**

Joan Marchitto, Chairman  
Mark Williamson, Vice-Chairman  
John C. Rhyno  
Patrick Reynolds  
Anne Lonzo

**Town Moderator, Deborah Kohl, then read the Return:**

**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 an attested copy of this warrant in each of the nine (9) precincts in said town twenty-one (21) days before the time of said meeting.

Chief John J. Reilly,  
Constable, Town of North Attleboro

Robert Nerz (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.**

Robert Nerz (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.**

**ARTICLE 1 – APPROPRIATE A SUM OF MONEY TO SUPPLEMENT BOARD OF SELECTMEN  
VARIOUS FY15 DEPARTMENTAL OPERATION BUDGETS**

To see if the Town will vote to appropriate a sum of money to supplement various Fiscal Year 2015 departmental operating budgets. Said sum to be funded from free cash or transfer from available funds.

**PURPOSE AND JUSTIFICATION:** To facilitate the operating expenses for various departments for the fiscal year.

**FINANCE COMMITTEE VOTE: 5-0**

**2/3 MAJORITY ROLL CALL**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate a total of \$757,778.00 into the Snow & Ice Account. \$189,361.15 into Snow & Ice Salary Account (Dept. 423A) and \$568,416.85 into Snow & Ice General Expenses (Dept. 423B). \$200,000.00 to be paid from free cash and \$557,778.00 from the Stabilization Account.

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

Joan Marchitto (P3) made a motion to amend the recommendation by replacing it with the following:

*That the Town vote to appropriate \$200,000.00 into the FY2015 Snow & Ice Account Line 423b – General Expenses to be paid from Free Cash.*

Motion seconded.

**Motion carried.**

**By a unanimous vote the RTM members approved the Finance Committee’s Recommendation as amended.**

**ARTICLE 2 – APPROPRIATE A SUM OF MONEY TO PAY PRIOR BOARD OF SELECTMEN  
YEAR BILLS**

To see if the Town will vote to appropriate a sum of money needed to pay prior year(s) unpaid bills. Said sum to be from Free Cash or transferred from available funds.

**PURPOSE AND JUSTIFICATION:** Invoices received after the close of the fiscal year are paid through this article.

**FINANCE COMMITTEE VOTE: 5-0**

**9/10 MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to appropriate \$239.40 to Human Resources General Expenses (Dept. 152B), \$1184.00 to Veterans Services General Expenses (Dept. 543B), both to be paid from Free Cash and to appropriate \$2133.57 to the Water Department (Dept. 450B) to be paid from Water Department retained earnings to reconcile their prior year outstanding invoices.

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

**By a 9/10 majority vote, declared obvious by the Moderator, the RTM members approved the Finance Committee's recommendation.**

**ARTICLE 3 – RESCIND BORROWING OF UNISSUED AMOUNTS**

**TREASURER**

To see if the Town will vote to rescind the borrowing authorization for the following articles and unissued amounts for which borrowing authority is no longer required, or take any other action relative thereto.

6/2/2014 Annual Town Meeting Article 6C, #18 – Generator Replacement, School Authorized for \$45,000.00, amount unissued and to be rescinded = \$13,156.00

10/15/2012 Semi Annual Town Meeting Article 15 – High School Science Labs (MSBA SLI) Authorized for \$6,000,000.00, amount unissued and to be rescinded = \$2,959,659.00

6/4/2012 Special Town Meeting Article 9 – Roosevelt School Windows and Doors (MSBA ARP) Authorized for \$1,000,000.00, amount unissued and to be rescinded = \$467,165.00

6/7/2010 Annual Town Meeting Article 6, Part 3 #37 – WWTF NPDES Permit Required Construction Authorized for \$38,000,000.00, amount unissued and to be rescinded = \$11,934,000.00

Total amount to be rescinded: \$15,373,980.00

**PURPOSE AND JUSTIFICATION:** Various projects/items have been completed/purchased leaving excess borrowing capacity. This excess capacity should be eliminated so that borrowing capacity is made available for other projects/items.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION:** That the Town vote to rescind the borrowing authorization for the following articles and unissued amounts for which borrowing authority is no longer required, or take any other action relative thereto.

**6/2/2014 Annual Town Meeting Article 6C, #18 – Generator Replacement, School Authorized for \$45,000.00, amount unissued and to be rescinded = \$13,156.00**

**10/15/2012 Semi Annual Town Meeting Article 15 – High School Science Labs (MSBA SLI) Authorized for \$6,000,000.00, amount unissued and to be rescinded = \$2,959,659.00**

**6/4/2012 Special Town Meeting Article 9 – Roosevelt School Windows and Doors (MSBA ARP) Authorized for \$1,000,000.00, amount unissued and to be rescinded = \$467,165.00**

**6/7/2010 Annual Town Meeting Article 6, Part 3 #37 – WWTF NPDES Permit Required Construction Authorized for \$38,000,000.00, amount unissued and to be rescinded = \$11,934,000.00**

**Total amount to be rescinded: \$15,373,980.00**

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

**By a majority vote the RTM members approved the Finance Committee's recommendation.**

**ARTICLE 4 – AMEND TOWN BY- LAW ARTICLE V**

**BOARD OF SELECTMEN**

To see if the town will vote to amend the Town By-Law Article V – Town Officials-appointments, Meetings and Reports with the following action:

Delete in its entirety Paragraph d of Section 4 and replace with the following language:

“If there is a failure to elect, or if a vacancy occurs in any of the election of town officers named in Section 1 of this article, other than Town Moderator, that the vacancy shall be filled by the procedure as prescribed in the appropriate section of M.G.L. c. 41 (Officers and Employees of Cities, Towns and Districts).”

**PURPOSE AND JUSTIFICATION:** To clarify language on process of filling vacancies.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to amend the Town By-Law Article V – Town Officials-Appointments, Meetings and Reports with the following action:  
Delete in its entirety Paragraph “d” of Section 4 and replace with the following language:**

**d. “If there is a failure to elect, or if a vacancy occurs in any of the elected town offices named in Section 1 of this article, other than Town Moderator, then the vacancy shall be filled by the procedure as prescribed in the appropriate section of M.G.L. c. 41 (Officers and Employees of Cities, Towns and Districts).”**

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

**By a majority vote the RTM members approved the Finance Committee’s recommendation.**

**ARTICLE 5 – ACCEPT INSURANCE PROCEEDS IN EXCESS OF \$20,000 BOARD OF SELECTMEN**

To see if the Town will vote to accept insurance proceeds in excess of \$20,000.00 for the settlement related to damaged town property in the custody of the NAPD. Said amount to be transferred from the Insurance Receipts Reserved for Appropriation account to the North Attleboro Police Department, General Expenses to be expended for the replacement of damaged town vehicle and related equipment.

**PURPOSE AND JUSTIFICATION:** Pursuant to M.G.L., Ch. 44 §53, insurance proceeds in excess of \$20,000.00 requires town meeting appropriation.

**FINANCE COMMITTEE VOTE: 5-0**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That the Town vote to accept insurance proceeds in excess of \$20,000.00 for the settlement related to damaged Town property in the custody of the NAPD. Said amount to be transferred from the Insurance Receipts Reserved for Appropriation account to the North Attleboro Police Department, General Expenses to be expended for the replacement of damaged town vehicle and related equipment.**

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

Joan Marchitto (P3) made a motion to amend the recommendation by replacing it with the following:

*That the Town vote to accept insurance proceeds in the amount of \$25,034.59 for the settlement related to damaged Town property in the custody of the NAPD. Said amount to be transferred from the Insurance Receipts Reserved for Appropriation account to the North Attleboro Police Department, General Expenses to be expended for the replacement of damaged town vehicle and related equipment.*

Motion seconded.

**Motion carried.**

**By a majority vote the RTM members approved the Finance Committee’s Recommendation as amended.**

**ARTICLE 6 – PETITION THE GENERAL COURT FOR ENACTMENT  
OF A SPECIAL LAW PROVIDING FOR A MAYOR AND  
TOWN COUNCIL FORM OF GOVERNMENT**

**BOARD OF SELECTMEN**

To see if the town will vote to petition the general court for 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 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 Board of Selectmen. The Special Act becomes effective only upon acceptance by a majority of the voters at the next regular municipal election.

**Charter Proposal for Mayor-Council Form of Government,  
As drafted through 1/23/15**

An Act Establishing a Charter for the Town of North Attleborough

Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

SECTION 1: The following shall be the charter of the town of North Attleborough:

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, 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, 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 Town of North Attleborough Charter and any amendments to it hereafter adopted

- (b) Emergency - A sudden, generally unexpected occurrence or set of circumstances, unforeseen happening, occurrence or set of circumstances demanding immediate action.
- (c) Emolument - Any advantage, profit or gain, including compensation and benefits, received as a result of one's employment or one's holding of office.
- (d) Full Council; Full School Committee, Full Multiple Member Body- The entire authorized membership of the town council, school committee, or other multiple member body notwithstanding any vacancy which might exist.
- (e) general laws (lower case)- Laws enacted 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 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- A measure proposed by the voters through the initiative process provided under this charter.
- (h) Local Newspaper- A newspaper of general circulation within North Attleborough, with either a weekly or a daily circulation.
- (i) Majority - A whole number, rounded up, which represents one-half the total authorized membership of a multiple member body, plus one additional member.
- (j) Majority Vote- A whole number, rounded up, which represents one-half the total authorized membership of a multiple member body, present and voting, plus one additional member. All decisions by a multiple member body shall be by majority vote unless otherwise lawfully directed.
- (k) Measure - Any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the town council or the school committee.
- (l) Multiple Member Body- Any elected or appointed board commission, committee, sub-committee or other body consisting of two or more persons but not including the town council, the school committee, or advisory committees appointed by the mayor.
- (m) Quorum -A majority of the full membership of a multiple - member body, unless some other number is required by law or by ordinance.
- (n) Referendum Measure - A measure adopted by the town council or the school committee that is protested under the referendum procedures of this charter.
- (o) Town.- The Town of North Attleborough.
- (p) Town Agency- Any multiple member body, any department, division, or office of the Town of North Attleborough.
- (q) Town Bulletin Boards- A display location in town hall and other public locations as designated by the town council which meet the requirements of the Massachusetts Open Meeting Law on which the town clerk posts official notices of meetings and other official town notices.
- (r) Town Officer- Unless otherwise qualified, a person having charge by title, election or appointment of an office, department, division or agency of the town.
- (s) Voters - 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 eleven members which shall exercise the legislative powers of the town. Two (2) councilors-at-large shall be nominated and elected by the voters at large. Nine (9) district councilors

shall be nominated and elected by the voters of each of the town's precincts into which the town is officially divided, in accordance with section 7-5 of this charter.

(b) Term of Office- The term of office for all town councilors 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. Terms shall be staggered such that precinct councilors and at-large councilors shall be elected at alternate municipal elections, as provided in Section 7-7 of this charter. .

(c) Eligibility – (1) A councilor-at-large shall, at the time of election, be a voter of the town. If at any time during a term of office, a councilor-at-large removes from the town, resigns, or otherwise vacates the office, such office shall be declared vacant and the balance of the unexpired term shall be filled in the manner provided in section 2-11.

(2) A district councilor shall, at the time of election, be a voter of the precinct from which elected. If at any time a district councilor removes from the district or from the town, resigns, or otherwise vacates the office, such office shall be declared vacant and the balance of the unexpired term and shall be filled in the manner provided in section 2-11.

#### Section 2-2: Council Chair

(a) Election and Term- As soon as practicable after the councilors-elect have been qualified following each biennial election, as provided in section 9-10, the town council shall meet and 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 decide all questions of order. The 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 town council shall elect from among its members a council vice-chair, who shall serve until the council reorganizes following the next biennial town election. The vice-chair shall serve as acting chair during the temporary absence or disability of the council chair. The powers of the vice chair, when serving as acting council chair, shall be limited to those powers necessary to the performance of duties indispensably essential to the office and to the immediate business of the town council during the period of any temporary absence or disability of the council chair.

#### Section 2-3: Prohibitions

(a) Holding Other Agency Office or Position- No member of the town council, during his term of office and for one year following the date such member's term or tenure in office ends, shall hold any other paid position, in any town agency and shall otherwise receive no compensation or benefits of any kind at a cost to the town, except as may be available under law.

(b) Interference with Administration- Except for the purpose of inquiries and investigations pursuant to section 2-7, the town council and its members shall interact 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 and appropriated in the annual town budget. No ordinance increasing the salary of town councilors 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 reorganization of the town council following the next regular biennial municipal election.

(b) Expenses – Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties as provided in the rules of procedure adopted by the town council.

## Section 2-5: General Powers

Except as otherwise provided by general law, special act 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, special act or by this charter, the legislative powers of the town council may be exercised in a manner determined by it.

(b) Quorum- A majority of the full council membership shall constitute a quorum for the transaction of council business; a smaller number may only vote to adjourn a meeting and set a new date and time for a meeting. Except as otherwise provided by general law, special act or by this charter, a majority shall be required to adopt any ordinance, appropriation order or any other measure placed before the council.

(c) Rules of Procedure- The town council shall provide for the adoption of permanent rules governing the bringing of measures before the town council for action, the establishment of standing committees and all other business which is to come before the town council. Town council rules shall address 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, at the request of four or more members, identifying the items to be raised and acted upon.

(iii) The rules shall address requirements for the council to vote on the use of the council's powers of investigation as provided in section 2-7

(iv) Emergency meetings may be called by the council chair at the chair's discretion and judgment, but shall not limit the power of the mayor as provided in Section 3-6.

(v) The town council and its members shall, with respect to regular, special and emergency meetings, comply in every respect with the requirements of the Massachusetts Open Meeting Law and Public Records Law.

(vi) All meetings 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 in executive session for reasons permitted by the Massachusetts Open Meeting Law.

(vii) A full, accurate, up-to-date account of the proceedings of the town council at regular, special or emergency meetings shall be recorded and maintained in accordance with the requirements of the Massachusetts Open Meeting Law and Public Records Law.

## 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 upon witnesses and require the production of evidence the council deems sufficient to justify the investigation.

(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 request in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of such person.

(c) Mayor- The town council may require the mayor to personally appear before it to provide specific information on any aspect of town business within the scope of responsibilities of the mayor's office. Questions and topics to be discussed shall be provided to the mayor in writing, simultaneously with a notice to appear delivered in accordance with subsection (d) below. 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 the mayor and any other person the council 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. 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 place of work or last known place of residence of any such person.

#### Section 2-8: Officers Appointed by Town Council

(a) Town Clerk- The town council shall appoint a town clerk to serve for a term of three 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 conterminously 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.

(b) Clerk of the Council- The town council shall appoint a clerk of the council, who may be the town clerk, to serve for a term of three 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.

(b) Town Auditor- The town council shall appoint a town auditor to serve for a term of three years and until a successor is chosen and qualified. The auditor shall perform a legislative oversight and post audit function and shall not be involved in the day-to-day administrative detail of the financial operations of the town. The auditor shall have free access to all books, accounts, bills, and vouchers of the town and shall continuously review and examine the same. The auditor shall make periodic reports thereon to the town council, with such frequency as the town council by ordinance, by rule, or by other vote may direct, but not less frequently than quarterly. All officials of the town shall cooperate with the auditor in the performance of this oversight function. The auditor shall have such other powers and duties as may be provided by charter, by ordinance, or by other vote of the town council. The town council may retain the services of a certified public accountant or firm of such accountants to provide oversight services to the council throughout the fiscal year. Such accountant or firm may also be retained to perform the annual audit pursuant to Section 6-10 of this charter. The council shall establish procedures for the selection and award of a contract to a town auditor, certified public accountant, or firm of certified public accountants. Such procedures may also address the provision of an independent annual audit pursuant to section 6-10 of this charter.

(d) Salaries/Compensation- - The officers appointed or elected by the town council shall receive the salaries or other compensation that may from time to time be provided for these offices, by ordinance or by contract.

(e) Removal/Suspension -Any person appointed 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 town's personnel ordinance for the removal of other town employees.

#### Section 2-9: Ordinances and Other Measures

(a) Measures, In General -The town council may pass a proposed measure through to final approval, except a proposed ordinance, appropriation order and loan authorization, at the same meeting where it is introduced, provided however that if a single member objects, action on the measure shall be postponed the next meeting of the town council. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure and shall not be used on consideration of an emergency measure as defined in section 2-9(c).

(b) Ordinances, Appropriation Orders and Loan Authorizations – No proposed ordinance, appropriation order or loan authorization shall be passed finally on the date it is introduced. In each instance, it shall be considered and finally approved in accordance with the rules of procedure adopted by the town council.

(c) Emergency Ordinances- An emergency ordinance involving the health or safety of the people or their property may be finally passed with or without amendment or rejected at the meeting at which it is introduced. Such

ordinance shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of eight or more members of the council.

Emergency ordinances shall become effective upon adoption or at such later time as it may specify. 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 such ordinance, or unless a measure passed in conformity with the procedures for measures generally has been passed extending it.

(d) 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 a final vote is scheduled. After final passage it shall be posted on the town bulletin board, on the town website and otherwise published as may be required by ordinance. Provided, however, that whenever any proposed 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 shall alternatively be posted to the official town website and made available in hardcopy at the office of the town clerk, at least ten days before its final passage. Whenever the town council provides for the alternative publication, it shall, at least ten days before final passage publish in a local newspaper a general summary of the measure and a notice stating the times and places at which online or hardcopies may be obtained by the public.

#### Section 2-10: Council Review of Appointments

The mayor shall submit to the town council the name of each person the mayor desires to appoint as a town officer or as a member of a multiple-member body, but not including any position which is subject to the civil service law or staff of the mayor's office. The town council may refer each such name as is submitted to it to a standing committee which shall review each such appointment and make a report, with a recommendation to the 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 information relevant to such appointment as the committee, or the town council, may require. The town council may elect not to submit a proposed appointment to its standing committee in which case the council shall act in the time frame specified for review of appointments.

Appointments made by the mayor shall become effective on the 30th day following the date on which notice of the proposed appointment was filed with the clerk of the council. The council may, within the said 30days, vote to affirm or vote to reject such appointment, provided however, that a vote to reject shall require a two-thirds vote of the full council (8 councilors). If the council fails to act on the appointment within said thirty days, the appointment shall be deemed affirmed. The question of 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) Councilor-at-Large- If a vacancy occurs in the office of councilor-at-large, the position shall be filled in descending order of votes received by the candidate for the office of councilor 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 30 percent of the vote total received by the person receiving the largest number of votes for the office of councilor-at large at the said election. Except that should the vacancy occur within six months prior to any regular biennial town election, such vacancy shall be filled by the voters at the regular biennial town election among candidates who are not then serving as a member of the town council. The town clerk shall certify such candidate to the office of councilor at-large to serve for the balance of the then unexpired term.

(b) District Councilor- If a vacancy occurs in the office of district councilor, the position shall be filled in the manner provided in section 2-11 (a), except that the descending votes shall be for candidates in the precinct where the vacancy occurs. Provided, if within six months prior to any regular biennial town election, a district councilor relocates his residence to another district in the town, he may continue to serve until said election, and a new district councilor shall be elected to serve for the balance of the unexpired term.

(c) No Qualified, Willing or Able Candidate - Whenever a vacancy shall occur in the office of councilor- at-large or in that of district councilor and there is no qualified, willing or able candidate to fill such vacancy in the manner provided in section 2-1 (a) or (b), the vacancy shall be filled by the remaining members of the town council.

Persons appointed to fill a vacancy by the town council shall serve only until the next regular municipal election at which time the vacancy shall be filled by the voters and the person elected to fill such vacancy shall forthwith be sworn and shall serve for the remainder of the unexpired term. Persons serving as town councilors 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, nominated and elected by 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, or full-time appointive 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 4 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 and appropriate 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 42 months of the term for which the mayor is elected and it provides that such salary is to be 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, wage, benefit 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 service has terminated.

#### Section 3-2: Executive Powers; Enforcement of Ordinances

(a) 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.

(b) 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.

(c) 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.

(d) 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 meetings 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.

(e) The mayor shall serve as a voting member of the school committee, and may serve as chair of the committee, if so elected by the committee's members as provided in Article 4 of the charter.

(f) 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 the charter, by ordinance or otherwise.

(g) 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 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.

### 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, the municipal light board, 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 and multiple member bodies overseeing departments 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 Town Officers, Department Heads, and Employees

(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 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 town personnel ordinance. The decision of the mayor to suspend or remove any town officer or department head, shall be final 30 days after the date of filing in the office of the town clerk of the notice of removal by 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 ordinance.

(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 town officer or 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 town officer or 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 town officer or department head has determined a suspension or removal is appropriate may seek review of such determination by the mayor by filing a written provision for review in the office of the mayor within 10 days after receipt of notice of such determination. The review by the mayor shall follow the procedures established for suspension and removal in the personnel ordinance, provided however that consultation with the town officer or department head regarding such suspension or removal shall be required. The decision of the mayor 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.

(c) Mayoral Authority - It is the intention of section 3-4 (a) and (b) to vest all authority and to fix all responsibility for suspension or removal solely in the mayor.

### Section 3-5: Temporary Appointments to Town Offices

Whenever a vacancy, either temporary or permanent, occurs in a town agency and the needs of the town require that such office be filled, the mayor may designate the head of another town agency, a town officer, a 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 be limited to those powers necessary to the performance of duties indispensably essential to the office and to the immediate business of the office during the period of such temporary appointment and no others. No temporary appointment shall be for more than 90 days, provided, however, not more than one 30 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 may 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 48 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. Such notice shall fully comply with the requirements of the state's Open Meeting Law. A copy of each such notice shall, forthwith, be posted on the town bulletin board.

#### Section 3-7: Approval of Mayor, Exception (Veto)

Every measure adopted or passed by the town council, 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 he shall sign it; if the mayor disapproves of the measure he 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 shall again consider the same measure, but not sooner than ten days nor more than 30 days from the date of its return to the town council. If the town council shall again pass the measure by a two-thirds vote of the full council, the measure shall then be deemed in force. If the mayor neither signs a measure nor returns it to the town council within 10 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) Temporary Mayor; Powers - 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 ten days or less, 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 temporary acting mayor. The temporary mayor shall 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 serve as acting mayor.

(b) 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 14 days, the mayor shall so inform the chair of the town council in writing so that the chair of the council may serve as 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. In each instance a copy of the letter shall be filed with the town clerk.

(c) Powers of Acting Mayor- The powers of the acting mayor shall be limited to those powers necessary to the performance of duties indispensably essential to the office and to conduct such 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 60 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 when any member of the town council is serving as acting mayor, such councilor shall not vote as a member of the town council.

### Section 3- 9: Delegation of Authority by Mayor

The mayor may authorize any 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) Whenever a vacancy occurs in the office of mayor by death, removal, resignation or any other reason during the 1st through 41st months of the term for which the mayor was elected, the town council shall call a special election to be held within 90 days following the date the vacancy is created to fill the vacancy for the remainder of the unexpired term. The town council chair shall serve as acting mayor until the vacancy is filled. If a regular town election is to be held within 150 days after the date the vacancy is created, a special election need not be held and the position shall be filled by vote at the regular town election and the person elected shall serve as mayor for the remainder of the unexpired term.

(b) If a vacancy occurs during the forty-second month through the end of the term for which the mayor was elected, the chair of the town council shall become acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to the faithful discharge of the mayoral duties. In the event that the town council chair is unable or unwilling to serve, a special meeting of the town council shall be called by the chair and the council shall elect, by majority vote, 1 of its members to serve as acting mayor for the remainder of the unexpired term. The council chair or councilor serving as acting mayor under this subsection shall not be subject to the restrictions contained in the 3rd sentence of 3-1 (a), and such person shall not be entitled to have the words "candidate for re-election" printed against their name on the election ballot for the office of mayor. Any person serving as mayor under this section shall receive the compensation then in effect for the position of mayor.

(c) Should the mayoral vacancy be caused as a result of recall, the provisions of Section 8-7 of this charter relative to filling the mayoral vacancy shall apply.

(d) Upon the qualification of the chair of the town council or other councilor as acting 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..

(e) Powers, Term of Office- The mayor who fills a vacancy 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 BODIES

### Section 4-1: School Committee

(a) Composition- There shall be a school committee which shall consist of 7 at-large members. Six (6) of these members shall be nominated and elected by the voters of the town. The mayor shall serve, by virtue of the 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 at-large committee members shall be for 4 years each, beginning on the first business day of January in the year following their election, and shall continue until their successors have been qualified. The terms of office shall be so arranged that 3 such terms are to be filled at each biennial election.

(c) Eligibility- A school committee member shall at the time of election be a registered voter in the town. 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) School Committee Chair- As soon as practicable after the school committee members-elect have been sworn to office following each biennial town election, as provided in section 9-10, the school committee shall organize by electing one of its members to serve as school committee chair; the chair shall serve until the school committee reorganizes following the next biennial town election. The mayor may serve as chair of the school committee if so elected by its members.

(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 chair shall appoint all members of all committees of the school committee, whether special or standing. The 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.

(c) School Committee Vice-Chair - The school committee may elect from among its members a vice- chair, who shall serve until the school committee reorganizes following the next biennial town election. The vice-chair shall serve as acting chair during the temporary absence or disability of the school committee chair. The powers of the vice chair, when serving as acting committee chair, shall be limited to those powers necessary to the performance of duties indispensably essential to the office and to the immediate business of the school committee during the period of any temporary absence or disability of the school committee chair.

#### Section 4-3: Prohibitions

No member of the school committee shall, during his term of office and for one year following the date his term of, or tenure in, office ends, hold any other position, paid or unpaid, in any town agency and shall otherwise receive no other compensation or benefits of any kind at a cost to the town as a result of serving on the school committee, except as described in Section 4-4.

#### 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 and appropriated in the annual town budget. No ordinance increasing the salary of school committee members shall be effective unless it shall have been adopted during the first 18 months of the period following the organization of the school committee following a biennial town election and it provides that such salary is to take effect upon the organization of the school committee 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:

a) To appoint a superintendent of the schools who shall be charged with the day-to-day administration of the public 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 the General Laws;

b) 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;

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

d) The school committee shall: (1) have general charge and superintendence of all school buildings and grounds; (2) furnish all school buildings with proper fixtures, furniture and equipment; and (3) 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.

e) 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) If a vacancy shall occur in the position of school committee member, the position shall be filled in descending order of votes received by the candidate for the position 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 30 percent of the vote total received by the person receiving the largest number of votes for the position of school committee member at the said election. Except that should the vacancy occur within 6 months prior to any regular biennial town election, the seat shall remain vacant until filled by the voters at the biennial town election when the vacancy shall be filled for the term or remainder of the term, as may be apt. The town clerk shall certify such candidate to the position of school committee member to be sworn to office forthwith and to serve for the balance of the then unexpired term and, should the vacancy occur in the latter two years of a four year term, for the term to which elected.

(b) Filling of Vacancies by School Committee and Town Council - Whenever a vacancy shall occur in the position 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 a joint vote the remaining members of the school committee and the town council. Such joint meeting shall be held at the call of the town council at a duly posted meeting, provided, however, that notice of the vacancy shall be posted for at least 10 days prior to such scheduled meeting.

(c) Fill Existing Vacancy at Municipal Election - Should the vacancy occur in or before the initial 19 months of the term, the vacated seat shall appear on the next regular municipal election ballot to serve for the remainder of the term. Persons elected to fill a vacancy by the joint vote of the town council and school committee shall serve until the next municipal election. Should the vacancy occur in or after the 20th month of the term, the provisions of (a) or (b) above shall apply.

#### Section 4-7: Municipal Light Department; Municipal Light Board

(a) Composition- There shall be a municipal light board which shall consist of 3 members to be nominated and elected by the voters of the town at large.

(b) Term of Office - The term of office for a municipal light board member shall be for four years, beginning on the first business day of January in the year following the municipal election, and until a successor has been qualified.

(c) Eligibility- Any member of the municipal light board shall at the time of election be a registered voter of the town. If any member of the municipal light board resigns or removes from the town during the term for which elected, such office shall immediately be deemed vacant.

(d) Vacancies- Vacancies on the municipal light board 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 "municipal light board" shall be understood to replace the words "school committee" wherever the said words appear.

(e) Manager - The municipal light board 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 56 of chapter 164 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 34 to 69 of chapter 164 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 provisions of services and the administration of the government may be accomplished only through an administrative order filed with the town council by the mayor. No administrative order may originate with the town council. The mayor may, subject only to express prohibitions in a general law or this charter, propose such code.

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. The administrative code may reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as are deemed 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 another 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 any amendments, revisions or repeals of existing ordinances as may be necessary to accomplish the proposed reorganization. Such submission shall be accompanied by a message from the mayor that explains the benefits expected to ensue from adoption of the plan.

Whenever the mayor prepares such a plan, the council 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 14 days following publication, and place at which such hearing will be held.

An organization or reorganization plan shall become effective at the expiration of 60 days following the date the proposal is submitted to the town council unless the town council shall, by majority vote, vote to disapprove the plan within such period. The town council may vote only to approve or disapprove the plan and may not vote to amend or alter it.

#### 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

Powers and Duties- There shall be a board of license commissioners, who shall have the authority of a licensing board appointed under section 4 of chapter 138 of the General Laws. The board shall issue licenses for inn holders and common victuallers, and shall be the licensing authority for the purposes of chapters 138 and 140 of the General Laws, and issue such licenses which are not placed within the jurisdiction of another municipal officer or agency by this charter.

(b) Composition of Board- The town clerk, the inspector of buildings, the health agency, 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 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 Budget Calendar

On or before the first day of November of each year, the mayor shall develop and present a budget process calendar to the chair of the town council, chair of the school committee and the school superintendent. The calendar shall include, but not be limited to, deadlines for the completion of revenue projections, for the distribution of financial guidelines to departments and for the return of departmental appropriation requests, other than the budget of the school department, the submission of which is addressed in Section 6-3. The calendar shall specify that the school

committee shall present its appropriation request for the school department to the mayor no later than March 15 and that the mayor shall present his proposed annual town budget to the town council no later than May 1.

#### Section 6-3: School Committee Budget

(a) Public Hearing- At least 21 days before the meeting at which the school committee expects to vote on its final budget request, the school committee shall make available a general summary of its proposed budget on the town's official website, in hardcopy at specified locations and in the local newspaper. The summary, in a format of the committee's choosing, shall specifically indicate proposed expenditures for the ensuing fiscal year and any major variations from the current fiscal year budget, and shall explain the reasons for such changes. The school committee shall further provide notice of the date, time and place of a public hearing on its proposed budget to be held, which hearing shall be not less than 7 days after the publication of the committee's proposed budget. The school committee shall not take a final vote on its proposed budget until such hearing is completed. The action of the school committee to adopt the proposed budget shall be summarized and the results of any roll call votes taken on each amendment to the proposed budget shall be recorded.

(b) Submission to Mayor- The proposed budget adopted by the school committee shall be submitted to the mayor on or before March 15 to allow the mayor sufficient time to consider the effect the school department's requested appropriation will have upon the total town operating budget.

#### Section 6-4: Proposed Budget

The mayor's proposed operating budget shall provide a complete financial plan for all town funds and town activities for the ensuing fiscal year. The proposed operating budget shall be in the form that the mayor deems desirable. The budget shall show all estimated revenues from the proposed property tax levy and from all other sources. The budget shall show all proposed expenditures, including debt service for the ensuing fiscal year. The budget shall include proposed capital expenditures for the ensuing fiscal year as described in Section 6-9. The budget shall be arranged to show the actual income and expenditures for the last two completed fiscal year and estimated income and expenditures proposed for the ensuing fiscal year.

#### Section 6-5: Budget Message

The mayor shall include a budget message at the time mayor's proposed budget is submitted to the council. The budget message shall explain the budget for all town agencies both in fiscal terms and in terms of services and 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.

#### 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 on the town's official website, and in the local newspaper, of a notice stating the time and place, not less than 7 nor more than 14 days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted by the mayor.

(b) Review - The town council shall consider the proposed budget in open public meetings. 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 of the proposed operating budget.

(c) Action by Town Council- The town council shall adopt the budget, with or without amendments, in its entirety, by June 15. 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 by June 15, 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 on the town's official website, and 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 public hearing on the proposed annual operating budget.

#### Section 6-8: 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 any sum in excess of the appropriations duly made in accordance with law, nor involve the town in any contract for the payment of funds in excess of such appropriations. It is the intention of this section that the provisions of section 31 of chapter 44 of the General Laws shall be strictly enforced. 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 6-9: Capital Improvement Program

(a) Capital Improvement Program Content: The mayor shall develop a capital plan and budget, and submit details of a capital improvement program to the town council by May 1 of each fiscal year. It shall include:

- 1) a clear and concise narrative summary of its contents;
- 2) a projected capital plan for next ensuing five years, with supporting information as to the need for each capital improvement, the estimated cost and the funding source for each item;
- 3) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.
- 4) a list of all capital improvements to be funded in the proposed annual budget including the estimated cost and the funding source for each item;

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.

(b) Public Hearing – Forthwith upon its receipt of the capital improvement program, the town council shall provide for the publication on the town's official website and in a local newspaper of a notice stating the time and place, not less than 7 nor more than 14 days following such publication, at which it will hold a public hearing on the proposed capital plan as submitted by the mayor. Such notice shall also state the times and place where copies of the capital improvements program are available for inspection by the public.

(c) Adoption of Capital Improvements Program: Following the public hearing, but prior to June 1 of each year, the town council shall by resolution adopt the capital plan, provided, however any amendment to the improvements program must be voted separately and any increase in the capital improvements program as submitted must specify the method of financing proposed to accomplish such increase.

#### Section 6-10: 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 is/are not an officer of the town and who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The council shall annually provide in the proposed town budget a sum of money sufficient to satisfy the estimated cost of conducting the audit. The town council shall establish procedures for the selection and award of a contract to an independent auditor. On receipt of the auditor's report, the town council shall meet with the mayor to review the report and address corrective measures, if warranted.

## ARTICLE 7 ELECTIONS AND ELECTION RELATED MATTERS

### Section 7-1: Town Elections: Regular; Preliminary

The regular 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. The town council may call a special election at any other time except within six months of a regular general town election. Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted 28 days preceding the date established for such special election. The town clerk may, with the approval of the town council, reschedule any election to the subsequent Tuesday to avoid a conflict with any civil or religious holiday.

#### 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: Ballot Position

The order in which names of candidates appear on the ballot for each office in a preliminary or regular election shall be determined by a drawing, by lot, conducted by the town clerk. The clerk shall provide a public notice of the time and place of the drawing at least forty-eight hours in advance of said drawing that shall be open to the public.

#### Section 7-4: Preliminary Election

(a) Nominating 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 150, provided, however, that at least 16 signatures must be certified from each council district; for the office of councilor-at-large school committee member and municipal light board member, not less than 150, provided, however, that at least 16 signatures must be certified from each council district; for the office of district councilor not less than 50, all of which shall be from the district from which the nomination is sought.

(b) Determination of Candidates- The two persons receiving the highest number of votes for nomination for any office at a preliminary election 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 as 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.

(c) Condition Making Preliminary Unnecessary- If at the expiration of time for filing nomination signatures by candidates to be voted upon at any preliminary election not more than twice as many such candidates' names have been filed with the town clerk for an office as candidates are to be elected to such office, the candidates whose signatures 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 regular 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 7-5: Districts

The territory of the town shall be divided into 9 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 1 voting precinct established in accordance with the 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 General Laws

Except as expressly provided in this charter and authorized by law, all town elections shall be conducted as provided by the general laws 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: Municipal Election Ballot in Alternate Municipal Election Years

The voters of the town shall, in alternate municipal election years, elect (a) the mayor, the district councilors, 3 school committee members, and 1 member of the municipal light board, and, in the next following municipal election elect (b) the at-large councilors, 3 school committee members, and 2 members of the municipal light board, thereby establishing and maintaining staggered terms for the council, school committee, and municipal light board.

## ARTICLE 8 CITIZEN PARTICIPATION MECHANISMS

### Section 8-1: Petitions Soliciting Town Council or School Committee Action

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 100 voters, or more. Upon receipt of a petition, the clerk of the council or the secretary of the school committee shall forward any petition to the board of registrars of voters who shall have ten days to certify the validity of the voter signatures and return the petition to the town council or school committee.

A 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 returned to the clerk of the council or the secretary of the school committee as may be appropriate, from the board of registrars of voters. 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 48 hours before the hearing and shall otherwise post notice in accordance with the State Open Meeting Law, so called.

### Section 8-2: Initiative Measure Soliciting Affirmative Action; Town-Wide Ballot Question

(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 200 voters provided, however, that at least 22 signatures must be certified from each precinct. The petition shall be accompanied by an affidavit signed by 10 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 Attorney - 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 attorney. Within 15 days following receipt of a copy of the petition, the town attorney shall, advise the town council or the school committee, as may be appropriate, in writing as to 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 attorney 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 attorney 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 attorney 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 attorney, together with the names and addresses of the first 10 voters who signed the originating petition. Within 45 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 10 per cent (10%) of the total number of voters as of the date of the most recent town election. The signatures on such



The signatures on such petitions shall contain the names of at least one per cent (1%) of the voters in each precinct into which the town is divided for the purpose of municipal elections and shall be 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, then the effective date of such measure shall be temporarily suspended.

(b) Reconsideration - The town council or the school committee shall forthwith, reconsider its vote on such measure or part thereof. If such measure is not rescinded by the town council or school committee within 30 days, then within 10 days following action by the town council or school committee not to rescind, 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 the examination by the board of registrars of voters 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.

(c) Submission to Voters- If the measure is not rescinded by the town council, the 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 at the next regular town election, but pending such submission and determination, the effect of such measure shall continue to be suspended.

If the measure is not rescinded by the school committee, then the town council may call a special election within such time as may be requested by the school committee, or place the question before the voters at the next regular town election, but pending such submission to the voters, the effect of such measure shall continue to be suspended.

(c) Summary- A fair, concise summary prepared by the petitioners and approved by the town attorney, shall appear on the ballot with the referendum question.

(d) Publication - The full text of any referendum measure which is submitted to the voters shall be published in a local newspaper not less than 7 or more than 14 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 and on the official town website.

(e) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was approved by the (town council/school committee) be rescinded?

(Here insert a fair, concise summary prepared by the petitioners, and approved by the town attorney.)

YES NO

(f) Time of Taking Effect- If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed rescinded immediately, unless otherwise specified in such measure.

#### Section 8-4: 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 8-5: 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 an initiative or referendum authorized by this charter.

#### Section 8-6: Conflicting Provisions

If 2 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 8-7 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 set forth in this section.

##### (b) Recall Affidavit

(1) Office Elected by Voters at Large - 400 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, and residential address, of at least 44 voters in each of the districts into which the town is divided for the purpose of elections.

(2) Office Elected by Voters by District -- 50 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 and residential addresses only of voters in the district from which the officer was elected.

##### (c) Recall Petition At Large or by District

If the names on the affidavit are found to be registered voters, the town clerk shall thereupon deliver to the first 10 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 10 persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit; and they shall be dated and signed by the town clerk.

(1) Office Elected by Voters at Large: The recall petitions shall be signed by not less than 10 percent (10%) of the total number of voters of the town as of the most recent town election. The signatures on such petitions shall contain the names of at least 1 percent (1%) of the voters in each of the districts into which the town is divided for the purpose of elections. The petitions shall be returned to the office of the board of registrars of voters within 21 days following the date they are issued.

(2) District Office Elected by Voters: If the recall petition seeks the recall of an office elected by district, the petitions shall be signed by not less than 10 percent (10%) of the total number of voters in the affected district as of the date of the most recent town election. The petitions shall be returned to the office of the board of registrars of voters within 21 days following the date they are issued.

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 10 days following notification that the filing is complete, 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.

(d) Recall Election- If the petitions are certified by the board of registrars of voters to contain a sufficient number of valid 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 less than 64 nor more than 90 days after the date of its notice to the officer whose recall is sought; provided however, that if any other town election is to occur within 120 days after the date of the certification of the petition forms, the town council shall postpone the holding of the recall election to the date of such other election.

(e) 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

(f) 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 herein.

(g) Restriction on Recall Petition - No recall petition shall be filed against any officer until at least 6 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, for one year following the initial recall election. A recall election shall not be held if less than six months remains on the term of office of the person whose recall is sought at the time of the certification of the petition forms.

(h) 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 64 nor more than 90 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 such election. No such election shall be held if the vacancy shall occur within 150 days of a regular town election; at such election voters shall elect a mayor to serve for the remainder of the unexpired term, and the mayor-elect shall be immediately sworn to office following the election. Between the recall election and the town election, the vacancy in the office of mayor shall be filled by an acting mayor as provided in section 3-10.

Filling any other office left vacant as a result of recall shall be accomplished by use of the procedures for filling the same as provided in section 2 -11 and section 4-6 of this charter.

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

#### Section 8-8: Required Voter Participation

For any measure to be effective under the initiative procedure and for any measure to be declared null and void under any referendum procedure, and for any recall election results to be valid, at least 20 per cent of the voters as of the most recent regular town election must vote at an election that includes on the ballot the submission of one or more initiative, referendum, or recall questions to the voters, provided, however, that if a recall election is to be held only in the district(s) affected, said 20 per cent participation shall be determined by the number of voters in such district(s).

### ARTICLE 9 GENERAL PROVISIONS

#### Section 9-1: Charter Changes

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

## Section 9-2: 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 9-3: 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 9-4: 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 9-5: Periodic Review of Charter and Ordinances

(a) Initial Review of Charter – Not later than the first day of July in the 3rd year following adoption of this charter, the mayor and town council shall provide for a review to be made of the charter for the purpose of preparing recommendations for amendments or revisions to the charter, if any. Such review shall be made by a special committee established for this purpose 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 all other appointments of the council chair and the mayor shall be voters of the town. The committee shall hold at least one open forum or public hearing at which the residents will be afforded the opportunity to comment on the existing charter and to make comments or recommendations concerning ways in which the charter might be changed. The committee shall file its report with the clerk of the council, not later than May 1 in the year following the year in which the committee is appointed.

(b) Periodic Review of Charter- Not later than the first day of July in years ending in 6, the mayor and town council shall provide for a review to be made of the charter for the purpose of preparing recommendations for amendments or revisions to the charter, if any. Such review shall be made by a special committee established for this purpose 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 committee shall hold at least one open forum or public hearing at which the residents 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 committee shall file its report with the clerk of the council, not later than May 1 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 June 15 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 June 15 and no other business shall be in order until such report has been acted upon, by roll call vote.

(c) Periodic Review of Ordinances - Not later than July 1, at five year intervals, in each year ending in a 7 or in a 2, 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 composed as provided for the review of the charter as provided in this section; provided however, that membership of the ordinance review committee shall contain at least 2 members serving on the charter review committee. Said committee shall file its report with the clerk of the council not later than May 1 of the year in which the committee is appointed. The recommendations of said committee shall appear on the council agenda for action before June 15 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 said date. No other business shall be in order until such report has been acted upon, by roll call vote.

(d) Publication: A revision, recodification or republication of the ordinances shall be made at five year intervals. Hard 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. Ordinances shall also be available on the official town website and in the office of the town clerk. 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.

#### Section 9-6: 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 place as they may by their own rules prescribe, provided however, that meetings may be held only during the times of day as allowed by the town's ordinances. Special meetings of any multiple member body, but not including the town council and the school committee, shall be held on the call of the chair, by the chair when provided with written notice requesting a meeting and the topics to be addressed at such meeting by one-third of the members thereof, or by the appointing authority, if any. Notice of all meetings and conduct of meetings shall be in compliance with the state's Open Meeting Law, so called. 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 and adopt its own rules and order of business unless another provision is made by ordinance, and shall provide for keeping a journal of its proceedings in accordance with the state's Open Meeting Law and Public Records Law

(c) 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. A majority of the multiple member body's full membership shall be required to vote on any matter representing an exercise of the powers of the multiple member body. Unless another provision is made by ordinance or by the body's own rules, a quorum of the body shall be necessary for the conduct of meetings, and votes relating only to procedural matters may be taken by the quorum.

(d) Voting- If requested by any member of the body, 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, that if the vote is unanimous, only that fact need be recorded.

#### Section 9-7: 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 9-8: 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 9-9: 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 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 9-10: Oath of Office of Mayor, Councilors, School Committee, and Municipal Light Board Members

The mayor-elect, councilors-elect, school committee members-elect, and municipal light board members-elect, as may be applicable, shall on the first business day of January following a municipal election, 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 newly-elected members of the town council, the school committee and municipal light board 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, or municipal light board on said day of administering the oath of office, the oath may at any time thereafter be administered by any of the above named officials 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, the council 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 most 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, the committee 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 9-11: Certificate of Election or Appointment

Every person who is elected by town voters 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 or appointed to an office of the town shall take and subscribe to an oath to qualify to enter upon the duties of the office before performing any act under such appointment or election. A record of such oath shall be kept by the town clerk.

#### Section 9-12: 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. All elected or appointed officials and all town employees are subject to the provision of Massachusetts General Laws, Chapter 268A, the State Ethics Law.

#### Section 9-13: Enforcement of Charter Provisions

It shall be the duty of the mayor to see that the provisions of the charter are faithfully followed and that all town boards, commissions, officers, agencies, and employees are complying with the charter's provisions. 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, board, commission, officer or employee directing compliance with the charter. If the town council asserts that the mayor is not following the provisions of the charter, the council shall, by resolution, direct the attention of the mayor to those areas of the charter where the council believes there is a failure to comply with charter provisions.

The procedures made available in chapter 231A 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 9-14 Health Insurance Benefits

Any full-time elected official shall be eligible for health care or dental benefits under programs offered by the town during such official's term of office and may receive benefits upon retirement, if so qualified by General Laws governing post-retirement benefits. No other elected official, whether or not such individual receives compensation from the town, shall be eligible for such benefits.

### ARTICLE 10 TRANSITIONAL PROVISIONS

### Section 10-1: 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 10-2: Continuation of Government and Administration

(a) All town agencies, excepting the position of town administrator, shall continue to operate lawfully and all town officers 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. Other than as noted in (b), no person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service. Each such person shall be retained in a capacity as similar to the person's former capacity as is practical.

(b) The incumbent in the office of town administrator shall continue to serve in that office until 30 days following the taking of office of the mayor-council government as provided in section 10-5. Upon the taking of office of the mayor and council, the position as established by a bylaw adopted in 1994 is abolished, and the town administrator bylaw repealed as of that date. Such incumbent may be continued in the service of the municipality beyond said termination date, in some other position, whether temporary or permanent, if such person and the mayor so agree. Otherwise, the mayor and the town administrator shall negotiate and agree on terms based on the administrator's then current employment contract relative to such termination.

### Section 10-3: 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 10-4: 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 10 – 5 Time of Taking Effect

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

(a) Following the election at which this charter is ratified by the voters, the board of selectmen and its staff shall keep the officers who will serve as the board of license commissioners established in section 5-3 of the charter fully apprised of its activities relating to the issuance and renewal of licenses in order to acquaint such officers with issuance and renewal procedures. The board of license commissioners shall assume full authority under chapters 138 and 140 of the general laws on the first business day in January in the year following the year in which the mayor and council are elected.

(b) A special election to elect the 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. A preliminary election shall be held on the sixth Tuesday preceding the election. At the special election, the voters shall elect a mayor, a town council of 11 members, 2 members of the school committee whose terms would otherwise expire in 2017, and one member of the municipal light board whose term expires would otherwise 2017. The town will not hold a municipal election in the spring of 2017. Those whose terms would otherwise expire at the 2017 election will remain in office until the assumption of office of the mayor and council; those with time remaining of the term of office shall complete the term to which elected, but their successors shall be appointed by the mayor. The mayor shall also fill by appointment any vacancy in such offices prior to the end of the term to which elected.

(c) The board of selectmen shall issue the warrant for the preliminary and special elections and the elections shall be conducted under the supervision of the board of registrars of voters. A preliminary election for the purpose of nominating candidates shall be held on the sixth Tuesday preceding the September election. So much of this charter shall become effective as is necessary to conduct such special elections. Those elected shall be sworn to office and shall take up so much of their duties as is described below. The organization of the town government under the charter shall take place on the first business day of January following the special election by 12 P.M. Eastern Standard Time. At such time, the mayor, town council, and school committee shall organize as provided in section 9-10.

1. Upon being sworn to office following the special election, those elected to the school committee members shall take up their duties immediately. The mayor shall serve as a member of the school committee ex officio until the organization of the town government in January of the year following the special election as referenced above (b) at which time the mayor shall become a voting member of the committee. Those elected in 2017 shall serve for a term of four years.

2. The two school committee members elected in 2016 shall have their terms extended until the assumption of office of the mayor and council, and the member receiving the highest number of votes in the election of 2016 shall continue to serve until January 2022, and such seat will appear on the municipal election ballot in 2021. The remaining member shall serve only until the assumption of office of the mayor and council; the term shall be terminated at that time, and the mayor will become a voting member of the school committee.

3. The three school committee elected in 2015 shall have their terms extended to the time of assumption of office of those elected in November 2019; 3 school committee seats shall be on the municipal election ballot in 2019.

4. Upon being sworn to office following the special election, the municipal light board member shall take up the duties and responsibilities immediately. The municipal light board member shall serve until the assumption of office of those elected at the municipal election of 2021. The seat shall be on the municipal election ballot in November 2021.

5. The two municipal light board members whose terms expire in 2018 and 2019 shall have their terms extended and said seats shall be on the municipal election ballot in 2023. Members shall serve until the organization of the town government as provided in the charter on or before 12 P.M. Eastern Standard Time on the first business day of January four years following the special election. The board members elected shall serve four year terms.

6. Immediately following the special election, the councilors shall meet at the call of the town clerk to begin the process of preparation of rules for the conduct of council meetings and other council operations (e.g., establishment of council committees). The council may elect transitional officers, determine a schedule of meetings and shall adopt temporary rules to be in place upon the organization of the town government on the first business day of January next following the special election, provided however that permanent rules shall be adopted within 8 months of the organization of the town government. The council shall conduct no other business other than as described herein until the organization of the government as referenced in (b) above. The representative town meeting shall continue to serve as the legislative body of the town until the organization of the mayor-council government on the first business day in January next following the special election referenced above (b). At that time, provided that a majority of the council members have been sworn to office, the representative town meeting, the finance committee, and the position of town moderator shall cease to exist and the terms of all town meeting members, the finance committee, and the moderator shall be terminated.

7. The board of selectmen in office at the time of the special election shall continue to serve in that office until the organization of the government in January of the year following the special election, at which time their offices shall be abolished, and terms terminated, and the mayor shall be the lawful successor to the board. From the date of the special election to 12 P.M. Eastern Standard Time on the first business day of January, the board of selectmen shall continue to be responsible for the general operation of the town government and shall continue to perform all powers, duties, and functions assigned to the board by law; provided, however, that the board shall coordinate all its long-range plans with the mayor. The mayor shall be considered to be a member of the board of selectmen ex officio during this period, and shall have the right to attend and participate in all meetings of the board of selectmen held during such transitional period, including any meetings held in so-called executive session.

8. The mayor shall have a right to meet with any town officer, agency, or employee during regular business hours for the purpose of acquiring and advancing knowledge and information necessary to assume the full powers of mayor upon the organization of the town government in January following the special election referenced above (b).

9. The mayor shall have a right to attend, either in person or through a designated representative, all meetings of multiple member bodies held during such period including any portions of such meetings held in so-called executive session, and for such purpose, the mayor shall be deemed to be an ex officio member of each multiple member body.

10. The provisions of section 3-1 (a) and (e) regarding full-time service of the mayor shall not apply during the transitional period

(d) The town clerk in office at the time the mayor and council take office shall serve to the end of the term to which elected. At the end of such term or upon a sooner vacating of office, the council shall appoint the clerk as provided in Article 2.

(e) Upon the assumption of office of the mayor, the term of the treasurer shall be terminated. The incumbent treasurer will continue to serve for one year from that date and shall be eligible to apply for appointment by the mayor to the position.

(f) Upon the assumption of office of the mayor and council, the Board of Public Works shall be abolished and the terms of all members terminated. The Board may continue to serve in an advisory capacity to the mayor for up to two years following the special election. Employees of the Department of Public Works will report to the mayor, and shall be supervised as the mayor shall determine.

(g) Offices that expire for the Board of Library Trustees, the Board of Assessors, Planning Board, and the Parks and Recreation Commission shall not appear on the special election ballot in 2016, and terms that expired as of the spring of 2017 shall be extended until filled by the mayor upon the assumption of office. Those with terms expiring after April 2017 who are in office at the time of the special election will complete the terms to which elected; the mayor shall make timely appointments for any vacancies occurring after the mayor's assumption of the office in order to assure a quorum, upon completion of such terms, or upon a sooner vacating of office. All employees serving such boards will report to the mayor and shall be supervised as the mayor shall determine.

Should vacancies occur such that these boards no longer have a quorum of members prior to the initial assumption of office of the mayor and council, the Board of Selectmen shall fill such offices by calling those remaining members of the elected board to a meeting with the Board of Selectmen to vote jointly to select members to fill such vacancy(ies) until the assumption of office of the mayor and council, and the mayor appoints board and commission members. Notice of the vacancy shall be posted on the town's official web site, the town hall, the public library, and such other public places as the Board of Selectmen shall determine at least 2 weeks prior to any meeting held to fill the vacancy.

(h) Those elected as councilors at large at the special election referenced in (b) shall serve until the organization of the town government as provided in the charter on or before 12 P.M. Eastern Standard Time on the first business day of January two years following the special election. Two at large councilors shall be elected at the town election held in November 2019. The councilors elected shall serve four year terms.

(i) Within 30 days of the assumption of office, the mayor shall appoint seven persons to a committee to review the town by-laws for the purpose of preparing such revisions and amendments as may be needed to bring them into conformity with the provisions of this charter and to fully implement the provisions of this charter. The committee shall submit a report, with recommendations, within one year following its creation and may submit interim reports with recommendations at any time. The review shall be conducted under the supervision of the town attorney, or by special counsel appointed for that express purpose.

(j) As terms of office of the incumbent members of the North Attleborough Housing Authority expire, or as vacancies otherwise occur in the membership, successors shall be appointed as provided for city governments in section 5 of chapter 121B of the General Laws.

(k) The position of town accountant which has heretofore existed in North Attleborough, shall, after the organization of the town government, be divided into two separate and distinct functions. The powers of the office which are associated with auditing, including those described in sections 50, 51, 53, and 54A of chapter 41 of the General

Laws shall be assigned to the office of town auditor established by section 2-8(c) of the charter. The remaining powers of a town accountant to approve the payment of bills and invoices submitted by municipal agencies, including such powers and duties described in sections 52, 56, 57, and 58 of chapter 41 of the General Laws shall be exercised by an employee in the executive branch under the title of town accountant, subject to supervision most resembling the practice in place prior to the acceptance of this charter.

(l) The mayor shall prepare a comprehensive plan of administrative reorganization in accordance with the provisions of section 5-1 of the charter. The mayor shall present a proposed administrative code to the council within 18 months after the initial organization of the town government under the charter.

(m) The mayor and town council shall have authority to adopt measures which clarify, confirm, or extend any of the transition provisions contained in this section in order that the transition of the government from its prior form to the mayor-council form may be made in the most responsible and least contentious manner possible.

(n) Until such time as another salary is established for the office of the mayor, in accordance with the provisions of section 3-1(c) of the charter, the initial salary for the mayor of North Attleborough shall be established as the same sum provided for the position of town administrator for the fiscal year beginning on July 1, 2015. The initial salary for the members of the town council and the school committee shall be established at the same rate as is being paid to the members of the board of selectmen on July 1, 2015. The chair of the town council and chair of the school committee shall receive the same compensation as is then being paid to the chair of the board of selectmen. The mayor and councilors shall be eligible to receive  $\frac{1}{4}$  of such annual salary from the time of the special election as described in (b) above, until the organization of the town government as described in section 9-10 of the charter.

SECTION 2: Chapter 656 of the Acts of 1973, "An Act Establishing a Department of Public Works in the Town of North Attleborough shall stand repealed upon the date of assumption of office of the mayor and council as provided in SECTION 1, provided however all acts taken under the authority of the said special law are hereby preserved.

SECTION 3: The town's prior acceptance of the general law providing for a board of election commissioners shall be rescinded upon the assumption of office of the mayor and council, should the charter be accepted as provided in SECTION 6, provided however, that members of the board in office at the time of charter adoption shall be retained for the remainder of their terms to the extent such membership reflects the membership of a board of registrars of voters as provided by General Laws, c. 51, s. 15, and providing that the town clerk shall be a member of the board.

SECTION 4: Should the charter be submitted to the voters at any time after 2017, the board of selectmen shall cause any changes to be made to the charter which are necessary to ensure the orderly implementation of the charter, including but not limited to, the date of the initial election and date of taking office of the mayor and council, and the extension and termination of terms for incumbent elected officials in office at the time the charter is ratified by the voters.

SECTION 5: Not later than thirty days following the date of the ratification of the charter by the voters the town clerk shall give to each member of the Massachusetts House and Senate who represent North Attleborough or any portion thereof, a copy of the vote ratifying the 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 charter establishing its form of government, shall continue to be governed by the provisions of section 52 of chapter 31 of the General Laws and not by the provisions of section 51 of said chapter 31.

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.

SECTION 6. The following question shall be placed on the ballot to be used at the town election in the Town of North Attleborough next following the adoption of this act, or, upon the call of the board of selectmen, at a special election called for the purpose of acceptance of the charter: Shall an act entitled “An Act Establishing a Charter for the Town of North Attleborough” be accepted?

The town attorney shall prepare the summary of the proposed special act charter which shall appear on the ballot along with the question provided in this section.

If a majority of votes cast in answer to the question is in the affirmative, the municipality shall be taken to have accepted the charter of the Town of North Attleborough, but not otherwise.

SECTION 7: This act shall take effect upon its passage.

**FINANCE COMMITTEE VOTE: 3-2**

**MAJORITY VOTE**

**FINANCE COMMITTEE RECOMMENDATION: That consideration of this article be Indefinitely Postponed.**

**FINANCE COMMITTEE REASON:** The majority of the voting members felt that the document was too broad and lacked specific important details. The majority of the “Set-up” for the new government would be determined by a very small group of people and after the charter was already adopted. The Committee feels that in order for people to make an informed decision, they should know the details. Additionally, there was no firm cost associated with the proposal. In the opinion of the members who voted against the motion to Indefinitely Postpone this article, they felt that it should be sent forth to be voted on by the people.

*Herbert McEvoy (P7) made a motion that the vote be taken by Roll Call.*

Motion seconded.

**Motion carried.**

**By a roll call vote the RTM members approved the Finance Committee’s recommendation.**

**Total Voting = 99; Yes – 71 / No - 28**

*The Moderator asked that the RTM members recognize Town Clerk Max Gould for his many years of service and wish him well upon his retirement in April.*

**A motion to Adjourn Sine Die was approved by a majority vote of the RTM members at 9:14 PM.**