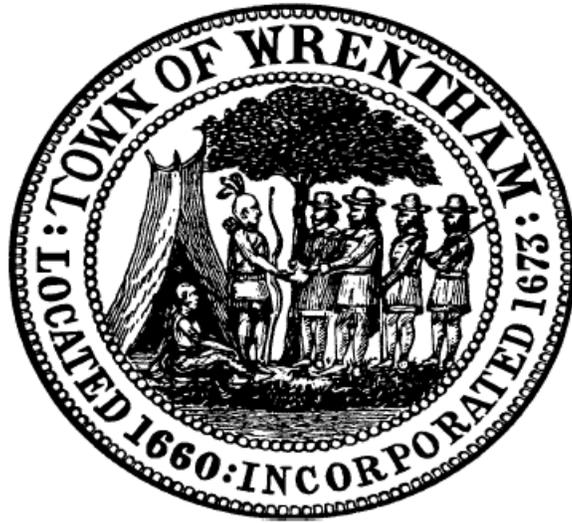


TOWN OF WRENTHAM  
COMMONWEALTH OF MASSACHUSETTS



TOWN CHARTER  
Draft v0.8  
5 October 2013

## CHARTER OVERVIEW

The Wrentham Town Government Study Committee (TGSC) was formed by the Board of Selectmen (BOS) in the spring of 2012 to evaluate the effectiveness of the town's organizational structure, management systems and processes. In the subsequent months the TGSC met with other towns that had gone through the government study process, met with state and local agencies to learn about TGSC best practices, and interviewed all town departments heads, boards and committees, and Town Hall employees to solicit their input. In November 2012 with the assistance of Clark University the TGSC surveyed all 4,503 or Wrentham's residences for feedback on the quality of life in Wrentham as well as their satisfaction with town services, communication and government management.

In May 2013 the TGSC conducted a public presentation and introduced five primary recommendations that resulted from its data collection and analysis. In July, the TGSC formally presented the recommendations to the BOS and gained their concurrence. The focal point of the presentation was a recommendation that Wrentham develop and adopt a Town Charter. (To see all of the TGSC Recommendations and other info go to: [www.wrentham.ma.us/tgsc](http://www.wrentham.ma.us/tgsc).)

Currently Wrentham does not have a Town Charter and relies on by-laws to provide specific rules and regulations for many aspects of how the town is governed. Without a Charter, Wrentham operates without a foundational document that articulates how the Town wishes to govern itself. There are many gaps in the Town's by-laws including a lack of documentation regarding organizational structure, management guidelines and authorities, and systems and operational processes. As an example, by-laws do not stipulate which bodies are elected, what their composition is, what the term of office is, what the responsibilities are, or how vacancies are filled.

Enacting a Charter, approved by the state legislature, would codify the structure, authorities, and processes to help ensure operational consistency going forward. It also affirms the Town's right to conduct local government in accordance with the Commonwealth's Home Rule Amendments, in a way that is responsive to and consistent with local concerns and needs. The Charter is intended to be the keystone for modernizing and implementing consistent policies and procedures across the Town's boards and departments to significantly improve the effectiveness and efficiency of municipal operations.

The Town will be asked to vote on the Charter at the Special Town Meeting on November 12, 2013. This is the first of three actions required to enact the Charter. An affirmative vote at the Special Town Meeting will send the Charter to the legislature for approval. Following that, the final action will be for the Town to accept the Charter via a ballot vote on a date to be decided in 2014.

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## **ARTICLE 1: TOWN INCORPORATION, FORM OF GOVERNMENT, AND POWERS**

### **Section 1.1: Incorporation**

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

### **Section 1.2: Short Title**

This instrument shall be known and may be cited as the Wrentham Home Rule Charter.

### **Section 1.3: Definitions**

1.3.1: Unless another meaning is clearly apparent from the manner in which the word is used, the following words used in this charter shall have the meanings as defined below:

- a. "Board of Assessors", the duly elected board of assessors for the Town of Wrentham.
- b. "Board of Health", the duly elected board of health for the Town of Wrentham.
- c. "Board of Selectmen", the duly elected board of selectman for the Town of Wrentham.
- d. "Board of Trustees" or "Board of Trustees for the Wrentham Public Library" shall be the duly elected board of trustees for the Wrentham Public Library.
- e. "Capital Budget Planning Committee", the duly appointed capital budget planning committee for the Town of Wrentham.
- f. "Charter", this document and any amendments to it, which may hereafter be adopted.
- g. "Days", business days, not including Saturdays, Sundays and legal holidays; provided however, that when the time set is at least seven (7) days, every day shall be included.
- h. "Emergency", a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- i. "Fire Chief", the duly appointed fire chief fo the Town of Wrentham.
- j. "Finance Committee", the duly appointed finance committee for the Town of Wrentham.
- k. "Finance Director", the duly appointed finance director for the Town of Wrentham.
- l. "King Philip Regional School Committee", the duly elected school committee of the King Philip Regional School system.

- m. "Local Newspaper", a newspaper of general circulation in the Town of Wrentham.
- n. "Majority Vote", "Majority Vote", a majority of the full membership of a multiple member body present and voting, unless this charter or M.G.L require a greater number.
- o. M.G.L. - The abbreviation "M.G.L." shall refer to Massachusetts General Laws.
- p. "Multiple Member Body", any town body, consisting of at least 2 persons, whether called a board, commission, committee, subcommittee, or otherwise and however elected, appointed or otherwise constituted.
- q. "Personnel Board", the duly appointed personnel board for the Town of Wrentham.
- r. "Planning Board", the duly elected planning board for the Town of Wrentham.
- s. "Police Chief", the duly appointed police chief of the Town of Wrentham.
- t. "Resident" or "Residents" is a person or persons who maintain a primary residence in the Town of Wrentham.
- u. "Superintendent of Public Works", the duly appointed superintendent of the Town's department of public works.
- v. "Town", the Town of Wrentham.
- w. "'Town Administrator", the duly appointed Town administrator for the Town.
- x. "Town Agency", any board, commission, committee, department, division or office of the Town government.
- y. "Town Bulletin Board", bulletin boards in the Town hall on which office notices are posted and those at other Town buildings or facilities which may be designated as Town bulletin boards.
- z. "Town Clerk", the duly appointed or elected Town clerk.
- aa. "Town Counsel", the duly appointed legal counsel for the Town.
- bb. "Town Meeting", the open town meeting established in Article 2, whether annual or special.
- cc. "Town Moderator" or "Moderator", the duly elected Town moderator.

- dd. “Town Officer”, a person having charge of an office or department of the Town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the Town.
- ee. “Town Planner”, the duly appointed Town planner.
- ff. “Voter” or “Voters”, registered voter or voters of the Town.
- gg. “Warrant”, a document required to warn and notify Residents and inhabitants of the Town, who are qualified to vote in Town affairs, to meet at a specific place to act on published articles relating to the governance of the Town.
- hh. “Wrentham Housing Authority”, the duly elected Town housing authority.
- ii. “Wrentham Public School Committee”, the duly elected school committee of the Town’s public schools.

#### **Section 1.4: Powers of the Town**

Subject only to express limitations on the exercise of any power or function by a municipality in the Constitution or laws of the Commonwealth of Massachusetts, it is the intent and the purpose of the Voters to secure through the adoption of this Charter all of the powers it is possible to secure for a municipal government under the Commonwealth of Massachusetts Constitution and laws.

#### **Section 1.5: Division of Powers**

All legislative powers of the Town shall be exercised by a Town Meeting open to all Voters. The administration of all Town fiscal, prudential and municipal affairs shall be vested in the executive branch headed by the Board of Selectmen, the Town Administrator and elected officers and boards.

#### **Section 1.6: Construction**

The powers of the Town of Wrentham under this Charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Wrentham as stated in section 1.4.

#### **Section 1.7: Intergovernmental Relations**

Consistent with any applicable constitutional or statutory provisions, the Town may exercise any of its powers, or perform any of its functions and may participate in the financing thereof, with any one or more civil divisions, subdivisions or agencies of any state or the United States government.

## **ARTICLE 2: LEGISLATIVE BRANCH**

### **Section 2.1: Town Meeting**

The legislative powers of the Town shall be exercised by a Town Meeting open to all Voters.

### **Section 2.2: Presiding Officer**

The Moderator, as provided for in Section 3.3, shall preside at all sessions of the Town Meeting, but the Moderator shall have no vote unless those Voters present and voting are equally divided. He shall at the first session of the Town Meeting following each annual Town election appoint a deputy Moderator to serve in the event of his absence or disability, provided that the Town Meeting ratifies such appointment. In the event of the absence or disability of the Moderator and deputy Moderator the Town Meeting shall elect from those Voters present at the Town Meeting a temporary Moderator to act during such absences or disabilities. The Moderator shall perform such duties as may from time to time be assigned to the office of Moderator by by-law, rule or other vote of Town Meeting. The Moderator, at all Town Meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be authorized by law, this Charter, by by-law or other vote of the Town Meeting.

### **Section 2.3: The Town Report.**

The Board of Selectmen shall publish an annual Town report and make it available at least 14 Days before the annual Town Meeting; provided, however, that failure to comply with this section shall not prevent Town Meeting from proceeding.

### **Section 2.4: Annual Town Meeting**

The annual Town Meeting shall be held between the months of March and June on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure of Town funds, including, but not limited to, the adoption of an annual operating budget for all Town agencies, and for the purpose of electing officers and the determination of all other matters to be decided by ballot of the Voters.

### **Section 2.5: Special Town Meetings**

Special Town Meetings shall be held at the call of a majority of the full membership of the Board of Selectmen in order to transact the legislative business of the Town. Special Town Meetings shall be held in accordance with M.G.L chapter 39, section 10.

### **Section 2.6: Warrants**

Every Town Meeting shall be called by a Warrant issued by the Board of Selectmen, which shall state the time and place at which the meeting is to convene and, by separate articles, identify the subject matters to be acted upon. The publication of the Warrant for every Town Meeting shall be in accordance with the M.G.L. and by-laws governing such matters.

## Section 2.7: Initiation of Warrant Articles

2.7.1: Initiation - Subject to paragraph (2.7.3), the Board of Selectmen shall receive petitions addressed to it which request the submission of any matter to the Town Meeting and which are filed by: (1) any Town officer; (2) any Multiple Member Body acting by a majority of its members; or (3) any 10 Voters for a session of the annual Town Meeting and (4) any 100 Voters for a special Town Meeting.

2.7.2: Referral - Following receipt of any petition containing a proposed Warrant article, the Board of Selectmen shall deliver a copy of the proposal to the chairman of the Finance Committee and shall distribute copies of the proposal as may be required by the M.G.L. or by-law.

2.7.3: Inclusion on the Warrant – Annual Town Meeting - Whenever an annual Town Meeting is to be called, notice shall be given by posting attested copies of the Warrant in at least two public places in the Town and by publishing notice of the meeting by such method of town-wide publication that the Town may specify in by-law at least 14 Days before the day appointed for the meeting. The Board of Selectmen shall include in the Warrant, for a session of the annual Town Meeting, the subject matters of all petitions which have been received by it at least 60 Days before the date fixed by by-law for such session to convene.

2.7.4: Inclusion on the Warrant - Special Town Meeting - Whenever a special Town Meeting is to be called, notice shall be given by posting attested copies of the Warrant in at least two public places in the Town and by publishing notice of the meeting by such method of town-wide publication that the Town may specify in by-law at least 14 Days before the day appointed for the meeting. The Board of Selectmen shall include in the Warrant for such special Town Meeting the subject matters of all petitions which have been received by it at least 20 days before the day appointed for the meeting. The content, scheduling and notice requirements for a special Town Meeting shall be as provided for in M.G.L chapter 39, section 10 for a special Town Meeting.

## Section 2.8: Availability of Town Officials at Town Meetings; Conflicting Meetings

2.8.1: Every elected Town officer, head of each department and division, and chairperson of each Multiple Member Body that has sponsored an article on the warrant, shall attend all sessions of Town Meetings.

2.8.2: In the event any elected Town officer, chairperson of a Multiple Member Body, or department or division head shall be absent from a Town Meeting due to illness or other reasonable cause, that person shall designate a deputy to attend the meeting and represent the office, Multiple Member Body, department or division. If any person designated to attend a Town Meeting under this section is not a Voter, such person shall, nonetheless, have a right to address the meeting for the purpose of fulfilling the objectives of this section.

2.8.3: No meeting of any Multiple Member Body or Town Agency shall be convened or be in session during a session of any Town Meeting.

### **Section 2.9: Clerk of the Meeting**

The Town Clerk shall serve as clerk of the Town Meeting, give public notice of all adjourned sessions of the Town Meeting, record its proceedings, and perform such additional duties in connection therewith as may be provided by the law, this Charter, by-law or other Town Meeting vote.

### **Section 2.10: Rules of Procedure**

The Town Meeting may, by by-law, establish, amend, revise or repeal rules to govern the conduct of all Town Meetings.

### **Section 2.11: General Powers and Duties**

The Town Meeting shall provide for the exercise of all of the powers of the Town and for the performance of all duties and obligations imposed upon the Town for which no other provision is made by law, this Charter or by-law.

### **Section 2.12: Report to the Voters**

2.12.1: There shall be published for every Town Meeting a copy of the Warrant, together with its articles, and a report to the Voters which shall contain the explanation and relevant data submitted by the proponents of each article; provided, however, that, in the alternative, the Town Administrator direct that voluminous supporting material necessary for consideration of particular articles, in lieu of inclusion in the written report to the Voters, be made reasonably available for inspection at public locations or on the Town's official web site before the Town Meeting. All proposed warrant articles shall be accompanied by the required explanation and relevant data at the time of submission. The Board of Selectmen shall have the sole discretion to determine what material meets the intent of this Charter provision in preparing the report to the voters.

2.12.2: The report shall be made available to Residents of the Town, by a method determined by the Board of Selectmen; provided, however, that the failure to make the report available shall not prohibit a Town Meeting from acting upon the matters set forth in the Warrant and shall not affect the validity of the proceedings at a Town Meeting.

## ARTICLE 3: ELECTED OFFICERS

### Section 3.1: General Provisions

3.1.1: The offices to be filled by ballot of the Voters of the entire Town shall be a Board of Selectmen, a Moderator, a Wrentham Public School Committee, the members of the King Philip Regional School Committee elected by the voters of the Town, a Board of Assessors, a Board of Health, a Planning Board, Board of Trustees of the Wrentham Public Library, Wrentham Housing Authority, constables and such members of regional authorities or districts as may be established by statute, inter-local agreement, or otherwise.

3.1.2: The regular elections for Town office shall be held annually on such date as may from time to time be fixed in the by-laws of the Town.

3.1.3: Only Residents shall be eligible to hold an elected Town office. No elected Town official shall simultaneously hold any other elected Town office or be appointed to any Town office other than as an ex-officio member of a Multiple Member Body.

3.1.4: Elected Town officials shall receive such compensation for their services as may be appropriated.

3.1.5: Filling of Vacancies:

- a. Moderator - If there is a failure to elect a Town Moderator, or if a vacancy occurs in the office of Town Moderator, Town Meeting shall, as its first act, elect a temporary moderator. The Board of Selectmen shall nominate at least one candidate willing to serve. The Town Clerk shall preside over the meeting until a Moderator is elected.
- b. Elected Multiple Member Body - If there is a failure to elect a member of a Multiple Member Body, or if a vacancy occurs in the membership of an elected Multiple Member Body, the remaining members of the Multiple Member Body shall give notice to the Board of Selectmen and to the public of the vacancy. The Board of Selectmen and the remaining members of the Multiple Member Body shall, not less than one (1) week after notice of the vacancy, fill the vacancy until the next Town election by a joint vote. The affirmative votes of the majority of the persons entitled to vote on the vacancy shall be necessary for the election.
- c. Board of Selectmen - If there is a failure to elect a member of the Board of Selectmen, or if a vacancy occurs in the membership of the Board of Selectmen, the remaining members of the Board of Selectmen may call a special election to fill the vacancy or shall call the special election upon the written request of at least 200 Voters.

3.1.6: Notwithstanding their election by Voters, the Town officers named in this section shall be subject to the call of the Board of Selectmen or of the Town Administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their office.

## Section 3.2: Board of Selectmen

3.2.1: Composition, Term. A board of five selectmen shall be elected at-large for three (3) years each so arranged that the terms of as nearly an equal number of members as is possible shall expire each year. No person may serve on the Board of Selectmen while at the same time serving as a Town employee or as an elected or appointed officer or official or member of a multiple-member Town body, regardless of whether compensation is received for that service.

### 3.2.2: Powers and Duties

- a. Except as otherwise provided by this Charter, all executive powers of the Town shall be vested in the Board of Selectmen which shall have all the powers and duties given to boards of selectmen under the Commonwealth of Massachusetts Constitution and M.G.L., and such additional powers and duties as may be authorized by this Charter, by by-law, or Town Meeting vote.
- b. The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all Town agencies serving under it, and in conjunction with other elected Town officers and Multiple Member Bodies to develop and promulgate policy guidelines designed to bring the operation of all Town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of such members, to become involved in the day-to-day administration of any Town Agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it.
- c. The Board of Selectmen shall serve as the goal-setting, long-range planning and policy-making body of the Town, recommending major courses of action to the Town Meeting and adopting operating policy directives and guidelines which are to be implemented by officers, boards, committees, commissions and employees of the Town.
- d. The Board of Selectmen may direct the Town Administrator to investigate the affairs of the Town and the conduct of any Town department, office or agency, including any doubtful claims against the Town and for this purpose the Town Administrator, by and through the Board of Selectmen, may subpoena witnesses, administer oaths, take testimony and require the production of evidence. A summary report of such an investigation shall be placed on file in the office of the Town Clerk.
- e. The Board of Selectmen shall have control of all public places and real and personal property of the Town, the custody of which is not by-law vested in any other authority.
- f. The Board of Selectmen shall be a licensing board for the Town and shall have the power to issue licenses as authorized by M.G.L., to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and to impose permissible restrictions on any such licenses as it deems to be in the public interest, and to enforce all laws, rules, regulations and restrictions relating to all such businesses for which it issues

licenses.

- g. The Board of Selectmen shall provide at each regularly scheduled meeting a portion of time for public comment. The procedures for public comment may be as provided by the Town by-law or rules of procedure of the Board of Selectmen as may from time to time be adopted or amended.
- h. The Board of Selectmen shall cause the Charter, by-laws, and rules and regulations for the government of the Town to be enforced and shall cause an up-to-date record of all its official acts to be kept.

### 3.2.3 Selectmen have the authority to appoint:

- a. Town Administrator. The Board of Selectmen shall appoint a Town Administrator for a three (3) year term. The appointment of the administrator shall be by the affirmative vote of at least three (3) members of the Board of Selectmen, with reappointment by at least three (3) affirmative votes of the board. Removal requires at least four (4) affirmative votes of the Board of Selectmen.
- b. The Board of Selectmen shall appoint a conservation commission, zoning board of appeals, council on aging, housing partnership, local cultural council, and other committees as required by the M.G.L.
- c. Unless noted elsewhere in this Charter, the terms of office of all appointments made by the Board of Selectmen shall be as currently specified by the M.G.L., by this Charter, by by-law or Town Meeting vote.

## Section 3.3: Town Moderator

3.3.1.: Term. There shall be a Town Moderator elected for a term of three (3) years.

3.3.2: Powers and duties. The Town Moderator shall be the presiding officer of the Town Meeting, shall regulate its proceedings, decide all questions of order and shall have such other powers and duties as may be provided for that office by M.G.L., by this Charter, by by-law and by other vote of the Town Meeting.

3.3.3: Appointments. The Town Moderator shall appoint the Finance Committee, the Capital Budget Planning Committee and, shall participate in the appointment of the Personnel Board with the Board of Selectmen and Finance Committee, the Personnel Board.

## Section 3.4: Wrentham Public School Committee

3.4.1: Composition, Term of Office. There shall be a school committee consisting of five (5) members elected for terms of three (3) years each so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

3.4.2: Powers and Duties. The school committee shall have all the powers and duties which are given to school committees by M.G.L. and it shall have such additional powers and duties as may be authorized by this Charter, by by-law, or by other Town Meeting vote. The powers of the school committee shall include, but are not intended to be limited to the following:

- a. To appoint a superintendent of the schools and other officers as allowed by M.G.L., to fix their compensation and to define their duties, make rules concerning their tenure of office and to discharge them.
- b. To make all reasonable policies consistent with M.G.L. or Massachusetts Department of Education regulations for the administration and management of the public school system and for the conduct of its own business and affairs.
- c. To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town meeting.
- d. The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds; unless a central municipal maintenance department which may include maintenance of school buildings and grounds is established by the Charter, by by-law or by other vote of the Town Meeting.
- e. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one (1) member of the school committee, or a designee of the school committee, shall serve on the agency, council or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

### **Section 3.5: Board of Assessors**

3.5.1: Composition, Term of Office. There shall be a Board of Assessors which shall consist of three (3) members elected for terms of three years each, so arranged that one term shall expire each year.

3.5.2: Powers and Duties. The Board of Assessors shall annually make a fair cash valuation of all property, both real and personal, within the Town, and, subject to the terms or limitations of this Charter, shall have all of the powers and duties which are given to boards of assessors under the constitution and laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be authorized by the Charter, by by-law or by other vote of the Town Meeting.

### **Section 3.6: Board of Health**

3.6.1: Composition, Term of Office. There shall be a Board of Health which shall consist of three (3) members elected for terms of three years each, so arranged that one term shall expire each year.

3.6.2: Powers and Duties. The Board of Health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health, and subject to the terms or limitations of this Charter, shall have all of the powers and duties which are given to boards of health under the constitution and laws of the Commonwealth of Massachusetts, and such additional powers and duties as may be authorized by the Charter, by by-law or by other vote of the Town Meeting.

### **Section 3.7: Planning Board**

3.7.1: Composition, Term. There shall be a Planning Board consisting of five (5) members elected for terms of three (3) years each, so arranged that the term of office of as nearly an equal number as is possible shall expire each year.

3.7.2: Powers and duties. The Planning Board subject to the terms or limitations of this Charter, shall have all of the powers and duties planning boards may have under the Constitution and M.G.L., and it shall have such additional powers and duties as may be authorized by the Charter or by by-law.

- a. The Planning Board shall make careful studies of the resources, possibilities, and needs of the Town and shall make plans for the development of the Town. The Planning Board shall provide for the review of the comprehensive master plan every ten years, setting forth in graphic and textual form policies governing the future growth and development of the Town, including its economic and community development.
- b. The Planning Board shall regulate the sub-division of land within the Town by adoption of rules and regulations governing such development and the administration of such rules and regulations. The Planning Board shall make recommendations to the Town Meeting on all matters affecting land use and development, including the zoning by-laws of the Town.
- c. The Planning Board shall make an annual report, giving information regarding the condition of the Town and any plans or proposals for its development.

### **Section 3.8: Board of Library Trustees**

3.8.1: Composition, Term of Office. There shall be a board of library trustees consisting of five (5) members elected for terms of three (3) years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

3.8.2: Powers and duties. The Board of Library Trustees shall have the custody and management of the public library and of all property of the Town related to the library. All funds of money and property that the Town may receive by gift or bequest for the purpose of library support or maintenance shall be administered by the board in accordance with the provisions of any such gift or bequest. The board subject to the terms or limitations of this Charter, shall have all of the other powers and duties which are given to boards of library trustees by the M.G.L., by this Charter, by by-law or other Town Meeting vote.

### **Section 3.9: Constables**

3.9.1: Composition, Term of Office. There shall be three (3) constables elected for terms of three (3) years each, so arranged that one term shall expire each year.

3.9.2: Powers and Duties. Constables may serve writs and processes and shall have the powers of sheriffs to require aid in the execution of their duties. They shall serve all warrants and other processes directed to them by the Board of Selectmen for notifying Town Meetings or for other purposes. They may serve by copy, attested by them, demands, notices and citations and their returns of service thereof shall be prima facie evidence.

### **Section 3.10: Wrentham Housing Authority**

3.10.1: Composition, Term of Office. There shall be a housing authority which shall consist of five (5) commissioners serving for terms of five (5) years each so arranged that the term of one commissioner shall expire each year. Four of these members shall be elected by the Voters and the fifth member shall be appointed as provided by M.G.L.

3.10.2: Powers and Duties. The Wrentham Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly and disabled persons of low income. The Wrentham Housing Authority shall have such other powers and duties as are assigned to housing authorities by M.G.L.

### **Section 3.11: King Philip Regional School District Committee (Wrentham Members)**

3.11.1: Composition, Term of Office. The Voters shall elect such members of the King Philip Regional School Committee for such terms as may be provided under the agreement and laws establishing the same.

3.11.2: Powers and Duties. The Town's members of the King Philip Regional School Committee shall, fulfill the Town's responsibilities relative to the management and supervision of the said school district according to the agreement and laws governing the same.

### **Section 3.12: Recall Provisions**

3.12.1: Application. Any elective officer of the Town that has served at least 120 Days in office may be recalled from office by the Voters in the manner provided herein.

3.12.2: Recall Petition. Five percent of the registered Voters of the Town as of the last regular Town election may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds of the recall. The Town Clerk shall provide those Voters printed form petition blanks addressed to the Board of Selectmen demanding the recall. The blanks shall be dated and shall contain the names of all persons to whom they were issued, the name of the person whose recall is being sought and grounds of recall as stated in the

affidavit. The petition shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.

The recall petition shall be returned and filed in the office of the Town Clerk within 18 days after the date upon which the Town Clerk issued the petition and shall contain the signatures of at least 20 percent of the total number of Voters duly recorded on the registration list of the Town Clerk as of the most recent Town election preceding the filing of the petition.

Within seven (7) days following receipt of the recall petition, the Board of Registrars shall certify the number of signature which are names of Voters in the Town,

3.12.3: Recall Election: Immediately following the certification of the petition by the Board of Registrars, the Town Clerk shall submit the petition to the Board of Selectmen. Upon receipt of the certified petition, the Board of Selectmen shall, within 72 hours, give notice of the recall petition and its certification to the officer whose recall is sought. If the officer sought to be recalled does not resign from office within 5 Days after receipt of the notices, the Board of Selectmen shall order a recall election to be held not less than 64 Days nor more than 90 Days after the date of certification by the Town Clerk. If another regular Town election or special election shall be held within 90 Days, then the recall election shall take place on the date of that other regular Town election or special election. All procedures for voting upon the recall question and filling the vacancy caused by the recall of an officer shall be in the same manner as provided by the M.G.L. and Town by-law for the conduct of Town elections.

If the officer resigns or a vacancy otherwise occurs in the office after a recall election has been ordered, the election shall proceed as provided in this Charter, but only the ballots for the new candidates shall be counted.

3.12.4: Nomination of Candidates. Any officer sought to be removed may be a candidate to succeed himself and, unless the officer requests otherwise in writing within 14 Days after receiving notice of the recall petition, the Town Clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the Warrant for the recall election and the conduct of the recall election shall be in accordance with all laws relative to elections.

3.12.5: Propositions on the Ballot. Ballots used at a recall election shall contain the following propositions in the order indicated:

FOR THE RECALL OF (NAME OF OFFICER) ( )  
AGAINST RECALL OF (NAME OF OFFICER) ( )

Adjacent to each proposition, there shall be a place to mark a vote. After the propositions, the word "CANDIDATES" shall appear, followed by the names of all candidates, arranged alphabetically by surname. Adjacent to the name of each candidate shall be a place to mark a vote.

If a majority of the votes cast upon the question of recall is in the negative, the ballots shall not be counted unless the incumbent officer has previously resigned or a vacancy has otherwise occurred pursuant to 3-12-2.

3.12.6: Office Holder. If a majority of the votes cast upon the question of recall is in the affirmative, then such officer shall be recalled and the candidate receiving the highest number of votes shall be declared elected provided, however, that at least 25 percent of all those qualified to vote in Town shall have voted.

3.12.7: Repeat of Recall Petition. If an officer who was subject of a recall election was not recalled, no subsequent recall election shall be filed against him until the expiration of 6 months after the date of the previous recall election.

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## ARTICLE 4: TOWN ADMINISTRATOR

### Section 4.1: Appointment; Qualifications; Term

4.1.1: The Board of Selectmen shall, by an affirmative vote of the majority of the full board, appoint or reappoint a Town Administrator for a term of three (3) years and fix the compensation of the Town Administrator within the amount annually appropriated for this purpose. Whenever a vacancy shall occur in the office of Town Administrator, the Board of Selectmen shall appoint a Town Administrator search committee to identify qualified candidates for the position. The office of the Town Administrator shall not be subject to the Town's salary administration plan. The Town Administrator shall be appointed principally on the basis of his executive and administrative qualifications and experience. He/she shall be a professionally qualified person of proven ability, especially fitted by education, which shall consist of at least a bachelor's degree from an accredited degree-granting college or university, and his/her professional experience shall include previous, full-time, compensated service in a managerial capacity in public or business administration.

4.1.2: The position of Town Administrator shall be a full-time position and the Town Administrator shall devote his/her best efforts to the office and shall not hold any other public office, elective or appointive, nor engage in any business or occupation during his term unless the action is fully disclosed and approved by the Board of Selectmen in advance, in writing.

4.1.3: The Board of Selectmen shall provide for an annual review of the job performance of the Town Administrator, which shall, at least in summary form, be a public record in accordance with the personnel by-laws or accepted evaluation process.

4.1.5: The Town Administrator shall not have served in an elected office in the Town government for at least twelve (12) months prior to his appointment.

### Section 4.2: Powers of Appointment

4.2.1: The Town Administrator shall have the following appointing authorities as it pertains to departments that fall under the jurisdiction of the Board of Selectmen.

- a. The Town Administrator shall select for appointment department heads for police, fire, Town Clerk, public works, finance, building inspection, recreation and senior center, and for the conservation agent. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the Board of Selectmen, unless, within that period, the Board of Selectmen by a vote of at least three of its members shall vote to reject such appointment, or, has sooner voted to affirm it.
- b. The Town Administrator shall have the authority to appoint search committees for department head vacancies.

- c. The Town Administrator shall be the appointing authority for all candidates for employment or promotion brought to the Town Administrator by the department heads for public works, finance, building inspections, recreation and senior center.
- d. The Town Administrator shall consult with the Conservation Commission, council on aging, and recreation committee, before finalizing appointments for conservation agent, senior center director or recreation director, respectively.
- e. The Town Administrator shall have appointing authority for all other positions within departments under the jurisdiction of the Board of Selectmen.

4.2.2: The Town Administrator shall have the following appointing authority as it pertains to departments that are not within the jurisdiction of the Board of Selectmen:

- a. The Town Administrator shall after consultation with the appropriate elected board, select for appointment the appraiser, planner, health agent, and library director. Appointments to such positions shall become effective on the fifteenth day following the notice provided by the Town Administrator to the Board of Assessors, Planning Board, Board of Health or library trustees, as appropriate, unless within the fifteen day period the appropriate Board votes to reject the appointment by majority vote, or has sooner voted to affirm it.
- b. The Town Administrator shall be the appointing authority for all staff required to support the office for assessors, Planning Board, Board of Health and the library. The Town Administrator shall consult with the head of each of these departments prior to any appointment.

4.2.3: The Town Administrator shall have the authority to appoint all professional, technical and operational positions of the Town, and other such positions not otherwise provided for in this charter as may be created by M.G.L., by amendment or revision of this Charter, by by-law or by vote of the Town.

### **Section 4.3: Responsibilities**

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which the office of Town Administrator is given responsibility by or under this Charter. The powers and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

4.3.1: To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of Town Administrator is given authority, responsibility or control by this Charter, by by-law, by Town Meeting vote, by vote of the Board of Selectmen, or otherwise.

4.3.2: To be entrusted with the administration of the Town's personnel by-laws, including, but not limited to personnel policies and practices, rules and regulations, including provisions for

recruitment, an annual employee performance review, employee grievance procedures and discipline, workplace safety, and collective bargaining agreements entered into by the Town.

4.3.3: To fix the compensation of all appointed officers and employees within the limits established by appropriation.

4.3.4: To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause; the Town Administrator shall have a voice, but no vote, in all of the board's proceedings.

4.3.5: To keep the Board of Selectmen fully advised concerning the status of all matters which have been referred to the office of the Town Administrator by the Board of Selectmen by providing to its members for review at each regular meeting of the board a full and complete summary of all activity conducted by the office of the Town Administrator since the last meeting of the Board of Selectmen.

4.3.6: To assure that full and complete records of the financial and administrative activities of the Town are kept and to render as often as may be required by the Board of Selectmen, but not less frequently than quarterly, a full report of all Town administrative operations during the period reported on.

4.3.7: To keep the Board of Selectmen advised as to the needs of the Town and shall recommend to the Board of Selectmen and to other elected Town officers and agencies for adoption such measures requiring action by them, or by the Town Meeting, as the Town Administrator may deem necessary or expedient.

4.3.8: To have full jurisdiction over the rental and use of all Town facilities and property except property under the control of the school committee and the board of library trustees. The Town Administrator shall be responsible for the maintenance and repair of all Town buildings and facilities placed under the Town Administrator's control by this Charter, by by-law, by vote of the Town or otherwise.

4.3.9: To prepare and present an annual operating budget for the Town and a proposed capital outlay program for the five fiscal years next ensuing.

4.3.10: To assure that a full and complete inventory of all property of the Town, both real and personal, is kept, including all property under the jurisdiction of the school committee and library trustees.

4.3.11: As required by M.G.L., chapter 30B, Uniform Procurement Act, the Town Administrator shall be the certified procurement officer responsible for the purchase of all commonly used supplies, materials, equipment, and services, except books and other educational materials for schools, and books, equipment and other media materials for the library, and shall approve the award of all contracts for all Town departments with the exception of the school department and public library, subject to the approval of the Board of Selectmen.

4.3.12: To negotiate and enter into all contracts involving any subject within the jurisdiction of the office of Town Administrator, to include, but not limited to, legal services and insurance contracts, and contracts with Town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment.

4.3.13: The Town Administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any Town Agency. The Town Administrator shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any Town Agency except for property under the control of the Wrentham School Committee and the Board of Library Trustees.

4.3.14: To see that all of the provisions of the M.G.L., of this Charter, Town by-laws and other votes of the Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town Administrator, or officers subject to the direction and supervision of the Town Administrator, are faithfully executed, performed or otherwise carried out.

4.3.15: To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other Town Agency.

4.3.16: To attend all sessions of all Town Meetings and answer all questions raised by Voters which relate to Warrant articles and to matters over which the Town Administrator exercises any supervision.

4.3.17: To create, reorganize, expand, consolidate or abolish, in the manner provided in section 5.1, Town Agencies serving under the supervision of the Town Administrator, in whole or in part, and provide for reassignment of powers, duties, functions and responsibilities with and among such agencies so created or existing, notwithstanding any specific designation of a Town Agency or any specific assignment of powers, duties, functions and responsibilities within this Charter. For purposes of section 5.1 of this Charter, functions assigned by this Charter to appointed Town agencies under the supervision of the Town Administrator may be assigned to any other agency under the supervision of the Town Administrator or to any board, commission, committee, department, position or office of any such agency in the manner provided in said section 5.1.

4.3.18: To coordinate the activities of all Town Agencies serving under the office of Town Administrator and the office of Board of Selectmen with those under the control of other officers and multiple member bodies elected directly by the Voters. For the purpose of affecting coordination and cooperation among all agencies of the Town, the Town Administrator shall have authority to require the persons so elected, or their representatives, to meet with the Town Administrator, at reasonable times, to submit such reports of their doings and summaries of actions taken as may be deemed to be necessary or desirable for the purpose of such coordination.

4.3.19: To perform any other duties as are required to be performed by the Town Administrator by by-laws, administrative code, votes of the Town Meeting, or votes of the Board of Selectmen, or otherwise.

4.3.20: To issue Warrants for the payment of Town funds. The Town Administrator's signature on Warrants shall be sufficient authorization for payment of them by the treasurer-collector, provided the bills, drafts, orders and payrolls have been properly submitted and have been examined and approved by the director of finance. In the temporary absence of the Town Administrator, Warrants may be approved and signed by the person designated by the Town Administrator pursuant to Section 4.4 or by at least three members of the Board of Selectmen. In the event of a vacancy in the office of the Town Administrator, Warrants may be approved and signed by the person or persons designated by the Board of Selectmen pursuant to Section 4.4 or by at least three members of the Board of Selectmen.

#### **Section 4.4: Acting Town Administrator**

4.4.1: Temporary absence. By letter filed with the Town Clerk, the Town Administrator shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of Town Administrator during a temporary absence. During a temporary absence the Board of Selectmen may not revoke such designation until at least ten (10) Days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the Town Administrator shall return.

4.4.2: Vacancy. Any vacancy in the office of the Town Administrator shall be filled as soon as possible by the Board of Selectmen, but, pending such regular appointment the Board of Selectmen shall appoint a qualified administrative officer to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three (3) months, but one renewal may be voted by the Board of Selectmen not to exceed an additional three (3) months. Compensation for such person shall be set by the Board of Selectmen.

4.4.3: Powers and Duties. The powers of temporary or acting Town Administrator, under sections 4.4.1 and 4.4.2 above, shall be limited to matters which should not be delayed and shall include authority to make temporary, emergency appointments or designations to Town office or employment but not to make permanent appointments or designations.

#### **Section 4.5: Removal and Suspension**

4.5.1: The Board of Selectmen may for cause, by the affirmative vote of four (4) of its members, terminate and remove, or suspend, the Town Administrator from office in accordance with the following procedure. "For cause" shall mean incompetency, inefficiency, incapacity, conduct unbecoming an employee of the Town, neglect of duty, or any other ground put forth by the Board of Selectmen that is not arbitrary, irrational, unreasonable or irrelevant to the sound and efficient administration of the Town.

- a. The Board of Selectmen shall adopt a preliminary resolution of removal by the affirmative vote of four members which must state the reason or reasons for removal. This preliminary resolution may suspend the Town Administrator for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the Town Administrator forthwith.

- b. Within five (5) days after receipt of the preliminary resolution the Town Administrator may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not later than thirty (30) Days after the request is filed, nor earlier than twenty (20) Days. The Town Administrator may file a written statement responding to the reasons stated in the resolution of removal with the Board of Selectmen provided the same is received at its office more than forty-eight (48) hours in advance of the public hearing.
- c. The Board of Selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of four of its members not less than ten (10) nor more than twenty-one (21) Days following the date of delivery of a copy of the preliminary resolution to the Town Administrator, if the Town Administrator has not requested a public hearing; or within ten (10) Days following the close of the public hearing if the Town Administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the Town Administrator shall at the expiration of said time, forthwith resume the duties of the office.

4.5.2: Faced with action by the Board of Selectmen to terminate, remove or suspend, the Town Administrator shall be afforded all of the provisions provided municipal employees under M.G.L., chapter 30A, sections 18-25, known as the Open Meeting Law.

4.5.3: The action of the Board of Selectmen in suspending or removing the Town Administrator shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the Board of Selectmen.

## ARTICLE 5: ADMINISTRATIVE ORGANIZATION

### Section 5.1: Organization of Town Agencies

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

5.1.2: By-Laws. The Town Meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any Town Agency, in whole or in part; establish new Town agencies as it deems necessary or advisable; determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this Charter to a particular Town Agency may be discontinued, or unless this Charter specifically so provides, assigned to any other.

5.1.3: Administrative Code. The Town Administrator, after consultation within the Board of Selectmen, may from time to time prepare and submit to the Town Meeting plans for organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the Town.

Whenever the Town Administrator prepares such a plan, the Board of Selectmen shall hold one or more public hearings on the proposal giving notice by such method of town-wide publication that the Town may specify in by-law, which notice shall describe the scope of the proposal and the date, time and place at which the hearing will be held, not less than seven (7) nor more than fourteen (14) Days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Town Meeting by an appropriate Warrant article.

5.1.4: An organization or reorganization plan shall become effective at the expiration of sixty (60) Days following the date of adjournment of the Town Meeting at which the proposal is submitted unless the Town Meeting shall, by a Majority Vote, vote to disapprove the plan. The Town Meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

5.1.5: The Town Administrator may, through the administrative code, reorganize, consolidate or abolish any Town Agency, in whole or in part; establish such new Town Agencies as is deemed necessary to the same extent as is provided in section 5.1.2, above, for by-laws; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the Town, transfer the appropriation of one (1) Town Agency to another; provided, however, that no function assigned by this Charter to a particular Town Agency may be discontinued or, unless this Charter so specifically provides, be assigned to any other.

### Section 5.2: Personnel By-laws

The Town shall maintain personnel by-laws pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth of Massachusetts and M.G.L. Chapter 41,

sections 108A and 108C. The personnel by-laws establish the human resources system for the Town. It establishes the role and authority of the Personnel Board and the Town Administrator in developing strategic programs, meeting state and federal requirements relative to employment, and implementing personnel practices and policies. The human resources system is designed to ensure that Town employees are treated in a fair, equitable, efficient and ethical manner.

### **Section 5.3: 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 or other evidence of competence and suitability.

### **Section 5.4: Town Clerk**

5.4.1: There shall be a Town Clerk appointed by the Town Administrator and approved by the Board of Selectmen to serve for a term of three (3) years.

5.4.2: 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 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; be the clerk of the Town Meeting, keep its records and in the absence of the Moderator to preside pending the election of a temporary moderator. The Town Clerk, subject to the terms or limitations of this Charter, shall also have such other powers and duties as are given to Town Clerks by M.G.L., by this Charter, by by-law or by other vote of the Town Meeting.

### **Section 5.5: Police Department**

5.5.1: The Town shall have a police department as provided in Article 9. The Police Chief and department shall operate under the provisions of Chapter 41, section 97A. The Town Administrator shall appoint the Police Chief, subject to the approval authority stipulated in section 4.2.1 of this Charter. Such appointment shall be for an indefinite term. The Police Chief, once appointed may only be removed from office in accordance with the provisions section 7.7 of this Charter.

5.5.2: The Police Chief shall be appointed on the basis of his/her qualifications and fitness for service. The Board of Selectmen shall determine the qualifications for appointment of the office of Police Chief, provided however that the Town Administrator shall use an assessment process using not less than three police professionals, not employed by the Town of Wrentham, in order to evaluate candidates for the position of Police Chief.

5.5.3: The Police Chief shall appoint all other personnel and officers in accordance with the provisions of M.G.L. chapter 31, provided however, that the Police Chief shall use an assessment process to evaluate candidates and select superior officers above the rank of patrol officer.

## Section 5.6: Fire Department

5.6.1: The fire department shall continue to operate under the provisions of M.G.L. chapter 48, section 42. As provided in said chapter 48 there shall be a Fire Chief who shall be appointed by the Town Administrator subject to the approval authority stipulated in section 4.2.1 of this Charter, and in accordance with the provisions of chapter 31 of the M.G.L. and the rules made thereunder.

5.6.2: The Fire Chief shall be responsible for the appointment, management and supervision of personnel, shall be responsible for all operations of the fire department, shall serve as the Town's forest fire warden, and shall perform all fire related duties and tasks considered necessary by the Town Administrator.

5.6.3: The Fire Chief shall be the appointing authority for all fire department personnel and shall have full authority to appoint, demote, suspend and terminate all employees, including firefighters, captains, superior officers and the deputy Fire Chief. The officers and firefighters shall be appointed in accordance with the provisions of chapter 31 of the General Laws.

5.6.4: The deputy Fire Chief shall work under the direction of the Fire Chief and shall serve as acting Fire Chief in the absence of the Fire Chief.

## Section 5.7: Finance Department

5.7.1: There shall be a consolidated department of municipal finance as provided under Massachusetts General Laws, chapter 43C, section 11 which shall be responsible for all fiscal and financial affairs of the Town and for the supervision and coordination of all activities of all government agencies in relation to any fiscal or financial matters. This department shall include the following existing entities which shall become divisions of the consolidated department: accountant, treasurer and tax collector.

5.7.2: There shall be a Finance Director, who shall be appointed by the Town Administrator subject to the approval authority stipulated in section 4.2.1 of this Charter. The term of office of said position shall be for three (3) years. All other conditions of employment will be outlined in the provisions of the Town personnel by-laws. The Finance Director shall be fully qualified by training, experience and executive ability to discharge the duties of the office.

5.7.3: The Finance Director shall have and exercise all powers and duties of the treasurer/collector or Town accountant as defined under the Constitution and General Laws of the Commonwealth. The Finance Director shall ensure compliance with all appropriate statutes and be responsible for overall management of the Town's investment portfolio. In addition, the Finance Director shall effect collection of all accounts due the Town, direct the Town's financial operations, including the duties of Town treasurer and tax collector, assist the Town Administrator in the preparation of the annual budget, and report periodically on the financial status of the Town to the Board of Selectmen.

5.7.4: The Finance Director shall be responsible to assure that all financial resources of the Town are adequately safeguarded and utilized.

5.7.5: The Finance Director shall be responsible for both short term and long term financial planning for the Town.

5.7.6: The Finance Director shall be an ex-officio member of the Finance Committee or any other committee established to advise the Town Meeting with respect to appropriations to be made. The Finance Director may designate another financial officer or staff member to attend any meeting of any Multiple Member Body to represent the views of the Finance Director.

5.7.7: The Finance Director shall appoint all personnel necessary to staff the department as constituted herein with the approval of the Town Administrator, and shall supervise all department personnel. The treasurer/collector may also exercise such additional duties as may from time to time be assigned to that office by bylaw or by other vote of the Town Meeting.

5.7.8: The Finance Director shall be responsible for the following functions:

- a. coordination of all financial services and activities of the Town government;
- b. maintenance of all accounting records and other financial statements for all Town governmental offices and agencies;
- c. the payment of all financial obligations on behalf of the Town;
- d. the receipt of all funds due to the Town from any source;
- e. the rendering of advice, assistance and guidance to all other Town offices and agencies in any matter relating to financial or fiscal affairs;
- f. the monitoring throughout the fiscal year of the expenditure of funds by Town offices and agencies, including the periodic reporting to all such offices and agencies on the status of accounts with recommendations concerning fiscal and financial policies to be implemented by such offices and agencies;
- g. supervision of all data processing functions and activities.

5.7.8: Acting Finance Director. In the event of a vacancy in the office, or the temporary absence of the Finance Director due to illness or other cause, the Town Administrator may appoint an acting Finance Director.

5.7.9: Bond. The Finance Director shall give bond to the Town with a surety company authorized to transact business in the Commonwealth as surety, for the faithful performance of the duties of said office. The premium for such bond shall be paid by the Town.

## **Section 5.8: Department of Public Works**

5.8.1: There shall be a department of public works, headed by a Superintendent of Public Works, who shall be appointed by the Town Administrator subject to the approval authority stipulated in section 4.2.1 of this Charter. The Superintendent of Public Works shall be a person especially fitted by education, training, or previous experience to perform the duties of the office.

5.8.2: The Superintendent of Public Works shall be responsible for the supervision and coordination of all public works operations of the Town which are placed under his control by this Charter, by by-law, by vote of the Town or otherwise. Public works operations may include,

but need not be limited to, the following operations: maintenance of Town infrastructure, including Town highways, water supply and distribution, wastewater treatment, parks and cemeteries, refuse collection and disposal, and forestry services.

5.8.3: Other offices, the functions of which are related to a department of public works, may from time to time be assigned to the department in accordance with by-laws or an administrative code, as provided in Section 5.1 of this charter.

5.8.4: The Board of Selectmen, acting through the Town Administrator, shall be responsible for the overall policy decisions of the department of public works and for the establishment of priorities to govern the operation of the department provided, however, that the Board of Selectmen shall not in any way become involved with the day to day operations of said department.

### **Section 5.9: Inspection Department**

5.9.1: There shall be a department of inspection headed by the building commissioner. The Building Commissioner shall act as inspector of buildings/zoning agent and shall oversee the following inspection responsibilities: weights and measures; wires; gas and plumbing; building.

5.9.2: The department of inspection shall provide for consolidation of inspection operations, coordination of functions, centralized planning of work assignment and distribution, timely inspection services, centralized record keeping, and management of manpower resources.

5.9.3: The Town Administrator shall appoint the building commissioner with Board of Selectmen approval to a three (3) year term and inspectors for weights and measures, wires, and gas and plumbing for terms of one (1) year as currently established by by-law or by Town Meeting vote. The Town Administrator may appoint assistants to any of the referenced inspectors in this section as provided by Town by-law or Town Meeting vote.

5.9.4: During any period of time in which the health agent is not a Town employee, the health agent shall report to the building commissioner for day to day supervision, and work assignments and priorities.

### **Section 5.10: Other Land Use Organization**

5.10.1: To best ensure the requisite level of collaboration for land use management for the Town in the absence of a department of land use management the following framework shall be established:

- a. The Town shall be authorized to maintain a Technical Review Committee (TRC) that shall act in an advisory capacity by helping development and permit applicants to identify the by-laws, requirements, rules and regulations with which they are expected to comply; and, assisting boards in the review of proposed projects. The TRC shall be chaired by the Town Planner, or the Town Administrator in the absence of a Town Planner, and its composition and responsibilities shall be further established by by-law.

- b. The Town shall maintain a development and permitting handbook or guide that provides a description of the scope and responsibilities for each board/commission/department with land use responsibilities. It shall provide an overview of common application processes or workflows. This includes instructions for easily viewing status of the applications by all involved in the application process.
- c. The Town shall be authorized to incorporate by by-law the practice of common peer review for the purpose of providing uniform and consistent outside consulting/peer review of projects and development in the Town that require permits or approvals by two or more of land use related boards, commissions or departments. Common peer review shall be defined, and its uses further described by by-law.

### **Section 5.11: Other Departments**

The Town may establish other departments as necessary in order to provide services for Town Residents to include, but not be limited to, recreation, library and senior center.

### **Section 5.12: Committees**

5.12.1: Committees may be appointed from time to time by the Moderator or the Board of Selectmen. For all other such committees, the appointing authority shall provide a committee charge which establishes the committee's membership, duration, terms of office, responsibilities, and objectives, unless otherwise stated in the Town's By-laws.

5.12.2: Membership on committees shall be limited as stipulated here:

- a. Residents shall serve on no more than one of any of the Town's permitting Multiple Member Bodies simultaneously.
- b. Residents serving on the Finance Committee shall not simultaneously serve as a Town Officer, on any Multiple Member Body, or to any appointment which annually seeks or requires funding from the Town's operating budget.

## ARTICLE 6: FINANCE AND FISCAL PROCEDURES

### Section 6.1: Annual Budget Development Process

6.1.1: Annually, the Town Administrator shall establish and issue a budget development schedule and directions for preparing the proposed budget which shall set forth the calendar dates, requested information, and analysis relating to the development of the annual operating budget for the ensuing fiscal year. The Town Administrator shall issue the budget development schedule at least 150 days prior to the date for the annual Town Meeting.

6.1.2: Pursuant to the annual budget development schedule established in section 6.1.1, the Town Administrator shall request and receive from the Finance Director and the Board of Assessors the estimated revenue for the ensuing fiscal year. Upon receipt of any additional specific fiscal data provided by the commonwealth or any other source, the above officials shall revise, update and submit the data forthwith to the Town Administrator.

6.1.3: The Board of Selectmen, after consultation with the Town Administrator, shall issue a policy statement that shall establish the general guidelines for the next Town budget.

6.1.4: All department heads and all multiple member bodies shall submit detailed budget requests to the Town Administrator as the budget calendar shall require.

6.1.5: Prior to the scheduled date of the annual Town Meeting, the Town Administrator shall submit to the Board of Selectmen and the Finance Committee a comprehensive proposed budget for all Town functions for the ensuing fiscal year and an accompanying budget message.

6.1.6: The budget message shall explain the proposed budget in fiscal terms and in terms of what specific projects are contemplated in the year ahead. It shall:

- a. outline the proposed financial policies of the Town for the ensuing fiscal year,
- b. describe the important features of the budget,
- c. indicate any major changes from the current fiscal year in financial policy, expenditures and revenues, together with the reasons for such changes,
- d. summarize the Town's debt position, and
- e. include such other material as the Town Administrator may deem appropriate.

6.1.7: The proposed budget shall provide a complete financial plan for all Town funds and activities and shall be in such form as the Town Administrator, in consultation with the Finance Director and the Finance Committee, may establish. The proposed budget shall indicate proposed expenditures for current operations and for capital projects during the ensuing year, detailed by each Town Agency and by specific purposes and projects.

6.1.8: The Board of Selectmen shall, within thirty (30) Days following the submission of the proposed budget by the Town Administrator, adopt such budget, with or without amendments, and shall submit it to the Finance Committee. The Board of Selectmen shall also transmit the

budget request of the school committee, with its recommendations thereon, to the Finance Committee.

6.1.9: The Finance Committee shall conduct one or more public hearings on the proposed budget, including the school budget, and shall issue printed recommendations and detailed explanations of all financial articles in an annual Finance Committee report, in accordance with by-law, prior to the scheduled date of the annual Town Meeting. In preparing its recommendations, the committee may require the Town Administrator, any Town department, office, board, commission, or committee to appear and furnish it with appropriate additional financial reports and budgetary information.

6.1.10: The Finance Committee shall present the proposed budget to Town Meeting.

## Section 6.2 Capital Improvements Plan

6.2.1: A Capital Budget Planning Committee shall study all proposed projects, capital investments, and improvements involving long-term assets and major projects. The composition of the committee shall be established by by-law which shall also define the useful life and cost criteria for capital expenditures.

6.2.2: All elected boards and officials, on behalf of their departments and committees, shall annually provide to the Capital Budget Planning Committee, on a format specified by the committee, information concerning all anticipated capital expenditures that require Town Meeting action during the ensuing five years as well as any relevant documentation requested by the committee.

6.2.3: The Capital Budget Planning Committee shall prepare a capital improvements plan which (1) forecasts the Town's capital budget requirements and anticipated funding mechanisms over the ensuing five-year period, and (2) recommends an annual capital budget. The capital improvements plan shall be updated and approved on a yearly basis by the Capital Budget Planning Committee. The capital improvements plan shall at minimum include:

- a. a list of all capital improvements proposed to be undertaken during each of the ensuing five fiscal years, with supporting information as to the need for each capital improvement
- b. cost estimates, proposed methods of financing and recommended time schedules for each improvement

6.2.4: The Capital Budget Planning Committee shall submit the capital improvements plan annually to the Town Administrator, who shall review it and forward it to the Board of Selectmen and Finance Committee with recommendations. The Finance Committee shall review the plan and make its recommendations. The Board of Selectmen may vote to accept the plan or return it to the capital planning committee for revision.

6.2.5: Any proposal for a capital expenditure which is not included in the capital improvements plan shall be presented to the Capital Budget Planning Committee for consideration prior to the submission of the warrant article. If changes in the capital expenditures projected in the capital improvements plan for any given year are warranted or necessitated by changing financial

circumstances, the Capital Budget Planning Committee shall prepare a recommendation for Town Meeting.

6.2.6: The Finance Committee shall present the proposed capital expenditures for the current fiscal year's capital improvements to Town Meeting.

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## **ARTICLE 7: GENERAL PROVISIONS**

### **Section 7.1: Charter Changes**

This Charter may be replaced, revised or amended in accordance with any procedures made available under the Commonwealth's constitution and statutes enacted to implement the said constitutional provisions.

### **Section 7.2: Severability**

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

### **Section 7.3: Specific Provisions 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 7.4: Number and Gender**

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include a singular person or thing; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

### **Section 7.5: Rules and Regulations**

A copy of the rules and regulations adopted by a Town Agency shall be filed in the office of the Town Clerk within five Days, or as otherwise specified by M.G.L.

### **Section 7.6: Periodic Review, Charter and By-Laws**

7.6.1: Charter Review. At least once in every ten (10) years, in each year ending in a four (4), a special committee to consist of at least five (5) members shall be established for the purpose of reviewing this Charter and to make a report, with recommendations, to the Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall be appointed by the Board of Selectmen and shall meet to organize forthwith following its appointment which shall occur prior to the final adjournment of the spring Town Meeting.

7.6.2: By-law Review. The Board of Selectmen shall at five (5) year intervals, in each year ending in zero (0) or five (5), cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the Town which shall be presented to the Town Meeting for enactment not later than at the fall Town Meeting in the year following the year in which the said committee is appointed. The said committee in its final or its

interim report shall include recommendations for such substantive change in Town by-laws as it deems necessary or advisable. The review of Town by-laws shall be conducted with the participation of Town Counsel or by special counsel retained for that purpose. Subsequent to enactment by the Town Meeting, copies of the revised by-laws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published, all as required by M.G.L. Copies of the revised by-laws shall be made available for distribution to the public.

## Section 7.7: Removals and Suspensions

7.7.1: Any appointed officer, member of a Multiple Member Body or employee of the Town, not subject to the provisions of M.G.L., or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term "cause" shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming to the office.

7.7.2: Any appointed officer, member of a Multiple Member Body or employee of the Town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the Town. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure stated in article 7.7.3.

7.7.3: The appointing authority when removing any officer, member of a Multiple Member Body or employee of the Town shall act in accordance with the following procedure:

- a. A written notice of the intent to remove and a statement of the cause or causes thereof shall be delivered in hand, or by registered mail or certified mail, return receipt requested, to the last known address of the person sought to be removed.
- b. Within five (5) Days following deliverance of such notice, the officer, member of a Multiple Member Body or employee of the Town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.
- c. Between one (1) and ten (10) Days after the public hearing is adjourned, or if the officer, member of a Multiple Member Body or employee of the Town fails to request a public hearing between six (6) and fifteen (15) Days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a Multiple Member Body or employee of the Town or notifying such that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a Multiple Member Body or employee shall, forthwith, be reinstated.

7.7.4: Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

### **Section 7.8: Loss of Office, Excessive Absence**

If any person appointed as a member of a Multiple Member Body shall fail to attend four (4) or more consecutive meetings, or one half of all of the meetings of such body held in one (1) calendar year, the remaining members of the Multiple Member Body may, by a Majority Vote of the remaining members of such body, declare the office vacant, provided, however, that not less than ten (10) Days prior to the date said vote is scheduled to be taken, the body has given in hand, or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

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## **ARTICLE 8: OTHER PROVISIONS**

### **Section 8-1: Continuation of Government**

All persons appointed or elected to positions at Town agencies shall continue to perform their duties until reappointed, reelected or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another Town Agency in accordance with this Charter.

### **Section 8.2: Continuation of Existing Laws**

8.2.1: Except as otherwise provided by the Charter, all special laws, Town by-laws, Town Meeting votes and rules and regulations of or pertaining to the Town in force when the Charter takes effect and not specifically or by clear implication repealed as a result of adoption of the Charter, shall continue in full force and effect until amended or rescinded or until expired by their own limitation. If this Charter conflicts with Town by-laws, the Charter shall govern.

### **Section 8.3: Continuation of Personnel**

8.3.1: Any person holding a Town office or a position in the administrative service of the Town, or any person holding full-time employment under the Town, shall retain his office, position or employment, and shall continue to perform the duties of his office, position or position of employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full-time service of the Town shall forfeit his pay grade or time in the service of the Town as a result of the adoption of this Charter; provided further, that this section shall not be deemed to provide any person holding an administrative office or position or person serving in the employment of the Town on the effective date of this Charter with any greater rights or privileges with regard to his continued service or employment with the Town than he had before the effective date of this Charter. This provision shall not impair the provisions of any individual employment contract or collective bargaining agreement.

### **Section 8.4: Transfer of Records and Property**

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

### **Section 8.5: Continuation of Obligations**

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

contracts or liabilities in force on the effective date of the Charter shall be affected by the adoption of the Charter, the change of certain positions from elected to appointed, or the creation of the department of public works. Any new positions and departments shall in all respects be the lawful successor of offices and department abolished, consolidated, or otherwise modified.

**Section 8.6: Time of Taking Effect**

For the purpose of gaining Voter approval of this Charter, the Town will hold a special election on the same date as the Commonwealth’s state election in November 2014. If approved by the Voters, this Charter will take effect on 1 January 2015.

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## ARTICLE 9: TRANSITION PROVISIONS

### Section 9.1: Town Clerk

As of the effective date of the Charter, the position of Town Clerk shall be appointed, the position of elected Town Clerk shall be abolished and the term of the incumbent elected Town Clerk terminated; provided, however, that the incumbent elected Town Clerk shall be deemed to be the first appointed Town Clerk under the Charter and shall hold the office until the clerk's retirement, resignation, removal or if the position is otherwise vacant under section 4.5 of the Charter. Thereafter, the position of Town Clerk shall be appointed pursuant to section 4.2. If, as of the effective date of the Charter, the Town Clerk is appointed due to a vacancy in the office prior to the end of the incumbent's term, the provisions of this section shall still apply.

### Section 9.2: Establishment of the Police Department

The Town shall establish the position of Police Chief such that the Police Chief shall have those powers, duties and responsibilities as provided by M.G.L. Chapter 41, section 97A, and the department shall operate under such statute, except as this charter shall otherwise provide. The provisions of section 5-5 of this Charter shall govern the operation of the department, appointment of the chief and officers, and related matters.

### Section 9.3: Term of Office for Town Moderator

As of the effective date of the Charter, the office of the Town Moderator shall be changed from a one year term to a three year term. The incumbent Town Moderator shall continue to serve the current term of office until the next Town election. At the next Town election the three year term shall become effective for the elected Town Moderator.

### Section 9.4: Bylaw Review

Within 120 days of the adoption of the Charter, the Board of Selectmen shall appoint a bylaw review committee as provided in Section 7.6 of this charter. The by-law review committee so appointed shall review all general by-laws of the Town and determine which by-laws should be deleted or amended as a result of this Charter. A report of the committee shall be made to the Board of Selectmen no later than February in the year following the effective date of this charter. The Town Counsel, or special counsel for this purpose, shall assist the committee in its review.