

ARTICLE 3

ELECTED OFFICERS

Section 3-1 In General

- (a) **Elective Offices** - The offices to be filled by the voters shall be a Select Board, a School Committee, a Board of Assessors, a Town Clerk, Constables, a Board of Health, Trustees of the Morse Institute, a Town Moderator, a Planning Board, and a Recreation and Parks Commission. In addition, members of a housing authority and representatives to such other regional authorities or districts as may be established by law or interlocal agreement may also be filled by the voters.
- (b) **Eligibility** - Any voter shall be eligible to hold any elective town office, provided, however, no person shall simultaneously hold more than one elected town office as defined in this section.
- (c) **Town Election** - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.
- (d) **Preliminary Elections**
 - (1) **Candidates** - Any person who is qualified to vote in the town of Natick may be a candidate for an elective town office therein and shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided that he shall file nomination papers provided by the town clerk containing twenty-five signatures certified as voters of the town.
 - (2) **Date of Preliminary Election** - The preliminary election shall be held twenty-eight days preceding every regular or special town election.
 - (3) **Elections to be Nonpartisan** - No primary or caucus for the nomination of town officers shall be held. No ballot used at any preliminary, regular or special election in said town shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such political designation or mark.
 - (4) **Filing of Nomination Papers** - Nomination papers must be filed with the town clerk not later than five o'clock in the afternoon of the thirty-fifth day preceding the preliminary election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it must be filed with the clerk.
 - (5) **Determination of the Candidates for Election** - The election officers shall immediately upon the closing of the polls at the preliminary election count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the town clerk who shall canvass said returns and shall forthwith determine the result thereof, and post the same in five conspicuous places in the town.

- (6) **Number of Candidates to be Chosen** - The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity.

If two or more persons are to be elected to the same office at such regular or special 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 may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon names of candidates to a number exceeding twice the number to be elected.

- (7) **Conditions Making Preliminary Election Unnecessary** - If at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election not more than twice as many such papers have been filed with the town clerk for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the town clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in the town, no preliminary election shall be held.

- (8) **Application of State Laws** - Except as otherwise provided in this charter, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of Natick.

(e) **Compensation** - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.

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

(g) **Filling of Vacancies**

- (1) **Town Officer** - If there is a failure to elect, or if a vacancy occurs in any town office, the Select Board members shall, in writing, appoint a person to fill such vacancy until the next town election.

If there is a failure to elect or if a vacancy occurs in the office of town moderator, the representative town meeting members, at the next session of any town meeting following such vacancy, by a majority vote of those present and voting on a motion to elect a particular person as town moderator, shall fill such vacancy until the next town election. Until town meeting fills such vacancy the town clerk shall serve as temporary presiding officer of such body.

- (2) **Multiple Member Body** - If there is a vacancy in a board consisting of two or more members, other than the Select Board and unless under the terms of a will or other trust some other provision is made, the remaining members shall give written notice of the existence of any such vacancy to the Select Board, who, with the remaining members or member of such board shall, after one week's notice, fill such vacancy by ballot.
- (3) **Select Board** - If there is a failure to elect or if a vacancy occurs in the office of Select Board, the remaining Select Board members may call a special election to fill the vacancy and shall call such special election upon the request, in writing, of two hundred registered voters of the town.

(h) **Recall**

- (1) **Application** - With the exception of town meeting members and trustees of the Morse Institute, any person who holds an elected town office, with more than six months remaining of the term of office, may be recalled from office by the voters, in the manner provided in this section.
- (2) **Recall Petitions** - One hundred and fifty or more voters may file with the town clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall. The signatures on such petitions shall contain the names of at least ten voters in each of the precincts into which the town is divided for the purpose of electing town meeting members.

If the said petition is found to be valid, the town clerk shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the Select Board; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. The recall petitions shall be returned to the office of the town clerk within twenty days following the date they are issued, signed by at least fifteen per cent of the total number of persons registered to vote as of the date of the most recent town election.

The town clerk shall, within twenty-four hours following such filing with him, submit the petitions to the board of registrars of voters which shall, within five days thereafter, certify thereon the number of signatures which are the names of voters.

- (3) **Recall Elections** - If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with his certificate to the Select Board. Upon its receipt of the certified petition, the Select Board shall forthwith give notice, in writing, of said

petition to the officer whose recall is sought. If said officer does not resign his office within five days following delivery of the said notice, the Select Board shall order a special election to be held not less than thirty-five nor more than sixty days after the date of certification of the town clerk that the petition is sufficient. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(4) **Nomination of Candidates** - An officer whose recall is sought may not be a candidate to succeed himself in the event the vote on the question of recall is in the affirmative. The number of signatures of voters required to place the name of a candidate on the official ballot for use at a recall election shall be not less than fifty; no preliminary election shall be held. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the general laws regulating elections.

(5) **Propositions on the Ballot** - Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of
(Name of officer)
Against the recall of
(Name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the names of candidates arranged alphabetically. If a majority of the votes cast on the proposition is against the recall, the votes for candidates need not be counted. If a majority of the votes cast is in favor of the recall, and provided at least twenty per cent of the total number of voters as of the date of the most recent town election have participated at such recall election, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected.

(6) **Officeholder** - The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is not then recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as provided in section (7) below.

(7) **Repeat of Recall Petition** - No recall shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

Section 3-2 Select Board

(a) **Composition, Term of Office** - There shall be a Select Board consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

(b) **Powers and Duties** - The executive powers of the town shall be vested in the Select Board which shall be deemed to be the chief executive office in the town. The Select Board shall have all of the executive powers it is possible for a Select Board to have and to exercise. The Select Board shall

serve as the chief policy making agency of the town. It shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers, to develop and to promulgate policy guidelines designed to bring all agencies of the town into harmony. Provided, however, nothing in this section shall be construed to authorize any member of the Select Board, nor a majority of them, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Select Board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees appointed by or under its authority.

The Select Board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the Select Board shall appoint a town administrator as provided in Article 4.

- (c) **Appointment Powers** - Subject to the provisions of Article 6, the Select Board shall appoint a town administrator for a term of not less than three nor more than five years; a town comptroller for a term of three years; three registrars of voters for terms of three years each, so arranged that one such term of office shall expire each year; a board of appeals to consist of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term of office shall expire each year; a conservation commission to consist of seven members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year; a town counsel for a term of one year; a director of veterans' services; a police chief; and a fire chief.

The Select Board shall also appoint such other members of multiple member bodies as may be provided by town meeting vote or by their own vote for the purpose of conducting various studies.

- (d) **Licensing Authority** - The Select Board shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all such businesses for which it issues any licenses.
- (e) **Renamed Executive Board** - The Select Board shall be the entity historically known as the Board of Selectmen. The Select Board shall have and exercise all legal rights, authority, duty and responsibilities vested in a Select Board by any votes of the Town and the laws of the Commonwealth, including but not limited to the Massachusetts General Laws, Code of Massachusetts Regulations and any bylaws and special acts applicable to the Town of Natick.

Section 3-3 School Committee

- (a) **Composition, Term of Office** - There shall be a school committee consisting of seven members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) **Powers and Duties** - The school committee shall have all of the powers and duties which are given to school committees by general laws and it shall have such additional powers and duties as

may be authorized by the 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:

- (i) to appoint a superintendent of the schools and all other personnel permitted by law connected with the schools, to fix their compensation and to define their duties, make rules concerning their tenure of office and to discharge them.

- (ii) to make all reasonable rules and regulations consistent with law for the administration and management of the public school system and for the conduct of its own business and affairs.

Section 3-4 Board of Assessors

- (a) **Composition, Term of Office** - There shall be a board of assessors consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.

- (b) **Powers and Duties** - The board of assessors shall annually make a fair valuation of all property, both real and personal, within the town. It shall determine, based on such valuation and such sums as may be authorized to be expended by vote of the town meeting, and consideration of other income and expenses of the town, annually the rate of taxation to apply to property within the town. The board of assessors shall have all of the powers and duties which are given to boards of assessors by general laws and it shall have such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote.

Section 3-5 deleted (ATE March 2023)

Section 3-6 Constables

- (a) **Number, Term of Office** - There shall be six constables elected for terms of three years each.

- (b) **Powers and Duties** - Constables may serve such civil writs and processes as are authorized by law. They shall have the powers of sheriffs to require aid in the execution of their duties. They shall take due notice of and prosecute all violations of law respecting profane swearing and gaming. They shall serve all warrants and other processes directed to them by the Select Board of the town for notifying town meetings, or for other purposes.

Section 3-7 Board of Health

- (a) **Composition, Term of Office** - There shall be a board of health consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.
- (b) **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 for the enforcement of state laws and the state sanitary code in matters affecting the public health. The board of health shall have all of the powers and duties which are given to boards of health by general laws, and such additional powers and duties as may be provided by charter, by by-law or by other town meeting vote.

Section 3-8 is deleted.

Section 3-9 Trustees, Morse Institute

- (a) **Composition, Term of Office** - There shall be a board of trustees of the Morse Institute consisting of five members elected for terms of five years each, so arranged that all of the terms of office of members shall expire at the same time.
- (b) **Vacancies** - In case a vacancy shall happen in said board by reason of the resignation or death of any of its members, or of their removal from the town, it shall be filled at the next annual town election, and until such vacancy is filled, the remaining members shall have and exercise all the powers of the full board.
- (c) **Powers and Duties** - The board of trustees of the Morse Institute shall have exclusive control of the said Institute. The trustees shall have all of the other powers and duties as are provided to them under the will of Mary Ann Morse, who died July 1, 1862.

Section 3-10 Town Moderator

- (a) **Term of Office** - There shall be a town moderator elected for a term of three years.
- (b) **Powers and Duties** - The town moderator shall be the presiding officer of the representative town meeting, as provided in Section 2-8, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.

Section 3-11 Planning Board

- (a) **Composition, Term of Office** - There shall be a planning board consisting of five members elected for terms of five years each, so arranged that the term of one member shall expire each year. There shall be one associate member of the planning board elected for a term of five years and having such duties and powers as permitted by general laws, special laws, the charter or the by-laws.

- (b) **Powers and Duties** - 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 board shall have the power to make a comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the entire town. The planning board shall have all of the other powers and duties planning boards are given by general laws, special laws, the charter or the zoning by-laws.

The planning board shall make recommendations to the representative town meeting on all matters affecting land use and development and estimates of their costs. The planning board shall have all of the other powers and duties planning boards are given by general laws.

Section 3-12 Recreation and Parks Commission

- (a) **Composition, Term of Office** - There shall be a recreation and parks commission consisting of nine members: 5 members, elected at large and 4 members appointed by the Select Board. Elected members shall serve a three-year term so arranged so that over a three-year period the terms of two members shall expire in the first year, the terms of two other members shall expire in the second year and the term of the fifth member shall expire in the third year. Appointed members shall serve a two-year term so arranged so that an equal number of terms shall expire each year.
- (b) **Powers and Duties** - The recreation and parks commission shall advise the town administrator and the responsible department heads on all matters relating to recreational programs conducted by the recreation and parks department and on the maintenance of recreational facilities where those programs are conducted. The commission shall assure that programs are devised and conducted to meet the leisure time needs of all segments of the population. Whenever the position of director of recreation and parks department shall become vacant, the commission shall serve as a screening committee for the filling of such vacancy and shall submit two or more names to the town administrator from whom the appointment shall be made.

Section 3-13 deleted.

Section 3-14 Natick Housing Authority

- (a) **Composition, Term of Office** - There shall be a Housing Authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. These members shall be elected or appointed in accordance with the provisions of M.G.L.c.121B and the regulations promulgated thereunder.
- (b) **Powers and Duties** - The 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 persons of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by general law.

Sections 3-15 and 3-16 deleted.