

Charter Article 6 ADMINISTRATIVE ORGANIZATION

Motion N:

Section 6-1 Organization of Town Agencies

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

- (a) **By-Laws** - Subject only to an express prohibition in a general law or this charter, the representative town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide, alter the term of office, the manner of selection, or, if a multiple member body, the number of members of any town agency, in whole or in part, establish new town agencies and may prescribe the functions, powers, duties and responsibilities of any such town agency. The charter and the bylaws shall take precedence over any other organization, reorganization or modification under this Section 6-1.
- (b) **Administrative Code** - The town ~~administrator~~manager, after consultation with the Select Board, may from time to time, prepare and submit to the representative town meeting plans of organization, or reorganization of town agencies, as provided in Section 4-2 (16).

Whenever the town ~~administrator~~manager prepares such a plan, ~~the town manager~~he shall, in conjunction with the Select Board, hold one or more public hearings on such proposal, giving notice by publication in a local newspaper of the date, time and place of the public hearing and the scope of the proposal.

The town ~~administrator~~manager shall, following such hearing provide for the submission of the proposed organizational plan, which may be amended or revised as a result of information developed at the public hearing, to be submitted to the next session of the representative town meeting. The authority of the representative town meeting concerning the proposed organizational plan shall be limited to the approval or the rejection of it; the representative town meeting shall not vote to amend or to alter the proposed plan. No proposed plan under this subsection shall contradict the provisions of any bylaw.

- (c) **Other Reorganizations** – To the extent authorized in bylaw, the town manager may, with the approval of the Select Board occurring after fourteen days public notice, make modifications to the town's organization involving the creation of new or abolishing of existing town agencies or modifications of existing town agencies or *their* reporting relationships that serve under the town manager to the extent that such town agencies or reporting relationships involve similar or overlapping technical disciplines or responsibilities or to the extent that such position, town agencies or reporting

relationships are within an existing department of the town. Modifications under this subsection i) shall not modify or contradict either the charter or the bylaws regarding any town agency and ii) shall be reported both to the next session of representative town meeting and to the finance committee. To remain effective, *any of the foregoing* changes under this subsection must be incorporated in a bylaw within two years of the effective date of the change under this subsection. *The town manager may also create new or abolish existing positions or modify existing positions within existing town agencies without advance public notice or advance approval of the Select Board but shall report said actions to the Select Board within thirty days.*

Section 6-2 Table of Organization

The town administrator shall prepare, maintain and keep current a plan establishing the personnel staffing requirements for each town agency, except those under the jurisdiction of the school committee.

Motion O: Deletion of Comptroller and Treasurer Collector from Charter

~~Section 6-3 Office of the Comptroller~~

~~(a) **Appointment; Qualifications; Term of Office**—There shall be a comptroller, appointed by the Select Board. The comptroller shall be a person especially fitted by education, training and experience, including not less than three years' prior full time accounting experience, to perform the duties of the office. The town may, by by-law, from time to time, establish such additional qualifications for the office as seem necessary or desirable; provided, however, no change in such by-law shall apply to the incumbent of the office at the time such by-law is adopted. The comptroller shall devote his entire time to the performance of his duties and the supervision of the employees of his department. The comptroller shall be appointed in June of every third year for a three-year term to run from the first day of the following July until the qualification of his successor. The comptroller may be removed by the Select Board for cause and the vacancy filled by it, in the same manner as an original appointment, for the remainder of the unexpired term.~~

~~(b) **Powers and Duties**—The comptroller shall have, in addition to the powers and duties conferred and imposed upon town accountants by general laws, the following powers and duties:~~

~~(1) He shall prescribe the methods of installation and exercise supervision of all accounting records of the several town officers and agencies; provided, however, that any change in the system of accounts shall first be discussed with the town administrator, Select Board and the town agencies affected.~~

~~(2) He shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters. He shall, after discussion with the town administrator prepare and submit rules, regulations and instructions relating thereto that, when approved by the Select Board, shall be binding upon all town agencies and employees.~~

~~(3) He shall draw all warrants upon the town treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.~~

~~(4) Prior to submitting any warrant to the Select Board he shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examination, he may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered to or received by any town officer or agency. If, upon examination, it appears to the comptroller that any such bill, draft or order is fraudulent, unlawful or excessive, he shall immediately file with the Select Board and town treasurer a written report of the reasons for his findings.~~

~~(5) He shall be responsible for a continuous audit of all accounts and records of the town wherever located.~~

~~(c) **Vacancy**—If the comptroller is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation or death, the Select Board may appoint a temporary comptroller to hold such office and exercise the powers and perform the duties until the comptroller who was disabled or absent resumes his duties, or until another comptroller is duly appointed. Said temporary appointment shall be in writing, signed by a majority of the Select Board and filed in the office of the town clerk.~~

~~(d) **Assistant Comptroller**—The comptroller with the approval of a majority of the Select Board, may appoint, in writing, an assistant. Unless a temporary comptroller is appointed, the assistant may, in the absence of the comptroller, perform the duties of the comptroller and when performing such duties shall have the same power and be subject to the same requirements and penalties as the comptroller.~~

~~Section 6-4 — Town Treasurer—Collector~~

~~(a) **Appointment; Qualifications; Term of Office**—There shall be a town treasurer-collector appointed by the Town Administrator subject to confirmation of the Select Board for a term of three (3) years. Such appointment shall be based upon qualifications in the field of municipal finance. Minimum qualifications include a Bachelor's Degree in Finance or equivalent and five (5) years experience in finance administration or equivalent.~~

~~(b) Powers and Duties~~

Treasurer:

- ~~(1) The treasurer receives all money belonging to the town, and expends and accounts for it according to the order of the town or its authorized officers.~~
- ~~(2) The treasurer is the custodian of all funds of the town including other funds such as the stabilization fund, trust funds and tax titles.~~
- ~~(3) The treasurer is responsible to make provisions for adequate funds to cover current obligations. This includes management of the funds so that obligations such as payroll, bills, payment on bonds, and other remittances are paid in a timely manner.~~
- ~~(4) The treasurer must know the municipality's cash position on a daily basis. This is accomplished by depositing all cash received on a daily basis and requires reconciliation of all bank accounts.~~
- ~~(5) The treasurer is required to possess knowledge of the provisions of various sections of Massachusetts General Laws Chapter 60 regarding tax titles and tax foreclosures.~~
- ~~(6) The treasurer is responsible for all borrowing and arrangement of the terms of borrowing. All borrowing requires the approval of the Select Board.~~
- ~~(7) The treasurer must give a bond annually for the faithful performance of required duties.~~
- ~~(8) All duties and responsibilities for the Treasurer set forth in the Massachusetts General Laws.~~

Collector:

- ~~(1) The Massachusetts General Laws, including without limitation Chapters 41, 44, 58, 59, 60, 60A, and 80, authorize the means by which the collector is to collect and enforce the collection of taxes. The collector shall attempt to compel payment by all available legal means of the taxes as levied or assessed by the proper authority. Regardless of from whom the taxes are due, the taxes are to be collected and accounted for in the manner decreed by law. The collector must avail himself of any statutory remedies to enforce the collection.~~
- ~~(2) A collector must enforce collection under the powers conferred upon him or provided under the statutes.~~
- ~~(3) The collector is responsible for the collection and accounting of all unpaid fees and charges imposed by the Town that are reported to the Collector by the applicable Board, Department, or Officer.~~
- ~~(4) Before performing any duties of the office, a collector must furnish a fidelity bond with a surety (guarantee against default) from a surety company authorized to transact business for this purpose in the Commonwealth. The premium must be paid by the town.~~

~~(c) **Vacancy**—If the treasurer-collector is unable to perform his duties because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town Administrator may appoint a temporary treasurer-collector to hold such office and exercise the powers and perform the duties of the treasurer-collector until the treasurer-collector who is disabled or absent resumes his duties, or until another treasurer-collector is duly appointed. Said temporary appointment shall be in writing, signed by the Town Administrator and filed with the Select Board and the office of the Town Clerk.~~

~~(d) **Assistant Treasurer-Collector**—The treasurer-collector with the approval of the Town Administrator, may appoint, in writing, an assistant. Unless a temporary treasurer-collector is appointed, the assistant may, in the absence of the treasurer-collector, perform the duties of the treasurer-collector, and when performing such duties shall have the same power and be subject to the same requirements and penalties as the treasurer-collector.~~

Transition Provisions for Comptroller, Assistant Comptroller, Treasurer Collector and Assistant Treasurer Collector

The foregoing existing provisions of Section 6-3 and Section 6-4 inclusive of subsections shall remain in effect until a bylaw addressing the matters in said sections shall take effect.

Note: Given the timing of a special act, Spring 2024 Town Meeting can act on creating such a bylaw.

REVISED Motion P: Article 3 Section 2 Select Board Appointments Moved Out of Article 3 and either moved into Article 6 or transferred to Town Manager under Article 6

Article 3 Section 2 subsection (c)

(c) Appointment Powers - ~~Subject to the provisions of Article 6, t~~The Select Board shall appoint [a town ~~manager administrator~~ for a term of not ~~less than three nor~~ more than ~~five five~~ years] [~~a, by majority vote of the Select Board then elected and serving, appoint a town manager to serve for a term of not more than three years and may, by two-thirds vote of the Select Board then elected and serving, appoint a town manager for a longer term not to exceed 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;~~ and shall either appoint or, by affirmative vote, approve the appointment

of such other town agencies or officers as provided and specified in Article 6. ~~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.

Note: We already have a bylaw on town counsel so the above deletion does not require a transition provision.

Section 6-3 Additional Appointments by the Select Board

(a) Appointments

In addition to appointments provided in statute, elsewhere in the charter or in bylaw, the Select Board shall appoint a town comptroller as provided for in bylaw for a term of three years, a director of veterans' services for a term of three years and town counsel as provided in bylaw. Subject to bylaw, the appointees of the Select Board under this sub section may appoint assistants subject to the approval of the Select Board.

(b) Approval of Appointments Made By The Town Manager

The appointments made by the Town Manager for treasurer -collector, assistant treasurer collector, police chief, fire chief and town clerk shall each separately be subject to the affirmative vote approval of the Select Board. Failure of the Select Board to act regarding the approval or disapproval of any such appointee of the town manager within *thirty* days of notice to each member of the Select Board shall constitute an affirmative approval by the Select Board. To empower the approval by the Select Board under this subsection, the Town Manager shall forthwith notify the Select Board of any vacancy or resignation from the positions in this subsection. Any person, other than town clerk, subject to affirmative approval under this subsection may be removed or suspended by the Select Board in accordance with Article 7 Section 7-11.

Appointments and promotions within the police department shall be subject to affirmative vote approval of the Select Board within the time frames specified in the preceding paragraph.

In the event of any failure of the Town Manager to appoint or to promote on a timely basis, such appointments and promotions may be made by the Select Board following the same requirements referenced in the following section.

The provisions of this subsection shall apply to reappointments.

Section 6-4 Additional Appointments by the Town Manager

(a) Additional Appointments

In addition to other appointments as may be required or provided for elsewhere in the charter or bylaws, the town manager shall, notwithstanding any law to the contrary, appoint a police chief for a term of up to five years, a fire chief for a term of up to five years, a treasurer -collector for a term of up to five years, an assistant treasurer-collector for a term of up to five years. The town meeting may, by bylaw and not inconsistent with law, establish minimum qualifications, education, experience duties and responsibilities for the positions named in this subsection. The town meeting may, by bylaw, and the Select Board by vote may require the town manager to use assessment centers, similar techniques, screening committees or other evaluation processes for candidates for these positions. Any person appointed under this subsection may be removed or suspended by the Town Manager in accordance with Article 7 Section 7-11.

Notwithstanding any law to the contrary, appointments and promotions in the police departments shall be proposed by the chief of the department to the town manager and made by the town manager in accordance with applicable law, bylaw or collective bargaining agreement. The position of fire chief shall continue in all other respects consistent with the provisions of the previously accepted sections 42, 43 and 44 of chapter 48 of the General Laws. The police department shall continue in all other respects consistent with the provisions of the previously accepted section 97 of Chapter 41 of the General Laws.

The provisions of this subsection shall apply to re-appointments.

Section 6-5 Town Clerk

- (a) Appointment and Qualifications - There shall be a town clerk appointed by the Town ~~Administrator~~Manager for a term of three years, subject to affirmative vote of approval confirmation by the Select Board as provided above. The town clerk shall be a person especially fitted by experience, education, and training in the subject areas necessary to perform the duties of the office of town clerk.
- (b) Powers and Duties - 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 any person, elected or appointed, who shall apply to the town clerk him for such purpose, shall issue such licenses and permits as are required by general laws to be issued by town clerks, supervise and manage the conduct of all elections and matters relating to elections and keep its records. The town clerk shall have all other powers and duties which are given to town clerks by general laws and the town clerk he shall have such additional powers and duties as are provided by charter, by by-law or by other town meeting vote, or by the Town ~~Administrator~~Manager.

- (c) Vacancy - If the town clerk is unable to perform ~~his~~ duties of town clerk because of disability or absence, or if the office is vacant because of resignation, death, or otherwise, the Town ~~Administrator~~Manager may appoint a temporary town clerk to hold such office and exercise the powers and perform the duties of the town clerk until the town clerk who is disabled or absent resumes ~~his~~the duties of town clerk, or until another town clerk is duly appointed. Said temporary appointment shall be in writing, signed by the Town ~~Administrator~~Manager and filed with the Select Board and the office of the Town Clerk.

Motion Q:

Section 6-6 Appointments by Other Elected Officers

(a) Additional Appointments

In addition to other appointments as may be required or provided for elsewhere in statute, the charter or bylaws, the *elected officers, boards and committees in Article 3* may each, subject to bylaw, appoint special counsel to provide legal advice consistent with their respective duties.