

PRELIMINARY REPORT

including a

PROPOSED CHARTER

for the town of

SHARON, MASSACHUSETTS



adopted by the Charter Commission for the Town of Sharon

at a meeting held on August 18, 2009

SHARON CHARTER COMMISSION

Andrew D. Nebenzahl, Chair

Paul Pietal, Vice Chair

Paul Izzo, Clerk

Margaret Arguimbau

Allen Garf

Sam Liao

Abigail Marsters

Susan Osgood Peck

Colleen M. Tuck



TOWN OF SHARON CHARTER COMMISSION

90 SOUTH MAIN STREET
SHARON, MASSACHUSETTS 02067

Andrew D. Nebenzahl, Chairman
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LEGAL NOTICE

NOTICE OF PUBLIC HEARING

The Town of Sharon Charter Commission will hold a public hearing, at the Sharon Community Center, 219 Massapoag Ave., Sharon, MA to receive public comment on the provisions of the Proposed Charter for the Town of Sharon which it has prepared, copies of which were distributed in the Sharon Advocate issue dated September 4, 2009.

The Public Hearing will be held on Monday, September 21, 2009, beginning at 7 o'clock PM. All registered voters of the Town of Sharon are invited to attend.

Respectfully submitted,

Andrew D. Nebenzahl
Chairman



TOWN OF SHARON CHARTER COMMISSION

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August 24, 2009

To the voters of the Town of Sharon:

We hereby submit this preliminary report, which includes a proposed Town charter. On a historical note, Sharon has never adopted a consolidated document, such as a charter, articulating a Town organizational structure and division of authority among government officials. Rather, by virtue of its acceptance of various special acts of the state legislature and other actions of Town meeting, the present governmental structure is one that has simply evolved over time. By enacting a charter, the Town will have greater latitude to make independent decisions rather than rely on permission from the state.

Background

The effort to elect a Charter Commission was born, in part, out of a perceived need to undertake a comprehensive analysis of the Town's present governmental structure, formally define the division of authority in Town government and develop a system that would foster greater collaboration among Town boards, administrators and commissions. Additionally, others believed that the Town has not effectively planned for the long term in the areas of land use, finance and building maintenance. Finally, some residents believed that the open town meeting process was outdated, or at the very least, in need of substantial modification.

Within Town governments, there are essentially four branches: the executive branch - comprised in Sharon of a three-member Board of Selectmen; a legislative branch comprised of an open Town meeting; an administrative branch headed by a Town Administrator and the Superintendent of Schools and a regulatory branch that includes the Board of Health, Planning Board, Conservation Commission and Zoning Board of Appeals. There also are multiple-member committees (Priorities and Capital Outlay) for operation and capital budget development, all of which are comprised of members appointed by the Board of Selectmen, the School Committee and the Finance Committee.

After organizing, the Charter Commission analyzed the components of the present Town government and reviewed governmental forms in other Towns. We surveyed and/or interviewed elected officials, appointed boards and department heads in Sharon including, but not limited to: the Board of Selectmen; Town Administrator; Finance Committee; Finance Director; Superintendent of Public Works; Police and Fire Chiefs; School Committee; Superintendent of Schools; Planning Board; Conservation Commission; Capital Outlay Committee; Economic Development Committee; Personnel Board and Town Moderator. We also met publicly with Town officials from Burlington, North Reading, Franklin, Dedham, Mashpee, Norfolk, Canton, Barnstable, Winthrop, Braintree and Andover.

Finally, we assessed what the members observed to be core attractions of Sharon as a place to live. In particular, our Town is unique given its attractive environment, excellent schools, high level of safety and a government that is accessible and encourages citizen participation. In short, Sharon is an excellent place to settle and raise children, and is a rewarding community.

Despite these fine qualities, we recognize that our Town faces many challenges. Among them, we also see a need to foster greater collaboration among public officials; improve overall efficiency in all areas of government, enhance representation and ensure that qualified and trained individuals are made part of the process wherever possible. Significantly, we recognize that the Town has a limited tax base that overly relies on residences as opposed to commercial properties to provide revenue.

It is clear to many that the existing Town meeting as a legislative branch of government needs to be changed. Specifically, there is concern that Town meeting participants often are not possessed of necessary information to make reasoned decisions in advance of meetings, that the Town meeting process itself is sufficiently frustrating as to discourage participation and that some people, because of work schedules and other commitments and infirmities, are shut out of the process. Conversely, there are those who feel strongly that despite its flaws, a citizen legislature open to all registered voters without qualification is an important manifestation of democracy that should be preserved in Sharon.

Over the years, our present form of government has evolved from a hodgepodge of special legislative acts, custom and tradition. There is no single writing describing how our government is structured, where authority lies and how our elected officials and volunteers are supposed to work together. It is within this context, and in an attempt to balance competing concerns, that we focused our deliberations. Accordingly, we present for consideration, a charter that will codify a form of government suitable for this and future generations of Sharon residents.

Goals

Our primary goals in drafting the charter are:

1. To foster greater collaboration and planning among decision makers in Town both from a strategic planning perspective as well as on an ongoing administrative basis;
2. To create a legislative branch of local government that is efficient, deliberative and representative.
3. To provide for clear accountability of Town officials;
4. To encourage volunteerism by qualified residents who possess skill sets that would be helpful to the mission of Town boards and committees;
5. To assure accessibility to government officials by residents and a free and open discussion of issues facing the Town;
6. To explore areas where the Town can act more efficiently by consolidating authority for administrative action such as in the areas of personnel administration and facilities maintenance.
7. To fill gaps in the present structure – particularly in the area of the long range planning, to ensure the continued economic viability and quality of life in the Town.

The Draft Charter in Summary Form

The draft charter consists of nine articles. A brief summary of the provisions is set forth at the end of this Report. Significant among the changes from present practice are:

First, in an effort to strike a creative balance, we have developed a form of local legislature unique in the Commonwealth. Rather than have open Town meeting consider all articles both significant and routine, all Warrant articles will first be addressed by a legislative assembly - known as a Steering Committee – elected by the voters. The Steering Committee will, at all times, have the authority to accept a proposed article, reject a proposal or take no action. If the Steering Committee decides to take no action on a proposal, it will then report the proposal directly to the full Town meeting for consideration. If the Steering Committee takes action on an article, it will be deemed final, unless it is appealed to open Town meeting by at least 3% of the Town's registered voters. If such an appeal is brought, then Town meeting will vote either to accept or reject the proposal in the language considered by the Steering Committee.

This new process has several advantages. One, the Steering Committee can dispense with the routine, ministerial business of Town meeting - which many perceive as minutia – without commanding the attention of an Open Town meeting. At the same time, the Steering Committee – which will be able to meet more frequently – will be able to focus on refining complicated proposals (such as zoning articles) to assure public input and

prevent last-minute changes that are confusing and often alienating. Finally, voters normally unable to attend Town Meeting will have – for the first time - a voice in the process through the election of assembly members.

Second, the charter will change the way certain Town offices are filled. In particular, the Town Clerk, members of the Planning Board, Board of Library Trustees and Board of Assessors will be filled by appointment of the Board of Selectpersons (formerly the Board of Selectmen), rather than by election. We believe that it is important for the Town to fill these important and professionally demanding positions from the largest possible field of potential applicants. We are concerned that the Town may be losing qualified individuals due to their reluctance to stand for election. Further, upon review of the past elections it was clear that an overwhelming majority of the elections have been uncontested and that voter interest in these positions has been lower than that for other positions such as the Select Board, or issues such as overrides.

Third, the charter formally establishes a Town administrator function and delegates to that position authority that heretofore has been held by the Select Board and delegated on an ad hoc basis. We believe that such a permanent delegation of power will serve the twins goals of clearly defining responsibility and authority for important Town administrative matters and foster professionalism in government by making the position more attractive to a professional Town administrator.

Fourth, the charter provides for a committee charged with long range planning for the Town, and provides the Town with the authority to establish a department of community planning, should funds become available.

Fifth, the charter enables the consolidation of facilities management pending budget capacity.

The Articles of the Charter

Article 1 - Incorporation; Short Title; Definitions

Article 1 is the formal declaration of the Charter and a list of definitions of salient terms used in the text.

Article 2: The Legislative Branch

Article 2 changes the current Open Town Meeting form of legislature to a “hybrid” approach, involving an elected Steering Committee that will have the power to resolve matters prior to Town meeting.

Section 2-14

Warrant articles proposed by the Select Board, Town independent boards, or ten citizens will go first to an elected Town Meeting Steering Committee. All proposed Warrant Articles referred to the Steering Committee will be posted on the Town Website. (Sec 2-7)

The Steering Committee will deliberate on the article in an open forum, hold hearings, seek input from the various boards and committees and town officials, stakeholders, etc. Unlike Town Meeting, this body will be able to ask and answer questions, deliberate, and amend proposals in response to what they learn. Steering

Committee votes will become official when they have been filed with the Town Clerk and made available to the public.

Section 2-14 (g)

Steering Committee action can be reconsidered by a full Open Town meeting if the action is timely appealed. Voters seeking to appeal the action will have ten days to obtain a petition from the Town Clerk. Within a total of 21 days of the posting of the action, 3% of the registered voters (approximately 360 voters today), with 0.5% of such voters coming from each of five precincts, will have to sign the petition. Proposed articles also can proceed directly to Town Meeting if the Steering Committee votes to refer the article directly without itself voting to accept or reject it.

In order to insure that matters brought before Town Meeting are fully formed and communicated to voters, articles cannot be amended at Open Town Meeting (with some exceptions relating to budgetary matters). After the Town Moderator's has determined that both opponents and proponents have been heard on the article, the Open Town meeting will vote to approve or reject the article.

Section 2-12 and Section 3-4

The nine Steering Committee members are elected to three-year staggered terms. One representative is elected from each of the five precincts, and four at large members are elected by the whole Town.

Sections 2-6, 2-7, 2-11

If a Town Meeting is to be held, the Town Moderator will appoint two individuals to draft brief arguments relating to each article - one in favor, one opposed. These arguments, as well as recommendations of the Finance and Audit and Capital Outlay Committees and the report of the Steering Committee, will be included in a Warrant that will be provided to every voter.

Sections 2-1 through 2-6 and 2-9 through 2-11

The remaining Town Meeting procedures remain unchanged from present practice.

Article 3 – Elected Officers

Article 3 of the Charter addresses the specific groups of Town officials to be elected vs. appointed, the election processes involved, and a description of each one's powers and duties. Notable proposed changes to our present practices are listed below:

Section 3-1 and 3-2

Select Board members, School Committee member, the Town Moderator and a proposed Town Meeting Steering Committee will be elected offices

The Planning Board, Town Clerk, Library Board of Trustees and Town Assessors will now be appointed by the Select Board.

Section 3-1 (h)

Process for filling vacancies on elected boards, excluding the Moderator, will be done by a vote of the Select Board, School Committee and Town Meeting Steering Committee, after appropriate notification as specified in this article.

Section 3-1 (i)

An elected official may be removed from office by a recall process that can be initiated by voter petition.

Article 4 – Town Administrator

Article 4 establishes the position of the Town Administrator and defines its powers and duties.

Section 4-2

The Select Board will appoint a Town Administrator based solely on his or her job qualifications. He or she will be responsible for the administration of the Town's personnel system; procurement; and will have jurisdiction over use of the Town's properties (excepting school properties). The major change from current practice is that the Town Administrator will be responsible, under policies established by the Selectmen, for hiring (with an affirmative vote by the Selectmen); supervising; evaluating; disciplining; and, if necessary, removing the Town's senior management employees. The Selectmen will continue to appoint members of multi-person citizen boards and committees. He or she will be permitted to delegate to any subordinate employee the responsibilities assigned to him/her by this charter or the Select Board.

Section 4-5

The draft charter provides for an Acting Town Administrator in the case of temporary absence or a vacancy in the position. It defines the powers and duties of the Acting Town Administrator and establishes the procedure for recruitment and hiring of a new Town Administrator. It also establishes the procedure for removal and suspension of the Town Administrator, should he/she refuse to resign when asked to do so by a majority of the Select Board.

Article 5 – Administrative Organization

Article 5 establishes the organization of the general government in Sharon. It establishes criteria for hiring and clear lines of authority for managers; changes the method of appointment for the Standing Building Committee and adds to the scope of its work; encourages the establishment of a long-range planning department; and encourages consolidation of all public building maintenance and repair into one department.

Section 5-2 and 5-3

The draft Charter establishes a clear requirement that employees must be hired based on merit and relevant criteria for the position being filled. It gives managers the responsibility for hiring, promoting and disciplining

employees in their departments. This ensures they have the authority, within established policies and in compliance with all by-laws, to make the decisions necessary to carry out their responsibilities.

Section 5-5 and 5-6

This section requires that the Town have a department of municipal finance. This does not represent a change from the Town's present organization. However, it enables the Town to establish a department of planning and development. The Charter Commission strongly believes that the Town needs coordinated long-range planning, while recognizing, however, that we cannot mandate the creation of a department for which there is no present funding.

Section 5-7

This section makes some changes to the present Standing Building Committee (the SBC). Instead of having members named by a nominating committee, which is not directly responsible to the voters and has, in the past, sometimes led to delays in appointing or re-appointing members, the SBC will be appointed by the Select Board. Additional SBC members will continue to be appointed by the boards or committees who have a capital project costing above an amount set by by-law, currently \$500,000, under design and construction.

The draft also expands the SBC's role to include responsibility for periodic evaluation of the condition and adequacy of all public facilities. This assessment will help both the Capital Outlay and Long-Range Planning Committees to plan schedules for construction and maintenance. The Charter Commission believes that the professional qualifications required for the SBC give them the expertise to best carry out this responsibility.

Section 5-8

The draft allows for consolidation of maintenance and repair of all Town facilities into one department should the Town so vote. Consolidation has been recommended by a consultant report commissioned by the Town and has proven beneficial in other Towns. The Commission recommends that this department be under the Select Board, which now has responsibility for all maintenance of fields, parks and playgrounds, including those used by the schools, rather than the School Department, whose proper focus is education. However, normal custodial maintenance and minor repair work will remain the responsibility of the department operating in the building.

Article 6 - Finance and Fiscal Procedures

Section 6-3

The major change introduced in Article 6 establishes a Finance and Audit Committee that reports to the Town Meeting Steering Committee. Where the Town Meeting Steering Committee is responsible as the legislative body for all articles presented by the Select Board, the Commission believes additional assistance will be needed to analyze the budget proposals and other financial matters. The Finance and Audit Committee will perform duties similar to the current Finance Committee, but its scope will be more limited. Two of the members of the new committee will be members from the Town Meeting Steering Committee. The remaining five members will be appointed by the Steering Committee.

The draft charter also will designate the Finance and Audit Committee as the focal point for the Annual Audit, shifting this oversight from the Select Board. This change will follow governmental best practice to separate audit oversight from the executive board of the Town.

Section 6-2 and 6-4 through 6-10

The remainder of Article 6 will enhance and formalize the budget process currently followed. Whereas today our Town administration and boards work diligently and effectively to forecast revenue, review budgets and collaborate with all interested parties, the language of Article 6 formalizes the entire process. The components of today's process that have been deemed extremely effective are integrated explicitly into the budget process. This includes the current Priorities Committee and the Capital Outlay Committee.

The remaining key theme introduced in Article 6 is the explicit requirement to broadly disseminate information contained in revenue projections and budget analysis.

Articles 7 and 8 – General and Transitional Provisions

Article 7 includes technical language required under law, and it provides for a process for Charter and by-law review every ten years to ensure that their respective provisions are up to date. The draft requires board and committees to keep minutes and make them publicly available, and provides processes both for filling board vacancies and removing or suspending members for good cause.

Article 8 contains so-called transitional provisions. Examples of these provisions are in the draft Charter.

Submission for Public Input

We submit this Charter in draft form and invite the public to comment on the proposals contained herein. We will hold public hearing on September 21st, 2009, open to all Sharon residents. We also invite those who are either unable to attend or speak at the hearing to submit written comments and suggestions to us any time. The Commission will complete the drafting of the Charter by November 9, 2009. It will then be submitted to voters for ratification at the Town election on May 18th, 2011.

We wish to recognize the contribution of Attorney Michael P. Curran, whose expertise in the area of charter development for municipalities in Massachusetts is unmatched. His guidance and technical understanding is amply reflected in the language of the charter for which the entire commission is enormously grateful.

We also wish to recognize the efforts of the late George Bailey, who passed away several months ago and whose influence permeates every aspect of our work.

Finally, we wish to express our appreciation to the voters for the confidence they have instilled in us in undertaking this important task for the future of the Town. We urge each resident to carefully review the report and the text of the proposed Charter and participate in September's public hearing.

Respectfully,

The Charter Commission for

The Town of Sharon

Mr. Sam Liao was unable to participate in the deliberations or drafting of the summary report and draft charter.

ARTICLE 1

INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

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

SECTION 1-2: SHORT TITLE

This instrument shall be known and may be cited as the Sharon Home Rule Charter, 2010.

SECTION 1-3: DIVISION OF POWERS

The administration of the fiscal, prudential and municipal affairs of Sharon, with the government thereof, shall be vested in an executive branch headed by a select board, with an administrative service headed by a town administrator and a legislative branch consisting of an open town meeting, with an elected steering committee.

SECTION 1-4: POWERS OF THE TOWN

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or in the general laws of the Commonwealth, it is the intention and the purpose of the voters of Sharon through the adoption of this charter to secure for themselves and for their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

SECTION 1-5: CONSTRUCTION

The powers of the Town of Sharon under this charter are to be construed liberally in favor of the town, and the specific mention of any particular power is not intended to limit the general powers of the town as stated in section 1-4.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the Commonwealth, Sharon may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political sub-division thereof, or with the United States government or any agency thereof.

SECTION 1-7: ETHICAL STANDARDS

Elected and appointed officers and employees of the Town of Sharon are expected to demonstrate, by their example, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards, to the end that the public may justifiably have trust and confidence in the integrity of its government. Elected and appointed officers and employees of the Town of Sharon are expected to recognize that they act always as agents for the public, that they hold their offices or positions for the benefit of the public, that the public interest is their primary concern, and that they are expected to faithfully discharge the duties of their offices regardless of personal considerations. Elected and appointed officers and employees of the Town of Sharon shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

SECTION 1-8: REPRESENTATION AND DIVERSITY

The voters of Sharon are cognizant of and support federal and state laws, which provide for non-discrimination and openness in appointment and hiring practices. In recognition of these statutes, and in support of them, it is

expected that the appointing authorities will, when selecting persons to be appointed to offices or positions of the town, make a good faith effort to assure that the interest of every citizen, in every section of the town, is considered, to the end that the town government will reflect the diversity of the entire community of Sharon.

SECTION 1-9: DEFINITIONS

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

- (a) **Charter** - The word "charter" shall mean this charter and includes any amendment to it hereafter adopted.
- (b) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (d) **Full Board, Committee, Full (other) Multiple Member Body** - The words "full board" or "full committee" or "full (other) multiple member body" shall mean the entire authorized complement of the select board, school committee or other multiple member body notwithstanding any vacancy which might exist.
- (e) **general laws** - The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two or more cities, or cities and towns of which Sharon is a member.
- (f) **General Laws** - The words "General Laws" (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (g) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within Sharon, with either a weekly or daily circulation.
- (h) **Majority Vote** - The words "majority vote" when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by by-law, by law, or by its own rules.
- (i) **Measure** - The word "measure" shall mean any by-law, order, resolution, or other vote or proceeding adopted, or which the steering committee or the town meeting might adopt.
- (j) **Multiple Member Body** - The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted.
- (k) **Organization or Reorganization Plan** -The words "organization or reorganization plan" shall mean a plan submitted by the town administrator which proposes a change in the organization of the administrative structure of the town government, or to change the way in which a municipal service, or services, are delivered. Such plan may be complex and consist of many parts, or it may be simple and brief.
- (l) **Policy** - The word "policy" shall mean a course of action, guiding principle, or procedure considered expedient, prudent, or advantageous adopted by the select board, or other multiple member body, for the express purpose of and intended to influence and determine decisions, actions, and other matters by

administrative personnel serving under the select board, or other multiple member body. The general principles by which the municipal government is guided in the direction and management of public affairs.

- (m) **Quorum** - The word "quorum" shall mean a majority of all members of a multiple member body unless some other number is required by law or by by-law.
- (n) **Review Petition** - The words "review petition" shall mean a petition brought by voters requesting that an action taken by the steering committee be referred to a town meeting session for resolution.
- (o) **Town** - The word "town" shall mean the town of Sharon.
- (p) **Town Agency** - The words "town agency" shall mean any multiple member body, any department, division, or office of the town of Sharon.
- (q) **Town Bulletin Boards** - The words "town bulletin boards" shall mean the bulletin board in the town hall on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the select board, or by by-law.
- (r) **Town Website** - The words "town website" shall mean a collection of web pages, images, videos, or other digital assets, or any other similar electronic presence, maintained or managed by the town, freely accessible by the public at all times.
- (s) **Voters** - The word "voters" shall mean registered voters of the town of Sharon.

ARTICLE 2 LEGISLATIVE BRANCH

SECTION 2-1: TOWN MEETING

The legislative powers of the town shall continue to be exercised, ultimately, by a town meeting open to all voters, but, as modified by the provisions of this article which provides for a steering committee to act, in the first instance, on all legislative matters.

SECTION 2-2: PRESIDING OFFICER

The moderator, elected as provided in section 3-4, shall preside at all sessions of the town meeting. The moderator, at 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 general law, by this charter, by by-law or by other vote of the town meeting.

As soon as practicable following the election of a moderator, or whenever a vacancy in the office of deputy moderator exists, the moderator shall appoint a deputy moderator to serve as acting moderator in the event of the temporary absence or disability of the moderator, or whenever the moderator is otherwise unavailable to preside.

SECTION 2-3: COMMITTEES

Subject to the provisions of this charter and such by-laws or other town meeting votes regarding committees as may be provided, the moderator shall appoint for fixed terms the members of such committees of the town meeting, special or standing, as may from time to time be established. In addition to such specific powers, duties and responsibilities as may be provided to a town meeting committee by the by-law or vote establishing it, each such committee when acting within the scope of its authority shall have a right to examine the pertinent records of any town agency and to consult with, at reasonable times, any town officer, employee or agent.

SECTION 2-4: TIME OF MEETING

The town meeting shall meet in regular session twice in each calendar year. The first such meeting, to be held during the first six months of the calendar year, on a date fixed by the select board, shall be deemed to be the annual town meeting. The second such meeting, to be held during the last six calendar months shall also have the powers of an annual town meeting, except as follows: (a) it shall not include the election of town officers and (b) it shall not include the determination of other matters to be decided by the ballots of voters.

SECTION 2-5: REGULAR AND SPECIAL TOWN MEETINGS

Regular and special sessions of the town meeting shall be limited to acting upon warrant articles which have been previously considered by the steering committee and which have been referred to the town meeting by the steering committee itself or by a review petition filed by voters.

SECTION 2-6: WARRANTS

Every town meeting shall be called by a warrant issued by the select board which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every town meeting shall be posted on the town web site and in accordance with a town by-law governing such matters.

SECTION 2-7: INITIATION OF WARRANT ARTICLES

(a) Initiation - All subjects to be acted on by a town meeting shall be placed on warrants issued by the select board. The select board shall receive all petitions addressed to it which request the submission of particular subject matter to the town meeting and which have been requested by a town agency or are signed by ten or

more voters. All requests for the inclusion of subject matter shall be in writing, but shall not otherwise be required to conform to any particular style or form, except that each request for a particular subject shall be submitted as a separate petition. Requests for inclusion on a warrant shall be subject to the review set out in sections 2-12 and the sections which follow it in this article.

The proponents of each proposed warrant article shall file a brief statement of explanation of the proposal.

(b) Referral - Forthwith following receipt of any proposed warrant article the select board shall cause a copy of the proposal to be forwarded to the chairperson of the steering committee, a copy to be posted on the town bulletin board, a copy to be posted on the town website and such other distribution to be made as may be required by law or by by-law.

(c) Inclusion on Warrant - The select board shall close the warrant for a town meeting on the date established by it for such closing.

SECTION 2-8: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS

Every town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the town meeting at which warrant articles pertinent to their agency are or may be acted upon for the purpose of providing the town meeting with information pertinent to all such matters as appear in the warrant for the town meeting. In the event any town officer, chairperson of a multiple member body, department head or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

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 thereof, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, by this charter, by by-law or by other town meeting vote.

SECTION 2-10: RULES OF PROCEDURE

Any voter or taxpayer of the town shall have a right to speak at sessions of the town meeting, subject to such rules as may from time to time be adopted. The town may, by by-law, adopt and from time to time amend, revise or repeal rules to govern the conduct of town meetings.

SECTION 2-11: REPORT TO THE VOTERS

There shall be published for every town meeting a copy of the warrant and a report to the voters which shall contain the explanation and relevant data submitted in accordance with section 2-7, together with the articles; provided, however, that, in the alternative and at the discretion of the steering committee and (with respect to zoning articles) the planning board, voluminous supporting material necessary for consideration of the particular articles in lieu of inclusion in the report to the voters, may be made reasonably available for inspection at public locations prior to town meeting.

For each warrant article there shall be a summary statement prepared by the proponents of the proposal and a summary statement prepared by the opponents of the proposal. The town moderator shall, exercising due diligence, select the persons to prepare the summary materials. The town moderator shall issue regulations describing more particularly the preparation of the voters guide materials.

One copy of the warrant and report shall be delivered, or mailed, not later than the seventh (7th) day prior to the date on which the opening session of any town meeting is to be held, to each residence that contains one or more voters. A copy of the warrant and report shall also be posted on the town web site.

The town shall, by by-law, provide additional details concerning the publication and distribution of the report to the voters.

SECTION 2-12: STEERING COMMITTEE

There shall be a town meeting steering committee as provided in section 3-4 of this charter.

SECTION 2-13: REFERRAL OF MATTERS TO STEERING COMMITTEE

The select board shall, forthwith, upon receipt of a request for the inclusion of any subject matter on a warrant for action by the town meeting, forward the request and all relevant information related thereto to the steering committee. The steering committee shall, forthwith, review the subject matter of the warrant articles received by it from the select board in accordance with the procedures set out in the following sections.

SECTION 2-14 PROCEDURES GOVERNING STEERING COMMITTEE

(a) Public Meetings – All meetings of the steering committee shall be open and public, unless otherwise authorized by General Law. The committee shall be deemed to be a continuing body and shall meet at such times and places as the committee may determine by its own rules.

(b) Organization – The steering committee shall annually organize by the election of a chair, vice chair and clerk. The committee may provide for the establishment of sub committees, which shall include at least one member of the steering committee and may include other town voters.

(c) Public Notice of Subject Matter Referred to Steering Committee – The select board shall give public notice of all matters it refers to the steering committee by posting the full text of all such matters on the town bulletin board and by publication on the town's web site. Additional methods of notice may be provided by by-law.

(d) Public Notice of Steering Committee Meetings – The steering committee shall give public notice of the subject matter of its meetings by posting its agendas, with docket items, on the town bulletin board and by publication on the town's web site. Additional methods of notice may be provided by by-law.

(e) Scope of Inquiry by Steering Committee

(1) In General – The steering committee may, in conjunction with the study of any matter under consideration by it, make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose it may subpoena witnesses, administer oaths and require the production of evidence.

(2) Notice - The steering committee shall give reasonable notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific areas of inquiry on which the steering committee seeks information and no person called to appear before the steering committee under this section shall be required to respond to any question not relevant or related to the areas of inquiry identified in advance and in writing. Notice shall be by delivery in hand, or by first class mail to the last known place of residence, of place of business, of any such person.

(f) Scope of Actions to be taken by Steering Committee

(1) In General – The steering committee may incorporate into its recommendations concerning any warrant article the reports and recommendations made to it by other town offices and agencies. In adopting the subject

matter of any warrant article the same quantum of vote of the steering committee shall be required as would be required if the matter were to be acted upon by the town meeting. Copies of the reports of the steering committee shall be placed on file in the office of the town clerk and at the office of the select board. The steering committee shall give public notice of the filing of its recommendations by concurrently posting notice of the filing on the town bulletin board, posting on the town web site and by publication in such additional methods as may be provided by by-law, and shall not be considered final until so filed and posted.

(2) Affirmative and Final – The steering committee may recommend in a final report containing such information and data as is appropriate to the subject matter of the warrant article, that the subject matter of the warrant article be adopted by the town in the form and in the manner and to the degree as set out in its report.

(3) Negative and Final – The steering committee may recommend in a final report containing such information and data as is appropriate to the subject matter of the warrant article, that the subject matter of the warrant article should not be adopted by the town in any form, or manner, for the reasons set out in its report.

(4) Final Without Recommendation – The steering committee may submit a final report containing such information and data as is appropriate to the subject matter of the warrant article, stating that it is unable to make a recommendation and shall set forth, in full, the reasons for such inability and a recommendation that the warrant article should be referred to the town meeting session for a determination.

(g) Effect of Actions taken by Steering Committee

(1) In General – Where the action recommended by the steering committee is Affirmative and Final or Negative and Final, the action contained in the report of the steering committee shall be deemed to be the action of the town meeting and the report of the steering committee shall be deemed to be the action taken on the subject matter of the warrant article by the town meeting with the same force and effect as if so voted. In such case, the subject matter of the warrant article shall not be placed on a warrant for a town meeting session, or otherwise acted upon by the town meeting. Where the action recommended by the steering committee is to make no recommendation, the subject matter shall be placed on a warrant for consideration by the next town meeting session, regular or special. The town meeting to which any such matter is referred may act on the warrant article in such manner as it deems to be necessary or desirable.

(2) Appeal from Recommendation of the Steering Committee – The recommendation of the steering committee shall be deemed to be the final action of the town meeting unless, within 21 days following the date the final report of the steering committee is filed, a petition signed by a number of voters equal to at least three percent of the total number of voters, and addressed to the select board requesting review of the steering committee action by the town meeting, is filed with the town clerk, as provided below. If the petition is certified as containing the requisite number of signatures of voters the said report shall thereupon and thereby be suspended from taking effect.

(3) Review Petition - A review petition may be initiated by the filing of a request to commence such petition with the town clerk, signed by at least ten voters, within ten days following the date the notice of the steering committee action was posted. If no such request has been filed at the expiration of the said ten days the right to seek review shall be terminated.

The town clerk shall forthwith deliver to the voters making a request to commence a review petition within the said ten days, copies of petition blanks demanding review of the steering committee action by the town meeting, copies of which printed forms the town clerk shall keep available. Such blanks shall be issued by the town clerk, with signature and official seal attached thereto. They shall be dated, shall be addressed to the select board and shall contain the names and residence addresses of the first ten names on the request form, and the specific

action of the steering committee which it is requested be reviewed by the town meeting. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said review petition shall be returned and filed with the town clerk within twenty-one days following the date the notice of the final action of the steering committee was filed and posted, and shall have been signed by at least three per cent of the active voters of the town and by at least one half of one percent of the town's voters in each precinct. Voters shall sign such petitions with their name and residence address.

The town clerk shall forthwith submit the petition to the registrars of voters, and the registrars shall, within five working days, certify thereon the number of signatures which are names of voters.

Signatures to the petition shall contain the names of voters totaling at least three percent of the total number of registered voters, as of the date of the last town election. Of the three percent total, a minimum of one half of one percent will be from each precinct into which the town is divided, as of the date of the last town election.

If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the select board and the steering committee within five working days. The steering committee upon notification by the town clerk that a valid petition has been filed, shall, forthwith, reconsider such report; and if such report is not rescinded by the steering committee the select board shall, in its discretion, determine whether such review of the action of the steering committee should occur at the next regularly scheduled town meeting or at a special town meeting to be held on a date fixed by it and not more than sixty days after the date of the town clerk's certificate that a sufficient petition has been filed.

When acting on a review petition the town meeting vote shall be limited to acting on the matter as voted by the steering committee, without amendment, except that, if the matter being considered involves the appropriation of a sum of money the town meeting may vote to substitute another amount, higher, or lower, than the sum voted by the steering committee and provided such amount is within the gross amount determined to be available for appropriation by the priorities committee.

The vote of the town meeting to approve or to reject the proposal shall require the same quantum of vote as was required by the steering committee.

ARTICLE 3 ELECTED OFFICERS

SECTION 3-1 IN GENERAL

- (a) Elected Town Offices** - The town offices to be filled by the voters shall be a select board, a school committee, a town meeting steering committee and a town moderator.
- (b) Other Offices Filled at Town Elections** - In addition to the town offices enumerated above, members of a housing authority and such other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement may also be filled by ballot at town elections.
- (c) Eligibility** - Any voter shall be eligible to hold any elected town office, provided however, no person shall simultaneously hold more than one elected town office, or simultaneously hold an elected and an appointed town office, except as an ex officio member of a multiple member body. No elected town officer shall hold any town office or town employment for which a salary or other emolument is payable from the town treasury.
- (d) 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.
- (e) Ballot Position** - The names of candidates for each elective town office, and including candidates for re-election to the same office, shall be arranged according to the results of a drawing, by lot, conducted by the town clerk to which the candidates or their representatives shall be invited to attend.
- (f) Compensation** - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose, but, no elected officer regularly employed for fewer than twenty hours during the regular work week otherwise established for town employees shall be considered an employee for purposes of receiving group insurance benefits.
- (g) Coordination and Cooperation** - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the select board, the town meeting steering committee or of the town administrator, at all reasonable times, for consultation, conference and discussion on any matter.
- (h) Filling of Vacancies in Elected Offices**
- (1) School Committee** - If there is a vacancy on the school committee the remaining members shall forthwith give written notice of the existence of such vacancy to the select board. After one week's notice, by publication in a local newspaper of the date on which the vote shall be taken, the select board, the town meeting steering committee and with the remaining members of the school committee shall fill such vacancy by a joint vote. The person chosen to fill any such vacancy shall serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled by the voters.
- (2) Select Board** - If there is a vacancy in the office of select board member the remaining select board members shall, after one week's notice, by publication in a local newspaper of the date on which the vote shall be taken, the remaining select board members, the school committee, and the town meeting steering committee shall fill such vacancy by a joint vote. The person chosen to fill any such vacancy shall serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled by the voters.
- (3) Town Meeting Steering Committee** - If a vacancy shall occur in the office of town meeting steering committee member the remaining members shall forthwith give written notice of the existence of such vacancy to the select board. After one week's notice, by publication in a local newspaper of the date on which the vote shall be taken, and the nature of the vacancy, whether at-large or from a precinct, the select board, the school

committee, and with the remaining members of the town meeting steering committee shall fill such vacancy by a joint vote to fill the vacancy which exists. The person chosen to fill any such vacancy shall serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled by the voters.

(4) *Town Moderator* – If a vacancy shall occur in the office of town moderator, after one week’s notice, by publication in a local newspaper of the date on which the vote shall be taken, the select board, the school committee, and the town meeting steering committee shall fill such vacancy by a joint vote. The person chosen to fill any such vacancy shall serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled by the voters.

(i) ***Recall of Elected Officials*** - Any person who holds an elected town office, with more than six months remaining of the term of office, may be recalled from the office by the voters, in the manner provided in this section.

(1) *Recall Petitions* – Three percent of the town’s voters, as of the date of the last town election, may file with the town clerk an affidavit and a statement of the grounds for recall. If the said petition is found to be valid, the town clerk shall thereupon deliver to the first ten persons named on such petition blank forms demanding said recall. These blanks, available from the town clerk, may be completed by printing or typewriting; they shall contain the names and street addresses 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-one days following the date they are issued, signed by at least fifteen percent 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, 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.

(2) *Recall Elections* - If the petitions shall be certified by the board of registrars of voters to be sufficient, the town clerk 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 said notice, the select board shall order a special election to be held not less than sixty-five nor more than ninety days after the date of the certification of the town clerk that the petition is sufficient; provided, however, if a regular town election is to be held within one hundred and twenty days, the recall election shall be held at such time in conjunction with such regular election.

(3) *Propositions on the Ballot* - The ballot used at a 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. If a majority of the votes cast is in favor of the recall, and provided that at least twenty percent 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 office shall be declared vacant. If the officer is recalled, the office shall be filled in accordance with the procedures set out in section 3-1(h) for filling vacancies in elected offices.

(4) *Repeat of Recall Election* - No recall shall be filed against an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

(5) *Appointment of Person Recalled* - No person who has been recalled from an office, or who has resigned from office while recall proceedings are pending against them, shall be appointed to any Town office within two years after such recall or resignation.

SECTION 3-2: SELECT BOARD

(a) ***Composition, Term of Office*** - There shall be a select board 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 in General*** - The executive powers of the town shall be vested in the select board which shall be deemed to be the chief executive office of 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. The select board 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 select board, 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 select board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

(c) ***Powers and Duties, Policy Guidelines to be Used in Budget Preparation*** - The select board shall schedule one or more of its meetings during the month of November for the purpose of formulating policy goals and objectives for the ensuing fiscal year to guide the town administrator in the preparation of the annual operating budget and capital outlay program. Subsequent to the receipt of the revenue forecast and fiscal trends projections from the town administrator, as provided in section 6-2, the select board shall take up the setting of goals and the establishment of policies to govern the town administrator's preparation of the annual operating budget and capital outlay programs. The guidelines prepared by the select board shall be submitted to the town administrator as early as possible, but, in no event later than the fifteenth day of December, annually.

(d) ***Licensing Authority*** - The select board shall be a licensing board for the town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, 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 businesses for which it issues any license.

(e) ***Appointments*** - The select board shall appoint a town administrator, a town clerk, a town counsel, a board of registrars of voters and other election officers, a board of assessors, a zoning board of appeals, a board of health, a planning board, a board of library trustees, a conservation commission, constables, and the members of all other multiple member bodies the functions of which do not involve direct operating responsibilities but are primarily policy making or advisory in nature. The select board shall appoint all persons who are to serve as representatives of the town to the governing or advisory bodies of area, county, regional or district authorities and where no other provision is made for appointments in the law or agreement establishing any such entity. The select board shall appoint the members assigned to it to those interagency committees established with appointments to be made by the select board and by one or more other town agencies.

(f) Investigations - The select board may investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. Copies of the full text of the report of the results of any such investigation shall be placed on file in the office of the select board, the office of the town clerk and in the town library and a report summarizing the results of such investigation shall be printed in the next annual town report.

SECTION 3-3: SCHOOL COMMITTEE

(a) Composition, Term of Office - There shall be a school committee consisting of six members elected for terms of three years each so arranged that the terms of two members shall expire each year.

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

- 1) To appoint a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of said superintendent, to establish and appoint assistant or associate superintendents (as provided in section fifty nine of chapter seventy-one of the General Laws);
- 2) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;
- 3) To propose and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town assembly.

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.

Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

SECTION 3-4: STEERING COMMITTEE

(a) Composition, Mode of Election - There shall be a town meeting steering committee which shall consist of nine members; five of these members shall be elected by and from the voters of the five precincts into which the town is presently divided and four members shall be elected by and from the voters of the town at large. Members shall be elected for terms of three years each, so arranged that the terms of three members shall expire each year. If the number of precincts shall be increased, a member from the each new precinct shall be added and the number of members elected at large shall be increased by the same number.

(b) Powers and Duties - The steering committee shall have all of the powers, duties and responsibilities assigned by general laws to finance, appropriation or advisory committees and such additional powers, duties and responsibilities as are provided in this charter. It is the intention of this provision that the steering committee will improve and perfect every proposal that might come before the town meeting so that the actions to be taken on behalf of the town in the exercise of its legislative duties and obligations will be clear, certain, unambiguous and understandable. To this end the steering committee shall be deemed to have all of the power and authority the town meeting itself might exercise in relation to matters coming before it. The vote of the screening committee on each proposal presented to it shall be deemed to be the action of the town meeting on that proposal, subject to the provisions of section 2-14.

SECTION 3-5: TOWN MODERATOR

(a) Mode of Election, Term of Office - A town moderator shall be elected for a term of three years and shall serve as moderator of all town meetings until a successor is elected and qualified. Any vacancy may be filled as provided in section 3-1(h) (4).

(b) Powers and Duties - The town moderator shall preside and regulate the proceedings at town meetings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen at that meeting. The town moderator shall have such other powers and duties as may be provided by by-law or by other vote of the town meeting.

ARTICLE 4 TOWN ADMINISTRATOR

SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM

The select board shall appoint a town administrator to serve for an indefinite term. The town administrator shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. A town administrator need not be a resident of the town or of the commonwealth at the time of appointment, but shall establish a residence within the commonwealth within one year following appointment unless this requirement is extended or waived by the select board. The town administrator shall be appointed from a list prepared by a screening committee established by by-law.

Specification of an indefinite term is not intended to prevent the select board from entering into an employment agreement with the town administrator covering issues not related to a term of office; provided, however, no such agreement shall provide for a severance payment in excess of the then annual salary payable to the office of town administrator.

The town may, by by-law, establish such additional qualifications as seem necessary and appropriate.

The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor actively engage in any other business, occupation or profession during such service, unless such action is approved in advance and in writing by the select board. This restriction shall not be construed to limit the town administrator's participation in related professional organizations or associations.

The select board shall provide for an annual review of the job performance of the town administrator. The performance criteria established by the select board shall be made public when adopted. At least a summary of the job performance evaluation made by the select board shall be made public.

SECTION 4-2: POWERS AND DUTIES

The town administrator shall be the chief administrative officer of the town, directly responsible to the select board. The powers and duties of the town administrator shall include, but are not intended to be limited to the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities in the executive/administrative branch of the town government for which the office of town administrator is hereby given the authority, responsibility and control by this charter.

(b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads and town officers for whom no other method of selection is provided by this charter. Appointments made by the town administrator shall become effective on the 15th day following the day on which notice of the appointment is filed with the select board, unless the select board shall, within that period, by a majority of all its members, vote to reject such appointment, or has sooner voted to affirm it. The appointment of persons classified as town officers, department, or division heads shall be made from a list of candidates prepared by a screening committee established by by-law.

Copies of the notices of all appointments shall be posted on the town bulletin board, forthwith, upon submission to the select board.

(c) To be responsible for the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department.

(d) To attend all regular and special meetings of the select board, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.

(e) 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 select board, but not less than once in each year, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.

(f) To keep the select board fully advised as to the needs of the town and shall recommend to the select board and to other town officers and agencies for adoption such measures requiring action by them as the town administrator may deem necessary or expedient.

(g) To have full jurisdiction over the rental and use of all town facilities and property except property under the control of the school committee, the board of library trustees, or the conservation commission. All leases, rentals or other proposed commitments to authorize the use of any town property for a period extending for sixty days, or more, shall subject to approval by the select board.

The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control and shall, if so authorized, in conjunction with the committee established in section 5-7 file an annual report with the select board and school committee and capital outlay committee regarding the condition of such property and shall make recommendations regarding the maintenance, repair and long term needs of the town's physical plant.

(h) To prepare and present, in the manner provided in article 6 a proposed annual operating budget for the town and a proposed capital outlay program for the five fiscal years next ensuing.

(i) 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.

(j) To negotiate all contracts involving any subject within the jurisdiction of the office of town administrator, including contracts with town employees, except employees under the school committee involving wages, hours and other terms and conditions of employment; all such proposed contracts shall be subject to approval or ratification by the select board.

(k) To be the chief procurement officer of the town responsible for purchasing all supplies, material and equipment for all departments and activities of the town as provided in chapter thirty B of the General Laws. 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.

(l) To see that all of the provisions of the general laws, of this charter, town by-laws and other votes of the select board 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.

(m) 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.

(n) To reorganize, consolidate or abolish, in the manner provided in Article 5, town agencies serving under the supervision of the town administrator, in whole or in part, provide for new town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

(o) To attend all sessions of the town meeting, and of the steering committee, to answer all questions raised relating to warrant articles, or to proposed warrant articles, which are within the scope of matters over which the town administrator exercises any authority or supervision.

(p) To encourage and to provide staff support for regional and intergovernmental cooperation.

(q) To promote partnerships among representatives of the legislative branch, town government agencies, staff, and Sharon residents in developing public policy and building a sense of community.

(r) To perform any other duties as are required to be performed by the town administrator by by-laws, administrative code or votes of the select board,

SECTION 4-3: DELEGATION OF AUTHORITY

The town administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of town administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town administrator.

SECTION 4-4 ACTING TOWN ADMINISTRATOR

(a) 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 select board may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator shall return.

(b) Vacancy - Any vacancy in the office of town administrator shall be filled as soon as possible by the screening committee established pursuant to section 4-1 and the select board, but, pending such regular appointment the select board shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed six months but one renewal may be voted by the select board not to exceed three months. Compensation for such person shall be set by the select board.

(c) Powers and Duties - The powers of a temporary or an acting town administrator, under (a) and (b) above, shall be limited to matters not admitting of delay 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

If the town administrator declines to resign when requested to do so by the select board, the select board may, by a majority vote of the full board, terminate and remove, or suspend, the town administrator from office in accordance with the following procedure.

(a) The select board shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its 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 days. A copy of the resolution shall be delivered to the town administrator forthwith.

(b) Within five days following delivery of the preliminary resolution the town administrator may request a public hearing by filing a written request for such hearing with the select board. This hearing shall be held at a meeting of the select board not later than thirty days after the request is filed or earlier than twenty days. The town administrator may file with the select board a written statement responding to the reasons stated in the resolution of removal provided the same is received at its office more than forty-eight hours in advance of the public hearing.

(c) The select board may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a majority of all of its members not less than ten nor more than twenty-one 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 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. The town administrator shall continue to receive a salary until the effective date of a final resolution of removal. The action of the select board 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 select board.

(d) In the event of a removal or suspension of a town administrator pursuant to this section the authority of the town administrator to appoint a temporary or acting town administrator as provided in section 4-5 shall be suspended and the assistant town administrator, if any, shall forthwith be the acting town administrator subject to a majority vote of the select board to substitute another person to serve as acting town administrator.

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF TOWN AGENCIES

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

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

(b) Administrative Code - The town administrator, after consultation with the select board, may from time to time prepare and submit to the town meeting plans of 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 select board shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time, not later than fourteen days following said publication, and the place at which the public hearing will be held. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.

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

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

An organization or reorganization plan shall become effective at the expiration of thirty days following the date of final adjournment of the town meeting at which any such proposal has been approved by a majority vote of the town meeting, or the date the town meeting has finally adjourned without taking final action on the plan. The town meeting may vote only to approve or to disapprove an organization or reorganization plan submitted under this paragraph and may not vote to amend or to alter it.

SECTION 5-2: MERIT PRINCIPLE

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

SECTION 5-3: AUTHORITY OF DEPARTMENT HEADS AND OTHER OFFICERS TO APPOINT SUBORDINATES

The fire chief and the police chief shall each be responsible for the appointment, promotion and discipline of all officers and subordinates in their respective departments.

The town administrator may delegate to any other department head, or other town officer, a similar authority to appoint, promote and discipline subordinates and other employees serving under them.

SECTION 5-4 - LONG RANGE PLANNING AND POLICY COMMITTEE

(a) Composition, Mode of Appointment, Term of Office – There shall be a long range planning and policy committee appointed by the select board to consist of seven members. Members of the committee shall be appointed based on demonstrated experience and qualifications related to long range planning and policy development, including experience in government planning, business or economic development planning, forecasting experience in a business or profession, or other experience or qualifications related to the work program of the committee set out, in (b), below . Members shall serve for terms of three years each, so arranged that as nearly an equal number of terms as is possible shall expire each year. One term shall be specifically designated as the chair of the committee.

(b) Powers, Duties and Responsibilities – The long range planning and policy committee shall have all of the powers of a planning board with respect to the creation and updating of a, so-called, master or comprehensive plan as provided in General Laws chapter 41, section 81D. The long range planning and policy committee shall coordinate all town planning functions performed by town agencies including, but not limited to, establishing town goals and policies, land use planning, housing needs, economic development, natural resources, cultural resources, historic resources, conservation and open space planning, town service and facilities needs, traffic and parking needs and all other similar planning activities.

The long range planning and policy committee shall also be charged with the responsibility to formulate policy goals and objectives, including, but not limited to, quality of life issues, economic development, zoning, and other issues which may arise from time to time to guide town agencies in their day to day administration of the town's business and affairs.

The long range planning and policy committee shall have such additional powers, duties and responsibilities as may be provided by by-law.

SECTION 5-5: DEPARTMENT OF MUNICIPAL FINANCE

The town may, in accordance with the provisions of section 5-1, provide for the organization, or re-organization of the department of municipal finance responsible for the performance of all the fiscal and financial activities of the town. The department of municipal finance shall have such additional powers, duties and responsibilities with respect to municipal finance related functions and activities as the town may from time to time provide, by by-law.

SECTION 5-6: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The town may, in accordance with the provisions of section 5-1, provide for the establishment of a department of planning and community development, responsible for coordinating the performance of all the planning and community development related activities of the town. The department of planning and community development may be made responsible for the coordination of all of the duties and responsibilities related to planning and community development activities which, prior to the adoption of the home rule charter, were performed by or under the authority of the planning board, board of appeals, building official, historical commission, industrial development financing authority and the conservation commission and it may have such additional powers, duties and responsibilities with respect to the coordination of planning and community development related functions and activities as the town may from time to time provide, by by-law and which

may include the coordination of all land acquisition and land management proposals, economic development planning and maintenance of a centralized source of records, reports, statistical data and other planning and development related materials.

SECTION 5-7: PLANNING AND CONSTRUCTION OF BUILDINGS AND OTHER FACILITIES

(a) Composition, Mode of Appointment and Term of Office - There shall be a permanent building and other facilities planning and construction committee (which may be referred to as the planning and construction committee) consisting of seven members. Six of the committee members shall be appointed by the select board for terms of three years each so arranged that the term of two members shall expire each year. In making appointments to the committee, the select board shall seek persons having experience in the fields of architecture, engineering, construction, real estate or law. The seventh member of the committee shall be designated, annually, by the school committee and may, but need not, be a member of the school committee.

In addition to the regular committee members, as provided above, there shall also be special members, one such special member to be appointed by each town agency having a project being administered by the committee. Special members shall serve during the time the committee is administering the project for the agency such special member represents and shall have the powers and duties of a regular committee member, but only during discussions and actions with respect to the project related to the agency such special member represents. The term of a special member shall terminate when the project for which such member has been completed.

(b) Powers and Duties - The buildings and other facilities planning and construction committee shall be responsible for monitoring the physical condition of all municipal buildings and other facilities. The committee shall meet from time to time with representatives of municipal agencies to evaluate the need for additions, renovations or remodeling of any existing building, or facility, or for the construction of new buildings or other facilities. The committee shall file written reports, at least annually, with the select board, the school committee and the capital outlay committee in which it shall make recommendations as to the need for any project, or projects, a copy of which shall be printed in the Annual Town Report.

Whenever any construction work on any municipal building or other facility is authorized, the buildings and other facilities planning and construction committee shall be responsible for all work in connection with the project including feasibility, programming, site planning, surveying, engineering studies, architectural plans and specifications and the supervision of construction. Initiation of projects shall be by the proponents, not by this committee. The town shall, by by-law, further provide for the powers and duties of this committee, including establishing a threshold amount placing projects under the purview of this committee.

For the purpose of this section the term 'facilities' shall not be construed to include items commonly understood to be within the jurisdiction of a public works department, including but not limited to streets and roads, sidewalks, bridges, sewers, drains and related items.

Section 5-8 Public Building Maintenance

The responsibility for the maintenance and repair of all town owned buildings and grounds may be consolidated under the select board and under the supervision of the town administrator. The select board, after consultation with the school committee, shall determine the manner in which such responsibility shall be assumed and the services delivered. The select board and the school committee shall from time to time meet, or otherwise communicate, to assure the proper maintenance of all school buildings.

Nothing in this section shall be construed so as to interfere in any way with the appointment by the school committee, or by other school department personnel serving under it, of the maintenance personnel in school buildings who perform so-called, ordinary custodial maintenance. It is the intention of this provision however,

that standards for the work to be performed will be established jointly by the school department and the town administrator.

ARTICLE 6 FINANCE AND FISCAL PROCEDURES

SECTION 6-1: FISCAL YEAR

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

SECTION 6-2: FINANCIAL PROJECTIONS AND ACTUAL RECEIPTS

(a) Town Administrator's Responsibility to Promulgate Financial Projections - Annually, on or before the first day of November, the town administrator shall prepare and develop preliminary financial projections that include actual revenues and expenditures for the preceding fiscal year, estimated revenues and expenditures for the current fiscal year, projected revenues and expenditures for at least the next three fiscal years, an identification of each factor which the town administrator believes is likely to have an impact on the financial condition of the town during such period, revenue trends in state distributions and in local receipts, potential sources of new or expanded revenues, new or expanded cost items, a summary statement of the fiscal condition of the town at the end of each year during the period reported on and a recommendation for actions to be taken to minimize any adverse affects upon the town and to maximize favorable trends. Copies of the report, which shall be a public record, shall be made available to the public.

(b) Distribution of Financial Projections to Policy Makers - Annually, within ten days following the date the financial projections described in (a), above, have been prepared, the town administrator shall distribute copies of the report to the select board, the superintendent of schools, the school committee, the priorities committee and the finance and audit committee of the town meeting steering committee and shall convene a joint meeting of the same to discuss the report.

Revenue and expenditure projections shall be clearly stated and their basis explained, along with any policies related to the use, retention or accumulation of any reserves. The report shall provide the basis for the preliminary spending guidelines of the town for the ensuing fiscal year.

(c) Notice of Actual Receipts -The town administrator shall throughout the financial year continuously monitor the anticipated revenues from every source as projected in the annual financial forecast against the national, regional and local economic conditions, anticipated state actions, actual receipts, and all other sources of information to ascertain if the forecasted amounts are being met, are likely, or unlikely to be met and shall make such modifications and adjustments to the financial forecasts as may be required. The town administrator shall, at least quarterly, inform the select board, the superintendent of schools, the school committee, the priorities committee and the finance and audit committee of the town meeting steering committee of anticipated trends. If it appears to the town administrator that revenue forecasts will not be met, the town administrator shall convene a joint meeting of the select board, the superintendent of schools, the school committee, the priorities committee and the finance and audit committee of the town meeting steering committee to determine what action must be taken to meet any anticipated shortfall in receipts.

(d) Priorities Committee Recommendations - The priorities committee, established by by-law, shall distribute to the town administrator, the select board, the superintendent of schools, the school committee, the chair of the town meeting steering committee and the finance and audit committee copies of its report and recommendations.

SECTION 6-3: FINANCE AND AUDIT COMMITTEE

(a) Composition, Mode of Selection - There shall be finance and audit committee of the town meeting steering committee, elected by the members of the steering committee, which shall consist of seven members. At least two of the members shall always be members of the town meeting steering committee, appointed to serve on the committee for the term for which they were elected. The steering committee shall

also elect as members of the finance and audit committee voters, for terms of three years.

(b) Powers and Duties - The finance and audit committee shall be responsible for reviewing and filing a report, with a recommendation, on the proposed annual operating budget; annual capital improvement program, and any amendments, supplements and revisions to the operating budget and capital improvement program and every other financial matter which comes before the town meeting steering committee. The finance and audit committee shall be the primary interface of the town meeting steering committee with the certified public accountant, or firm of such accountants, performing the annual audit as provided in section 6-11.

The finance and audit committee shall have full and complete access to all information involving all aspects of the budget preparation process as it becomes available, including revenue forecasting, preliminary spending estimates, and the budgets as submitted to the select board and the town meeting steering committee. The finance and audit committee shall throughout the year have access to all records and accounts as are necessary to assist it in the performance of its responsibilities.

The finance and audit committee shall file its reports with the town meeting steering committee, with recommendations concerning the adoption of the annual town budget, with or without amendments, in such detail and at such time as may be provided by ordinance, rule, or other vote of the town meeting steering committee.

SECTION 6-4: SCHOOL COMMITTEE BUDGET

(a) Public Hearing - At least twenty-one days before the meeting at which the school committee is scheduled to vote on its final budget request, the school committee shall cause to be published by posting on the town web site a consolidated report of proposed expenditures for education. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. The notice shall further indicate the times and places at which complete copies of the proposed budget are available for examination by the public, and it shall indicate the date, time and place, (not less than seven nor more than fourteen days following such publication), when a public hearing will be held by the school committee on the proposed budget.

(b) Submission to Town administrator - The proposed budget adopted by the school committee shall be submitted to the town administrator at least twenty-one days before the date the town administrator is required to submit a proposed town budget to the finance and audit committee, to allow the town administrator sufficient time within which to consider the effect the school department's requested appropriation will have upon the total town operating budget the town administrator is required to submit to the finance and audit committee under this article. The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized.

SECTION 6-5: SUBMISSION OF BUDGET AND BUDGET MESSAGE

On a date fixed by by-law at least sixty days before the fiscal year is scheduled to begin, the town administrator shall submit to the steering committee and to the finance and audit committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town administrator shall simultaneously provide for the publication on the town web site a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the town are available for examination by the public.

SECTION 6-6: BUDGET MESSAGE

The town administrator's message shall explain the proposed budget both in fiscal terms and in terms of the work programs linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall

describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position, including factors affecting the ability to raise resources through debt issues, report on the accomplishment of performance standards and goals established in prior budgets and include such other material as the town administrator deems desirable.

SECTION 6-7: THE BUDGET

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the town administrator deems desirable or the finance and audit committee may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures for the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals, performance standards and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures, and methods to measure outcomes and performance related goals;

(2) Proposed longer term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other high level organization unit when practicable, the proposed method of financing each such capital expenditure and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the town and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus fund balance carried forward, exclusive of reserves.

SECTION 6-8: ACTION ON THE BUDGET

(a) Public Hearing - Forthwith upon its receipt of the proposed operating budget, the finance and audit committee shall provide for the publication on the town web site of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted by the town administrator.

(b) Finance and Audit Committee Review - The finance and audit committee shall consider the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration.

The finance and audit committee shall provide a consolidated report describing estimated total town revenues and expenditures, by category, for the ensuing fiscal year, including the projected or estimated property tax rate used in calculating the estimated revenue to be raised from the property tax, and with comparable figures for estimated and actual revenues and expenditures for the current fiscal year as well as actual revenues and expenditures for the preceding fiscal year. This report shall be included in the finance and audit committee report required by section 2-11 of this charter.

The finance and audit committee may require the town administrator, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) Adoption of the Budget - The finance and audit committee shall file a written report with the steering committee containing its recommendations for the action to be taken on each line item in the proposed operating budget as submitted by the town administrator. The steering committee shall adopt the budget on or before the start of the fiscal year. A separate review petition shall be necessary to protest each line item of the budget and no petition shall be brought against the budget as a whole,

SECTION 6-9: EXPENDITURES IN EXCESS OF APPROPRIATION

No official of the town, except in the case of an emergency involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the town in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of section thirty-one of chapter forty-four of the General Laws shall be strictly enforced.

SECTION 6-10: CAPITAL IMPROVEMENT PROGRAM

The capital outlay committee shall submit a capital improvement program to the finance and audit committee and to the town within the time frame provided in a capital improvement by-law. The capital improvement program shall be based on material prepared by the capital outlay program committee established by by-law. It shall include:

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

This information is to be annually revised by the capital outlay committee, and distributed to the steering committee, the school committee, the select board and posted on the town web site, with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

SECTION 6-11: INDEPENDENT AUDIT

The finance and audit committee shall annually provide for an outside audit of the books and accounts of the town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The town administrator shall annually provide a sufficient sum of money to conduct the audit. The award of a contract to audit shall be made by the finance and audit committee on or before September fifteenth of each year. The report of the audit shall be filed in final form with the finance and audit committee not later than March first in the year following its award and copies shall be placed on file in the office of the town clerk.

ARTICLE 7 GENERAL PROVISIONS

SECTION 7-1: ELECTIONS

The articles in the warrant for any town meeting insofar as they relate to the election of town officers, or to the determination by the voters of any question to be submitted for such decision by written ballots, shall be acted upon and determined by the voters in their respective precincts. The regular town election shall be taken on official ballots, without party or political designation of any kind, on the date fixed by by-law

SECTION 7-2: CHARTER CHANGES

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

SECTION 7-3: 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 7-4: RULES OF CONSTRUCTION

(a) Number and Gender - Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

(b) Computation of Time - In computing time under the charter, if less than seven days 'days' shall not include Saturdays, Sundays or legal holidays. If the time period is seven days, or more, every day shall be counted. When the last day of a time period falls on a Saturday, Sunday, or legal holiday the time shall be extended until five o'clock in the afternoon of the first business day following.

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

(d) Specific Provision to Prevail - To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

SECTION 7-5: RULES AND REGULATIONS

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten days following the date it has been so filed in the office of the town clerk. Copies shall be posted on the town web site. Attested copies shall also be kept available in the Sharon Public Library.

SECTION 7-6 CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including any elected by town meeting vote, or appointed to an office of the town by any appointing authority, shall receive a certificate of such election, or appointment, from the appointing authority or from the town clerk.

Except as otherwise provided by law, before performing any act under an appointment or election all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties, by the town clerk or a designee of the town clerk.

SECTION 7-7: PERIODIC REVIEW, CHARTER AND BY-LAWS

(a) Charter Review - At least once in every ten years, in each year ending in nine, a special charter review committee, to consist of nine 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 consist of nine members who shall be chosen as follows: the select board, the steering committee and the school committee shall each designate two persons, and three persons shall be appointed by the town moderator. Persons appointed by the said agencies may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the spring town meeting. The committee shall hold a public hearing within thirty days following the date on which it meets to organize and at least one additional public hearing before filing its final report.

(b) By-Law Review - The select board shall at five year intervals, in each year ending in five, or in zero, 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 reenactment at the annual town meeting in the year following the year in which the said committee is appointed. The by-law review committee shall consist of the town clerk who shall serve by virtue of office, two voters appointed by the town moderator and two persons appointed by the select board. The said committee in its final, or in an interim report, shall include recommendations for such substantive change in town by-laws as it deems necessary, or desirable. The review of town by-laws shall be in conjunction with the town counsel, or, by special counsel retained for that purpose. The committee shall hold a public hearing within thirty days following the date on which it meets to organize, and at least one additional public hearing before filing its final report. 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 General Laws. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

SECTION 7-8: PROCEDURES GOVERNING MULTIPLE MEMBER BODIES

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairperson, or by one-third of the members thereof, by suitable notice delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board in the manner provided by law. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

(b) Rules and Minutes of Meetings - Each multiple member body shall determine its own rules and order of business unless otherwise provided by General Law, this charter, or by by-law and shall provide for keeping minutes of its meetings. These rules and minutes shall be public records, and certified copies shall be kept

available in the office of the town clerk. For the convenience of the public copies of these rules and minutes of meetings may be kept available in the Sharon Public Library, but only the originals, in the possession of the multiple member body, shall be deemed to be the 'official' record.

(c) Voting - Except on procedural matters, the vote of each member of all multiple member bodies shall be recorded in the minutes of the meeting, provided, however, that if the vote is unanimous only that fact need be recorded. Unless some other number be required by general or special law, a majority of the full number of members of a multiple member body shall be required to adopt any measure.

(e) Quorum - A majority of the members of the multiple member body then in office shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid, or binding, unless ratified by the affirmative vote of the majority of the full multiple member body.

(f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall, forthwith, give written notice of such vacancy to its appointing authority. If, at the expiration of sixty days following the delivery of such notice to the appointing authority said authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members and a copy of the vote shall, forthwith, be filed in the office of the town clerk. The provisions of section 7-6 shall apply to any such appointment.

(g) Composition of Multiple Member Bodies - Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

SECTION 7-9: REMOVALS

Excessive Absence, Member of Multiple Member Body - If any person appointed to serve as a member of a multiple member body shall fail to regularly attend the meetings of such body held in one twelve-month period, the remaining members of the multiple member body may, by majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person. A copy of any such vote which is adopted shall, forthwith, be delivered to the appointing authority and to the office of the town clerk.

SECTION 7-10: NOTICE OF VACANCIES

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board and posted on the town web site for not less than ten days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement. Nothing in this section shall be construed to require that every vacancy which shall occur must be filled.

ARTICLE 8 TRANSITIONAL PROVISIONS

SECTION 8-1: CONTINUATION OF EXISTING LAWS

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

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

SECTION 8-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

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

SECTION 8-3: TRANSFER OF RECORDS AND PROPERTY

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

SECTION 8-4: EFFECT ON OBLIGATIONS, TAXES, ETC.

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

SECTION 8-5: TIME OF TAKING EFFECT

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

After the charter commission has settled upon its final recommendations it will provide, in this section, a step by step guide to the transition from the existing governmental form and structure to the new form and structure as provided in the proposed charter. An example of one of these provisions is set out below:

() Notwithstanding the provisions of section 3-1(c), no person currently serving in an elected town office shall be prevented from continuing to serve in the same elected office, subject to re-election.