

**Town Of Holbrook  
Massachusetts**

**Official  
*Proposed***

***HOLBROOK TOWN CHARTER***

**Government Study Committee Members**

**Kevin Costa, Chair  
Vincent Digiacomio, Vice-Chair  
Rob Austin  
Stephen Gallagher  
Alex Mann  
Carolyn McDonough  
Fred White**

Approved by Town Government Study Committee December 6<sup>th</sup> 2012

## **TABLE OF CONTENTS**

1. Introduction/Preamble

2. Articles

Article 1: Town Incorporation, Form of Government, and Powers

Article 2: Legislative Branch

Article 3: Elected Officers

Article 4: Appointed Officers

Article 5: Town Manager

Article 6: Administrative Organization

Article 7: Finance and Fiscal Procedures

Article 8: General Provisions

Article 9: Other Provisions

Article 10: Town Approval

Article 10: Transitional Provisions

# ***Town of Holbrook Charter***

## ***Introduction***

The Holbrook Government Study Committee respectfully submits this Charter for consideration by the Voters of Holbrook. The committee members firmly believe that the adoption of this Charter as proposed will significantly improve the operation of Town government in Holbrook. This Charter is designed to address the issues identified in *The Report of The Holbrook Government Study Committee* issued March 10<sup>th</sup> 2010; we strongly recommend that you read the report before reading the Charter. A copy of the Report of The Government Study Committee is available at the Holbrook Town Hall, and is also available on the Town of Holbrook's web-site.

## ***Highlights of the Proposed Charter***

The proposed Charter defines the conduct of Town government in a single document, and clearly describes the powers, duties, and responsibilities of Town government. The proposed Charter strengthens and further centralizes administrative authority, and provides for greater accountability and efficiency in the delivery of Town services and in conducting day-to-day operations.

***Article 1*** secures all of the powers available under the Constitution and Laws of the Commonwealth of Massachusetts for the Citizens of Holbrook, and defines intergovernmental relations.

***Article 2*** preserves the Representative Town Meeting form of government. Defines the role of the Town Moderator, Town Meeting procedures, and establishes an Appointment Committee for the purpose of appointing Finance Committee members.

***Article 3*** stipulates which Officers of the Town shall be elected, the term of office, powers and duties, and procedures for filling vacancies. It defines the Board of Selectmen as the Chief Executive Office of the Town, as well as chief policy making agency of the Town, and further defines their authority as final. This article also defines the recall procedures for elected office holders.

***Article 4*** identifies the appointment of Town officers made by the Board of Selectmen, requires the Town to have a Town Financial Review Team, and identifies the Financial Review Team members.

***Article 5*** defines the Town Manager as Chief Administrative Officer and Chief Financial Officer of the Town. It defines the powers and duties of the Town Manager as being responsible for the appointment, removal, and supervision of all officers, subordinates, and employees of the Town except for officers, subordinates, and employees of the School Department. Establishes the Town Manager as Chief Procurement Officer for the Town, and outlines the Administrator's interactions with other agencies of the Town.

**Article 6** defines the process for organizing and reorganizing Town agencies/departments. Establishes a Department of Public Services and position of Director of Public Services. Establishes a Finance Office and position of Director of Finance, Human Resource Director, and Management Information Systems Director. Defines a process for determining whether an elected office, board, committee or commission shall be abolished, divided or appointed and by whom. Defines the process for removal and suspension of appointed officers, employees, and appointed members of multiple member bodies/committees.

**Article 7** establishes finance and fiscal budgeting requirements and tracking.

**Article 8** outlines general provisions of the Charter and the requirement of periodic review and updating of the Town Charter and by-laws.

**Article 9** provides an outline of the administrative organization of the Town.

**Article 10** provides an outline for the Town approval process of this Charter.

**Article 11** ensures the continuation of existing Town by-laws not directly or indirectly repealed by this Charter and provides transitional provisions for the implementation of this Charter.

## ***Preamble***

*We, the people of the Town of Holbrook, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the Constitution of the Commonwealth, do hereby adopt the following Special Act Charter for the Town of Holbrook.*

## ***Town of Holbrook Charter***

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

#### ***Section 1: Incorporation***

1-1-1 The inhabitants of the town of Holbrook within the corporate limits established by law shall continue to be a body corporate and politic with perpetual succession under the name “Town of Holbrook.”

#### ***Section 2: Short Title***

1-2-1 This instrument shall be known and may be cited as the “Holbrook Town Charter.”

#### ***Section 3: Powers of the Town***

1-3-1 Subject only to express limitations on the exercise of any power or function by a municipality in the Constitution or Laws of the Commonwealth, it is the intent and purpose of the voters of Holbrook to secure through the adoption of this Charter all of the powers it is possible to secure for a municipal government under the Constitution and Laws of the Commonwealth of Massachusetts.

#### ***Section 4: Division of Powers***

1-4-1 All legislative powers of the Town shall be exercised by a Representative Town Meeting. The administration of all Town fiscal, prudential and municipal affairs shall be vested in the executive branch headed by the Board of Selectmen unless otherwise specified in this Charter. The school committee shall have autonomy for all fiscal matters it is charged with according to Massachusetts General Laws.

#### ***Section 5: Construction***

1-5-1 The powers of the Town of Holbrook under this Charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Holbrook as stated in Section 1-3-1 of this Charter. Upon the effective date of this act, the Town of Holbrook shall be governed by the provisions of this act.

To the extent that the provisions of this act conflict with existing by-laws of the Town of Holbrook, this act shall govern.

### ***Section 6: Intergovernmental Relations***

1-6-1 Subject to the applicable requirements of any provision of the Constitution or statutes of the Commonwealth of Massachusetts, the Town of Holbrook 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 any one or more civil divisions, subdivisions, or agencies of any state or the United States Government.

### ***Section 7: Definitions***

1-7-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this Charter shall have the following meanings:

- (a) **Charter** - The word “Charter” shall mean this Charter and any amendments to it which may hereafter be adopted.
- (b) **Day** – When the time is set as less than seven (7) days the word “day” shall refer to business days, business days being defined as not including Saturdays, Sundays and legal holidays. When the time set is seven (7) days or more, every day shall be counted, unless business days are clearly noted.
- (c) **Emergency** - The word “emergency” shall mean a sudden, unexpected, or unforeseen happening, occurrence, event, or condition which necessitates immediate action, and does not refer to financial events which could be or should have been anticipated and planned for in the fiscal budgeting process.
- (d) **MGL** - The abbreviation “MGL” shall refer to Massachusetts General Laws.
- (e) **Majority vote** - The words “majority vote” shall mean a majority of those members present and voting, provided there is a quorum of the body present when the vote is taken, unless a higher number is required by law.
- (f) **Multiple member body** - The words “multiple member body” shall mean any Town body consisting of two or more persons and whether styled as board, commission, committee, subcommittee, or otherwise and however elected or appointed or otherwise constituted.
- (g) **Quorum** - The word “quorum,” unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies which might then exist.
- (h) **Town** - The word “Town” shall mean the Town of Holbrook.

- (i) **Town agency** - The words “Town agency” shall mean any board, commission, committee, department, division or office of the Town government.
- (j) **Town Bulletin Board** - The words “Town Bulletin Board” shall mean the bulletin board in the Town Hall on which official Town notices are posted and those at other locations within the Town which may, from time to time, be designated as Town bulletin boards by by-law. The town bulletin board may be an electronic town bulletin board if so deemed by State statute or a vote of Town Meeting.
- (k) **Town officer** - The words “Town officer,” when used without further qualification or description, shall mean a person having charge of an office or department of the Town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the Town.
- (l) **Town Meeting**- The term “Town Meeting,” when used without further qualification, shall be any annual or special meeting organized and called for the town’s legislative body to act on according to requirements of this Charter.
- (m) **Voter** - The word “voter” shall mean a registered voter of the Town of Holbrook in compliance with MGL and state statutes.
- (n) **Web-Site** - The word “web-site” shall mean the Town of Holbrook’s official World Wide Web internet address.

***Section 8: Ethical Standards***

1-8-1 Elected and appointed officers, employees and volunteers of the Town are expected to demonstrate, by their example, in 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, employees and volunteers of the Town 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 officials, employees and volunteers of the Town shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

***ARTICLE 2: LEGISLATIVE BRANCH***

***Section 1: Representative Body***

2-1-1 The legislative body of the town shall be a representative town meeting consisting of two-hundred and forty (240) members who shall be elected to meet, deliberate, act and vote in the

exercise of the corporate powers of the town. There shall be sixty (60) members elected from each of the four (4) precincts. Members shall be elected for terms of three (3) years each, so arranged that the terms of one-third of the members shall expire each year.

The territory of the town shall be divided into four (4) precincts per existing procedures under MGL and State Statute.

The boundaries of the precincts shall be reviewed and wholly or partially revised by the Board of Selectmen per MGL and State Statute Board of Selectmen within sixty (60) days of adoption shall cause to be posted on the town website a map and description of each precinct with the names and addresses of the voters therein.

2-1-2 Any voter shall be eligible to be a candidate, to be elected and to serve as a town meeting member.

2-1-3 Nomination of candidates for town meeting member shall be made by nomination papers signed by ten (10) voters of the precinct in which the candidate resides and from which the candidate seeks election in accordance with MGL.

2-1-4 At each annual election, the voters of each precinct shall, in like manner, elect for three (3) year terms one-third of the number of town meeting members to which each precinct is entitled and shall fill for the unexpired terms of any such vacancies then existing. In the event of a tie vote for the office of town meeting member, the town clerk shall, within forty-five (45) days following the election, call all of the town meeting members of that precinct together at a convenient place. Under the supervision of the town clerk, any such tie shall then be broken by ballots cast by the elected town meeting members present.

2-1-5 A town meeting member may resign by filing a written resignation with the town clerk. Such resignation shall take effect upon the date of such filing unless a date certain is specified therein when it shall take effect.

2-1-6 A town meeting member who moves from the town shall forthwith cease to be a town meeting member. A town meeting member who moves from one precinct to another, or who is removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which the member was elected until the next annual town election, at which the remainder of the member's term, if any, shall be filled by ballot. Any person so removed from office may be elected at the same election as a town meeting member from the precinct to which the member has moved.

2-1-7 In any calendar year which contains more than one session of town meeting and which a town meeting member shall fail to attend more than one-third of the sessions of the town meetings held in said calendar year, the member shall, upon certification by the town clerk of such attendance, be deemed to have resigned and the member's place shall be declared vacant by January fourth of the following year. The town clerk shall, by January fifth, mail to the vacated member a letter stating the member's place has been vacated and when and how an appeal may be made.

2-1-8 Any town meeting member who is deemed resigned under article 2-1-7, may appeal the declaration of vacancy by requesting a hearing on removal. The member who files an appeal shall continue to serve until the outcome of the appeal has been determined. A request for hearing shall be in writing and shall be filed with the town clerk on or before January twentieth or ten (10) days after notification has been mailed; whichever is later. A hearing shall be held before a committee consisting of the town clerk, the town moderator, and the vacated member's precinct chairperson to be held no later than January thirty-first of such year or ten(10) days after the last day appeals may be filed; whichever day is later. Upon a showing of good cause by the member, the committee may excuse one (1) or more absences and may rescind the declaration of vacancy.

2-1-10 A write-in candidate for the office of town meeting member shall receive ten (10) or more votes in the precinct in which they are eligible to vote in order to be elected to that precinct.

2-1-11 Any town meeting member vacancy from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled by the remaining members of the precinct from among the registered voters thereof, until the next annual election. Upon petition therefore, signed by not less than ten (10) town meeting members from that precinct, notice of any vacancy shall promptly be given by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist and he shall call a special meeting of such members for the purpose of filling such vacancy or vacancies. The town clerk shall cause to be mailed to every such member, not less than five (5) days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the meeting, a majority of the members currently elected from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and a clerk. The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for such choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members.

2-1-12 Representative town meeting members shall serve without compensation.

### ***Section 2 Town Meeting Date***

2-2-1 The Town Meeting shall meet in regular session at least once in each calendar year. The Annual Town Meeting, shall be called within the week beginning with the first Monday in May, at such time and in such manner as fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure of town funds, including, but not limited to, the adoption of an annual operating budget for all town agencies and the determination of other matters to be decided by ballot of voters. The Annual Election of Town officers shall be held on the week beginning with the second Monday in June each year, commencing in June of the year following adoption of this Charter.

2-2-2 Special Town Meetings shall be held at the call of the Board of Selectmen at such times as it may deem necessary and whenever a special town meeting is petitioned by voters in accordance with procedures available under MGL

### ***Section 3: Moderator***

2-3-1 There shall be a Town Moderator elected to office, the term and duties of the Moderator are outlined in Article 3 of this Charter.

### ***Section 4: Warrants***

2-4-1 Every Town Meeting shall be called by a warrant issued by the Board of Selectmen which shall state the date, time and place at which the meeting is to be convened and, by separate articles, the subject matter to be acted upon.

2-4-2 The publication of the warrant for every Town Meeting shall be in accordance with procedures outlined in this Charter and Town by-laws governing such matters.

### ***Section 5: Initiation of Warrant Articles***

2-5-1 Except procedural matters, all subjects to be acted upon by town meeting shall be placed on warrants issued by the Board of Selectmen in accordance with MGL; provided, however, that the Board of Selectmen shall place on the warrant all petitions which are addressed to it and which request the submission of a particular subject matter to the representative town meeting and filed by; (i) any elected town officer including a member of a multiple-member body; (ii) any appointed multiple member body acting by a majority vote of its member; (iii) any 10 voters; (iv) the office of town manager; and (v) any other person, persons or town agency as authorized by by-law. All such requests for the inclusion of subjects shall be in writing, but shall not be required to conform to any particular style of form, except that each request for a particular subject shall be submitted as a separate petition.

2-5-2 The Board of Selectmen forthwith following receipt of any petition containing a proposed warrant article filed with the Board of Selectmen in accordance with this charter, shall cause an accepted and signed copy of the proposed warrant article to be delivered to the chairperson or designee of the Finance Committee. A copy is to be posted on the Town bulletin board, a copy to be posted and available on the Town web-site, and shall cause such other distribution to be made of each proposed warrant as may be required by MGL or by-law.

### ***Section 6: Availability of Town Officials at Town Meetings***

2-6-1 Every Town officer, elected official, individual member of a multiple member body, head of each department, and head of each division within said department shall attend all sessions of the Town Meeting for the purpose of providing the Town Meeting with information and answering questions concerning matters appearing in the warrant.

2-6-2 In the event a Town officer or the head of department or division is to be absent due to illness or other reasonable cause, he shall designate a deputy to attend in their place.

2-6-3 If any person designated to attend the Town Meeting under this section is not a voter, such person, notwithstanding, has a right to address the meeting for the purpose of compliance with this section.

### ***Section 7: Committees***

2-7-1 Subject to the provisions of this Charter and to 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 other than those appointed by vote of the Town Meeting. In addition to such specific powers, duties and responsibilities as may be provided to a Town Meeting committee by by-law or vote establishing it, each such committee, when acting within the scope of its authority, shall have the right to examine the pertinent records of any Town agency or department and to consult with any Town officer. All Committees appointed by Town meeting shall be deemed dissolved after town meeting one calendar year after appointment unless some other specific date is included with committee creation.

2-7-2 There shall be a Finance Committee, consisting of nine (9) registered voters of the Town whose terms shall be for 3 years each so designed as an equal number shall expire annually. The appointment of finance committee members shall expire on July 16<sup>th</sup> in the year of the term ending. No elected or appointed Town official or employee shall be eligible to serve as a member of the Finance Committee, other than a town meeting member.

Annually, not later than July 31st, a Finance Committee Appointment Committee comprised of the Town Moderator, the current Chairman of the Finance Committee, and the Chairman of the Board of Selectmen, shall appoint three members for a term of three (3) years in place of those whose terms expire in that year, and also fill any additional vacancies which may then exist. Said appointment committee shall commence its selection process by posting a notice of annual vacancies on the Town bulletin board, and the Town website not later than seven (7) days following that year's Annual Town Meeting. The Appointment Committee shall formally interview all applicants and shall appear before the Board of Selectmen to notify it and the public of its appointments in person at a regularly scheduled public meeting of that board.

Annually, the Finance Committee shall hold one or more meetings to permit discussion of the subject matter of all articles contained in the warrant for each Town Meeting. The Finance Committee shall report its recommendations on the articles for which it held public hearings, in writing, in accordance with the Board of Selectmen's budgeting calendar for the Annual Town Meeting, and at least ten (10) days before any other Town Meeting.

No financial article shall be presented to Town Meeting that has not previously been submitted to the Finance Committee for its review. The Finance Committee shall have such additional powers and duties as may be provided by MGL, by this Charter or by bylaw.

### ***Section 8: Clerk of the Meeting***

2-8-1 The Town Clerk shall serve as the clerk of the Town Meeting(s).

2-8-2 In the event of the absence of the Town Clerk, the Town Clerk shall designate a substitute; otherwise, the Town Moderator shall appoint a clerk pro tempore.

2-8-3 The Town Clerk shall give notice of all meetings to the public, keep a journal of its proceedings and perform such other functions as may be required by MGL, by charter, by by-law or by other Town Meeting vote. Notice of all meetings shall also be posted and available to all on the Town web-site.

### ***Section 9: Rules of Procedure***

2-9-1 The Town Meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of Town Meeting(s).

### ***Section 10: General Powers and Duties***

2-10-1 All legislative powers of the Town, except as otherwise provided by law or this Charter, shall be vested in the Town Meeting. The Town Meeting shall provide for the exercise of all powers of the Town and for the performance of all duties and obligations imposed upon the Town for which no other provision is made in this Charter or by law.

## ***ARTICLE 3: ELECTED OFFICERS***

### ***Section 1: General Provisions***

3-1-1 The offices to be filled by ballot of the voters of the entire Town shall be the Board of Selectmen, School Committee, Town Moderator, Board of Library Trustees, Holbrook Housing Authority, Board of Health, and such other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement, shall also be filled by ballot at Town elections.

3-1-3 Any voter of the Town shall be eligible to hold any elective Town office.

3-1-4 Elected Town office holders shall receive such compensation for their services as may be appropriated annually for such purpose. All office holders shall comply fully with all Town Personnel Policies and Directives.

3-1-5 Notwithstanding their election by the voters, the Town officials named in this section shall be subject to call of the Board of Selectmen or of the Town Manager, at all reasonable times, for consultation, conference, and discussion on any matter relating to their respective offices. All appointed and elected officials are required to work with each other in a cooperative manner and in the best interests of the Town.

3-1-6 If there is a vacancy in a multiple member body, other than the Board of Selectmen and Town Meeting Representatives, the remaining members shall forthwith give written notice of the

existence of any such vacancy to the Board of Selectmen. The Board of Selectman, with the remaining members or member of such board, shall fill such vacancy by a joint roll call vote. The Board of Selectmen shall set a date for the joint vote and give seven (7) days' notice. If such notice is not given within thirty (30) days following the date on which said vacancy occurs, the Board of Selectmen shall, after seven (7) days' notice, fill such vacancy without participation by the remaining members or member of the multiple member body.

3-1-7 If there is a failure to elect or if a vacancy occurs in the office of Selectmen, vacancies shall be filled in accordance with MGL.

3-1-8 If there exists a vacancy in an elected office which is not a multiple member body, the Selectmen shall provide for notice of such vacancy as provided by posting the vacancy on the Town bulletin board and the Town web site. Any person who desires to be considered to fill such vacancy may, within ten (10) days following the date the notice is posted, file with the Board of Selectmen a statement which sets forth in clear and specific terms the qualifications which he holds for the position. The Board of Selectmen shall fill such vacancy no earlier than fourteen (14) days and no later than thirty (30) days after notice was posted. The person who receives a majority of the votes cast at the Board of Selectmen's meeting shall be the person appointed to fill such vacancy. The person appointed to fill such vacancy shall hold office until the next Town election at which time the vacant position shall be included on the ballot.

3-1-9 The town of Holbrook is hereby authorized by vote of the town meeting called for the purpose at least ninety (90) days prior to the Annual Town Meeting to determine whether an elected office, board, committee or commission shall be abolished, divided or appointed by the Board of Selectmen; provided, however, that no such vote shall take effect and no action shall be taken there under until such matter is submitted to the voters of said town at the next town election in the form of a ballot question and a majority of the votes cast are in the affirmative.

Any incumbent serving in an elected office which becomes appointive under this act, shall serve for the balance of the term for which he was elected. Upon the expiration of said term or a precedent vacancy, the office shall be appointed in accordance with the provisions of this act. If any elected office or multiple member body is abolished or divided as provided hereunder, said abolition or division shall take effect 60 days after the vote of the town election.

3-1-10 No elected official or person elected to a multiple member body, except town meeting member, shall be a paid employee of the town during their elective term of service and until 12 months after their elected service has ceased.

3-1-11 No elected official or person elected to a multiple member body, except town meeting member, shall hold more than one elected office at any time.

## ***Section 2: Board of Selectmen***

3-2-1 There shall be a Board of Selectmen consisting of five (5) members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

3-2-2 The executive powers of the Town shall be vested in the Board of Selectmen which shall be deemed to be the Chief Executive Office of the Town. The Board of Selectmen shall be recognized as the head of the town government for all ceremonial purposes. The Board of Selectmen shall have all of the executive powers it is possible for a Board of Selectmen to have and to exercise under the Commonwealth of Massachusetts Constitution and MGL, and such additional powers and duties as may be authorized by this Charter, by-law, or Town Meeting vote. The Board of Selectmen shall serve as the chief policy making agency of the Town. The Board of Selectmen shall be responsible for formulation and promulgation of policy directives and guidelines to be followed by all Town agencies serving under it and, in consultation with other elected Town officers and multiple member bodies, to develop and promulgate policy guidelines designed to bring all Town agencies into harmony provided, however, nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of such members, to become involved in the day-to-day administration of any Town Agency. As chief policy making agency of the Town the Board of Selectmen shall seek to secure the cooperation of the Town's elected boards, committees and officials, in the implementation of such policies. The Board of Selectmen shall be responsible for the efficient and effective coordination of the activities of all elected and appointed boards and committees, and for this purpose shall have authority, consistent with law, to call together for consultation, conference, and discussion at reasonable times all elected and appointed boards and committees.

3-2-3 The Board of Selectmen shall be the licensing board for the Town and shall have the power to issue licenses as authorized under MGL, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and impose restrictions on any such licenses as it deem to be in the public interest.

3-2-4 The Board of Selectmen shall cause the Charter, by-laws, and rules and regulations for the government of the Town to be enforced and shall cause an up-to-date record of all its official acts to be kept, and to be posted and available to all on the Town web-site.

3-2-5 The Board of Selectmen shall appoint a Town Manager, in accordance with procedures in this Charter.

3-2-6 All employees appointed by the Board of Selectmen, School Committee, School Superintendent, Town Manager or any other appointing agency, shall be considered at-will employees and governed by the wage and salary plan established and maintained by the personnel board with the approval of Town Meeting, except when this charter, MGL, a collective bargaining agreement, or some other special law shall state to the contrary.

3-2-7 Unless noted elsewhere in this Charter, the terms of office of all appointments made by the Board of Selectmen shall be as currently specified by MGL, by this Charter, by by-law or Town Meeting vote.

3-2-8 The Board of Selectmen may investigate or may authorize the Town

Manager to investigate the affairs of the Town and the conduct of any agency of the Town, including any doubtful claims against the Town. The report of the results of such investigation shall be placed on file in the office of the Board of Selectmen.

3-2-9 The Board of Selectmen shall serve without compensation.

### ***Section 3: Town Moderator***

3-3-1 The Town Moderator shall be elected for a term of three (3) years.

3-3-2 The Town Moderator shall be the presiding officer of Town Meeting, shall regulate its proceedings, decide all questions of order, ensure that accurate and complete records and minutes of the Town Meeting are being maintained by the Town Clerk, and shall have such other powers and duties as may be provided by MGL, by this Charter, by by-law or by other Town Meeting vote.

### ***Section 4: School Committee***

3-4-1 There shall be a School Committee consisting of five (5) members elected for terms of three (3) years each so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

3-4-2 The School Committee shall have all the powers and duties which are given to school committees by MGL and it shall have such additional powers and duties which are given by by-law, or other Town Meeting vote. The powers of the School Committee shall include, but are not intended to be limited to the following:

(1) To appoint and terminate the Superintendent of Schools and other officers as allowed by MGL, to fix their compensation and to define their duties, make rules concerning their tenure and to discharge them. (2) To make all reasonable policies consistent with MGL or State Department of Elementary and Secondary Education regulations for administration and management of the public school system and for conduct of its own business and affairs, and to review and approve budgets for public education in the district. (3) To establish educational goals and policies for the schools in the district with the requirements of law and in accordance with statewide goals and standards established by the State Board of Education.

### ***Section 5: Board of Library Trustees***

3-5-1 There shall be a Board of Library Trustees consisting of five (5) members elected for terms of three (3) years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

3-5-2 The Board of Library Trustees have all of the powers and duties which are given to boards of library trustees by MGL, by this Charter, by by-law or other Town Meeting vote.

### ***Section 7: Board of Health***

3-7-1 There shall be a Board of Health consisting of three (3) members elected for terms of three (3) years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

3-7-2 The Board of Health shall be responsible for the formulation of rules and regulations affecting the environment and the public health, and shall have all the powers and duties which are given to boards of health under the Massachusetts Constitution and MGL, and such additional powers and duties as may be authorized by the Charter, by by-law or by other vote of the Town Meeting.

### ***Section 8: Housing Authority***

3-8-1 There shall be a Housing Authority consisting of five (5) members serving for terms of five (5) years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year. Four of these members shall be elected and the fifth member shall be a resident of the Town appointed as provided by MGL

3-8-2 The Housing Authority shall make studies of housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Housing Authority shall have all of the powers and duties which are given to housing boards/authorities under the Massachusetts Constitution and MGL

### ***Section 9: Recall Provisions***

3-9-1 A person who holds an elected office in the town of Holbrook, with more than six (6) months remaining in the term of that office on the date of the filing of a recall affidavit, , may be recalled from office by the registered voters of the town of Holbrook, in the manner herein provided.

3-9-2 Four hundred (400) or more registered voters of the town may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall provide to the voters printed form petition blanks addressed to the Board of Selectmen demanding the recall. The blanks shall be issued under the signature and official seal of the Town Clerk. They shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit. In addition, the petition shall demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk.

The recall petition shall be returned and filed in the office of the Town Clerk within eighteen (18) days after the date upon which the clerk issued the petition and shall contain the signature of at least twenty (20) percent of the total number of voters duly recorded on the registration list of the clerk as of the most-recent preceding town election.

The Town Clerk shall, within seventy-two (72) hours after the filing, submit the petition to the registrars of voters who shall, within five (5) days, certify on it the number of signatures which are names of voters of the town.

3-9-3 If a recall petition shall be certified by the registrar of voters to contain the sufficient number of voters' signatures, the clerk of the town shall immediately submit the petition to the Board of Selectmen. Upon its receipt of a certified petition, the Board of Selectmen shall, within seventy-two (72) hours, give notice of the recall petition and their certification to the officer whose recall is being sought.

If the officer sought to be recalled does not resign his office within five (5) days after the delivery of the notice, the Board of Selectmen shall order an election to be held not less than sixty-four (64) nor more than ninety (90) days after the date of certification of the sufficiency of the petition by the registrar of voters. If another town election is to occur within one-hundred (100) days after the date of the certification, the Board of Selectmen may, at their discretion, postpone holding the recall election until the date of that other town election.

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

3-9-4 An officer whose recall is being sought shall not be a candidate to succeed himself at the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relative to elections, unless otherwise provided in this act.

3-9-5 The incumbent shall continue to perform the duties of the office until the recall election is held. If not recalled in the election, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as otherwise provided in this act. If the incumbent officer is recalled, the officer shall be considered removed upon the qualification of a successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within 5 days after receiving notification of election, the incumbent shall be removed and the office shall remain vacant for the remainder of the unexpired term, or until the next election, whichever shall come first.

3-e9e-6 Ballots used at a recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer) ( )

Against the recall of (name of officer) ( )

Adjacent to each proposition, there shall be a place to mark a vote.

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

a place to mark a vote.

If a majority of the votes cast upon the question of recall is in the negative, the ballots for the candidates need not be counted unless the incumbent officer has previously resigned from office under section 3.

3-9-7 A recall petition shall not be filed against an officer within six (6) months after that officer assumes office. In the case of an officer who has been subjected to a recall election and was not recalled by that election, a subsequent recall petition shall not be filed against the officer until at least six (6) months after the date of the previous recall election.

3-9-8 A person who has been recalled from an office or who has resigned from an office while recall proceedings were pending shall not be appointed to any town office within twelve (12) months after the recall or resignation.

#### ***ARTICLE 4: APPOINTED OFFICERS***

##### ***Section 1: General Provisions***

4-1-1 The Board of Selectmen shall appoint Town Counsel, Planning and Economic Board, Board of Assessors, Zoning Board of Appeals, and other Committee or Commission representatives as required by MGL, Charter, or bylaw.

##### ***Section 2 : Planning and Economic Development Board***

4-2-1 The Board of Selectmen shall appoint a Planning and Economic Development Board consisting of five (5) members elected for terms of five (5) years each, so arranged that the term of office of as nearly an equal number as is possible shall expire each year. There may be alternate members appointed to this committee by the Board of Selectmen in accordance with MGL. The Board of Selectmen shall appoint one (1) alternate member and may appoint as many additional alternate members as is allowed by MGL and State Statute.

4-2-2 The Planning and Economic Development Board shall have all the powers and duties that planning boards and economic development boards may have under the Massachusetts Constitution and MGL, and it shall have such additional powers and duties as may be authorized by this Charter or by-laws. The Planning and Economic Development Board shall make careful studies of the resources, possibilities and needs of the Town and shall make plans for the development of the Town. The Planning and Economic Development Board shall provide for the review and updating of a comprehensive master plan at least every ten (10) years, setting forth policies governing the future growth and development of the Town's industrial, residential, infrastructure, and human service needs.

The Planning and Economic Development Board shall regulate the sub-division of land within the Town by adoption of rules and regulations governing such development and the administration of such rules and regulations. The Planning and Economic Development Board

shall make recommendations to the Town Meeting on all matters affecting land use and development, including zoning by-laws of the Town.

The Planning and Economic Development Board shall make an annual report, giving information regarding the condition of the Town and any plans or proposals for its development and estimates of their costs.

### ***Section 3: Board of Assessors***

4-3-1 The Board of Selectmen shall appoint the Board of Assessors, comprised of three (3) members, each appointed to serve staggered terms of three (3) years each. The Board of Assessors shall have all the duties and powers given to Boards of Assessors under MGL and such additional powers as authorized by this charter or town by-law,

### ***Section 4: Audit Firm***

4-4-1 The Board of Selectmen shall appoint an independent Certified Public Auditor or firm, who shall report to the Board of Selectmen their findings and opinions regarding compliance with the finance and fiscal procedures as outlined in this Charter, MGL, and generally accepted accounting principles.

### ***Section 5: Terms of appointment***

4-5-1 All Town Agency appointments by the Board of Selectmen shall be for a term not to exceed three (3) years, unless otherwise stated in this Charter or required by Town by-law or MGL

4-5-2 Any appointed officer, member of a multiple member body or employee of the Town, not subject to the provisions of MGL, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term “good cause” shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination, and conduct unbecoming to the office.

## ***ARTICLE 5: TOWN MANAGER***

### ***Section 1: Appointment; Qualifications; Term of Office***

5-1-1 The Board of Selectmen shall appoint a Town Manager. Prior to making and appointment to fill a vacancy the Board of selectmen shall review a list of qualified persons, prepared by a screening committee, prior to making a permanent appointment to the Town Manager. The Board of Selectmen shall appoint the Town Manager, by three (3) affirmative votes of the Board of Selectmen, the appointment shall not exceed three (3) years and shall fix the compensation for

such person annually within the amount appropriated by town meeting. The Town Manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Town Manager shall be a person especially fitted by education, training, and previous experience in public and/or business administration to perform the duties of the office.

5-1-2 The Town Manager need not be a resident of the town or the Commonwealth at the time of appointment. He must however establish residence within the Commonwealth and within reasonable proximity of the town, as determined by the Board of Selectmen, within twelve (12) months following his appointment.

5-1-3 The Town Manager shall hold no elected office or other appointed Town office, except as a town meeting member. The Town Manager shall devote full time to the duties of the office and shall engage in no other business or occupation without written authorization of the Board of Selectmen.

5-1-4 The Town Manager shall not have served in an elected office, except as a town meeting member, in the Holbrook Town government for at least twelve (12) months prior to his appointment.

5-1-5 The Board of Selectmen shall evaluate at least once annually, by June 1st, the performance of the Town Manager, based on mutually established pre-determined goals, standards and criteria for performance.

5-1-6 The Board of Selectmen may, from time-to-time, establish additional duties or qualifications for the office of Town Manager. The Town Manager shall perform such other duties consistent with the office as may be required by the by-laws of the Town, or by vote of the Board of Selectmen, or by vote of Town Meeting.

## ***Section 2: Powers and Duties***

5-2-1 The Town Manager shall be the Chief Administrative and Chief Financial Officer for the Town and shall be responsible to the Board of Selectmen for the proper operation of Town affairs for which the Town Manager has been given responsibility for under this Charter, by vote of the Town Meeting, or by vote of the Selectmen.

5-2-2 The Town Manager shall appoint all employees of the town except those positions which fall under the control of the school department, housing authority, or for which some other method of appointment has been granted under MGL, this charter, special law or by-law. The Town Manager shall consider the recommendations of department heads and multiple member bodies when making appointments within their respective areas. Except as otherwise provided by this charter and subject to the civil service law and any collective bargaining agreement as may be applicable, the Town Manager shall make appointments, based upon merit and fitness alone.

The Town Manager shall inform the Board of Selectmen within two (2) business days of all appointments and personnel changes, including promotions and transfers.

Appointments made for the positions of Town Clerk, Police Chief, Fire Chief, Finance Director, Treasurer-Collector, Accountant, Principal Assessor, Public Services Director, and Library Director shall be subject to a twenty-one (21) day review period by the Board of selectmen once they have received formal notification from the Town Manager of said appointment. If four (4) members of the board of selectmen shall cast a rejection vote for an appointment within the twenty-one (21) day review period, the appointment shall be deemed rejected and position deemed vacant. If a rejection vote is not cast by four (4) members of the Board of Selectmen during the twenty-one (21) business day review period then the appointment shall be deemed approved. The Board of Selectmen may during the review period make a majority vote of support of the appointment, at which time the review period shall end and the appointment become final.

The Town Manager shall have all the powers, duties, and responsibilities of removing all employees of the Town, excluding school employees, appointments made by the Commonwealth, and those appointments for which another method of removal is provided for in this Charter.

5-2-3 The Town Manager shall direct and supervise the administration of all functions under his control, and be responsible for the efficient and proper operation of all Town agencies and departments, with the exception of the School Department.

5-2-4 The Town Manager shall coordinate the activities of the Town with the School Department and other departments, which may not be under the direct control of the Town Manager.

5-2-5 The Town Manager shall be Chairman of the Town Financial Review Team, shall establish monthly meetings of the Financial Review Team to ensure timely review of all financial matters affecting the town, including a review of all major variances to budget. Reports on variances and matters of importance shall be provided timely to the Board of Selectmen, Finance Committee, and School Committee.

5-2-6 The Town Manager shall be responsible for the preparation and submission to the Board of Selectmen, Finance Committee and Capital Improvement Committee, the annual capital outlay program. The School Department shall provide the Town Manager with their capital outlay programs.

5-2-7 The Town Manager shall attend all meetings of the Board of Selectmen, unless excused at his own request, and shall have a voice, but no vote, in all of its discussions.

5-2-8 The Town Manager shall attend all sessions of Town Meetings and answer all questions directed to him by the voters of the Town.

5-2-9 The Town Manager, at his request, shall be free to attend all meetings of the School Committee, and shall have a voice in all discussions. The Town Manager shall have no vote at School Committee meetings, except as authorized under MGL Chapter 150E for the purpose of negotiating union contracts.

5-2-10 The Town Manager shall see that all provisions of the MGL, of this Charter, of by-laws, and of votes of the Town Meeting and of the Board of Selectmen which require enforcement by him or officers subject to his direction and supervision are faithfully carried out.

5-2-11 The Town Manager shall administer all provisions of general and special laws applicable to the Town, to the Charter, to the by-laws, votes of the Town, and all rules and regulations made by the Board of Selectmen and all other officials which lie within the scope of the powers and duties of the office.

5-2-12 The Town Manager shall negotiate all contracts involving any subject within the jurisdiction of the office of Town Manager, including contracts with all Holbrook employees, as provided under MGL, excluding contracts which fall under the purview of the School Committee and the Holbrook Housing Authority.

5-2-13 The Town Manager shall have full jurisdiction over the leasing, rental and use of all Town facilities, including land and buildings, except land and buildings under the control of the School Committee. He shall be responsible for the maintenance and repair of all Town property, excluding school buildings placed under his control by this Charter, by by-law or otherwise. All lease or rental agreements entered into by the Town Manager for a period greater than twelve (12) months shall require approval by a majority vote of the Board of Selectmen. A majority vote of the Board of Selectmen shall be required prior to any sale of town controlled property.

5-2-14 The Town Manager, as required by MGL Chapter 30B, Uniform Procurement Act, shall be the certified Chief Procurement Officer responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools, and approve the award of all contracts for all Town departments with the exception of the School Department, subject to the approval of the Board of Selectmen.

5-2-15 The Town Manager shall be responsible for keeping full and complete records of the financial and administrative activities of the Town and shall render a full report to the Board of Selectmen at the end of each fiscal year and otherwise as said board may require.

5-2-16 The Town Manager shall keep full and complete inventory of all property of the Town, both real and personal.

5-2-17 The Town Manager may at any time inquire into the conduct of the office of any officer or employee, or department under his jurisdiction.

### ***Section 3: Acting Town Manager***

5-3-1 By letter filed with the Board of Selectmen and Town Clerk, the Town Manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of Town Manager during a temporary absence. During such temporary absence, the Board of Selectmen may not revoke such designation until at least ten (10) business days have lapsed, whereupon it may appoint another qualified Town administrative officer or employee until the Town Manager shall return.

5-3-2 Any vacancy in the office of the Town Manager shall be filled as soon as possible by the Board of Selectmen, but, pending such regular appointment the Board of Selectmen shall appoint a qualified administrative officer to perform the duties of the office on an acting basis.

Such temporary appointment may not exceed three (3) months, but one renewal may be voted by the Board of Selectmen not to exceed a second three (3) months. Compensation for such person shall be set by the Board of Selectmen.

5-3-3 The powers of temporary or acting Town Manager, under this Charter, shall be limited to matters which should not be delayed and shall include authority to make temporary, emergency appointments or designations to Town office or employment but not to make permanent appointments or designations.

#### ***Section 4: Removal and Suspension***

5-4-1 The Board of Selectmen may for just cause, by the affirmative vote of four (4) of its members, terminate and remove, or suspend, the Town Manager from office in accordance with the following procedure:

- (a) The Board of Selectmen shall adopt a preliminary resolution of removal or suspension by affirmative vote of four (4) members which must state the reason or reasons for removal or suspension. This preliminary resolution may suspend the Town Manager for a period not to exceed forty-five (45) days without compensation. A copy of the resolution shall be delivered to the Town Manager forthwith.
- (b) Within five (5) days after receipt of the preliminary resolution the Town Manager may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not later than thirty (30) days after the request is filed nor earlier than seven (7) days. The Town Manager may file a written statement responding to the reasons stated in the resolution of removal or suspension provided the same is received at its office more than twenty-four (24) hours in advance of the public hearing.
- (c) The Board of Selectmen may adopt a final resolution of removal or suspension, which may be made effective immediately, by the affirmative vote of four (4) of its members not less than ten (10) nor more than twenty-one (21) days following the date of delivery of a copy of the preliminary resolution to the Town Manager, if the Town Manager has not requested a public hearing; or within seven (7) days following the close of the public hearing if the Town Manager has requested one. Failure to adopt a final resolution of removal or suspension within the time periods as provided in this section shall nullify the preliminary resolution of removal or suspension and the Town Manager shall at the expiration of said time, forthwith resume the duties of the office.

- (d) Faced with action by the Board of Selectmen to terminate, remove or suspend, the Town Manager shall be afforded all of the provisions provided municipal employees under MGL Ch. 39, Sect. 23B, Open Meeting Law.

5-4-2 The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension and removal solely in the Board of Selectmen.

## ***ARTICLE 6: ADMINISTRATIVE ORGANIZATION***

### ***Section 1: Organization of Town Agencies***

6-1-1 The organization of the Town into operating agencies/departments for the provision of services and the administration of the government may be accomplished through the methods provided in this article.

6-1-2 The Town Manager, after consultation with the Board of Selectmen, may from time to time prepare and submit to the Board of Selectmen plans for organization or reorganization which establish operating agencies/departments for the orderly, efficient or convenient conduct of the business of the Town.

Whenever the Town Manager prepares such a plan, the Board of Selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, posting on the Town bulletin board, and posting on the Town web-site, which notice shall describe the scope of the proposal and the date, time and place at which the hearing will be held, not less than seven (7) nor more than twenty-one (21) days following the said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be effective upon thirty (30) days following the date a final organization plan has been submitted to the Board of Selectmen.

6-1-3 The Town Manager, for the purpose of implementing changes approved under this Charter, may transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the Town Meeting, transfer the appropriations of one Town agency to another; provided, however, that no function assigned by this Charter to a particular Town agency may be discontinued or, unless this Charter so specifically provides, be assigned to any other.

### ***Section 2: Department of Public Services***

6-2-1 There shall be a Department of Public Services, headed by a Director of Public Services, who shall be either the Town Manager or a Director of Public Services appointed by Town Manager.

6-2-2 The Director of Public Services shall be responsible for the supervision and coordination of all public services operations of the Town which are placed under his control by this Charter, by by-law, by vote of the Town or otherwise. Public Services operations may include, but need

not be limited to, the following operations: refuse collection and disposal, sewer, water supply and distribution, forestry services, and maintenance of Town infrastructure, including Town buildings, roads, parks, and cemeteries.

6-2-3 Other offices, the functions of which are related to a Department of Public Services, may from time to time be assigned to the department in accordance with by-laws as provided in this article.

### ***Section 3: Finance Director***

6-3-1 There shall be a Finance Director appointed by the Town Manager, who may simultaneously serve as the Town Accountant or Treasurer-Collector. The Finance Director shall be responsible for all matters dealing with Town finance. The Treasurer-Collector, Town Accountant, and Principal Assessor shall report to the Finance Director.

6-3-2 The Finance Director shall provide the coordination of all financial services and activities and provide assistance to all other Town departments in any matter related to finances; and other such functions related to the fiscal management and planning of the Town.

6-3-3 The Finance Director and other officers and employees of the finance office shall operate in matters related to finance under the oversight and direction of the Town Manager and shall assist the Town Manager in providing required and interim reports and preparing materials for the budget process, as required in this Charter.

6-3-4 There shall be a Town Financial Review Team. The Town Manager shall serve as chairman of the Financial Review Team which shall be comprised of the following Town Officers: Town Manager, Town Finance Director, Town Treasurer/Collector, Town Accountant, Principal Assessor, Town Human Resource Director, School Business Manager, and Town MIS Director.

### ***Section 4: Treasurer-Collector, Town Accountant, and Principal Assessor***

6-4-1 The Town Manager shall appoint a Treasurer-Collector who shall report to the Finance Director.

6-4-2 The Treasurer-Collector shall provide for the administrative, supervisory and technical work involving the timely receipt, disbursement, and investment of Town funds, the borrowing of monies and the timely collection of all taxes and fees, as determined by by-law or Town meeting vote, due the Town or any agency of the Town. The Treasurer/Collector shall also have such other powers and duties as are given to Treasurer/Collectors by MGL, by this Charter, by by-law or as may be assigned by Finance director or Town Manager.

6-4-3 The Town Manager shall appoint a Town Accountant, who shall report to the Finance Director.

6-4-4 The Town Accountant shall be responsible for the administrative, supervisory and technical work involved in keeping detail, complete, and accurate general ledger and accounting records for the Town. The Town Accountant shall also have such other powers and duties as are given to Town Accountants by MGL, by this Charter, by by-law or as may be assigned by Finance Director or Town Manager

6-4-5 The Town Manager shall appoint a Principal Assessor who shall report to the Finance Director.

6-4-6 The Principal Assessor shall be responsible for the administrative, supervisory, and technical work involving the valuation and assessment of real and personal property within the Town. The Principal Assessor shall also have such other powers and duties as are given to Principal Assessors by MGL, by this Charter, by by-law or as may be assigned by Finance Director or Town Manager.

### ***Section 5: Town Clerk***

6-5-1 The Town Manager shall appoint a Town Clerk, who shall report to the Town Manager.

6-5-2 The Town Clerk shall be the keeper of vital statistics for the Town and the custodian of the Town seal; shall administer the oath of office to all persons, elected or appointed to any office; shall issue such licenses and permits as are required by law to be issued by Town Clerks; shall supervise and manage the conduct of all elections and all other matters relating to elections; shall be the clerk of the Town Meeting, keep its records and minutes, and in the absence of the Town Moderator, preside pending the election of a temporary Town Moderator. The Town Clerk shall also have such other powers and duties as are given to town clerks by MGL, by this Charter, by by-law or may be assigned by the Town Manager.

### ***Section 6: Human Resource Director***

6-6-1 There shall be a Town Human Resource Director, who shall hold no other office or duty other than Human Resource Director, and shall be appointed by the Town Manager and Superintendent of Public Schools. This individual shall be a shared resource between the town and the Holbrook public schools. The Human Resource Director shall administer the Town Personnel System, including, but not limited to, personnel policies and practices, rules and regulations, and all collective bargaining agreements entered into by the Town. The Human Resource Director shall serve the entire Town as personnel administrator, and assist in the functions of contract negotiations with Town employees, Town agencies, union organizations, personnel associations, insurance carriers, State agencies, and investment advisors, as directed by the Town Manager and Superintendent of Public Schools.

6-6-2 The Town Personnel System shall provide for timely background reviews and proper security authorization of all Town employees, job descriptions for every employee, performance appraisals and reviews for all employees, and maintenance of all personnel records, contracts, and collective bargaining agreements.

6-6-3 All appointments and promotions of Town officers and employees shall be made solely on the basis of merit and fitness by examination or other evidence of competence and suitability. The Human Resource Director shall ensure the Town Personnel System contains an employee classification plan, compensation plan, promotion policy, disciplinary policy, and grievance procedures.

***Section 7: Director of Management Information Systems***

6-7-1 There shall be a position of Management Information Systems (MIS) Director. This individual shall be a shared resource between Town agencies and the School Department. The MIS Director shall be jointly appointed by the Town Manager, and the Superintendent of Schools..

6-7-2 The MIS Director, working in collaboration with all Town and school departments, shall be responsible for establishing uniform standards, operating procedures, security policies for all hardware and software applications across the entire Town, and development of a long term technology plan and such other duties as assigned by the Town Manager and Superintendent of Schools.

***Section 8: Inspectional Services Department***

6-8-1 There shall be a Department of Inspectional Services reporting to the Town Manager, which shall include the Inspector of Buildings, who shall serve as the Zoning Enforcement Officer. There shall also be a Wiring Inspector; Gas and Plumbing Inspector; Animal Control Officer; Health Agent and any other code enforcement inspectors required by MGL

6-8-2 The Department of Inspectional Services shall provide for the consolidation of inspection operations, coordination of functions, centralized planning of work assignment and distribution, timely inspection services, and centralized record keeping.

6-8-3 The Town Manager shall be the appointing authority for the Inspector of Buildings, the Inspector of Weights and Measures, Wiring Inspector, Gas and Plumbing Inspector, Health Agent and Zoning Enforcement Officer. The Town Manager may appoint assistants to any of the referenced inspectors in this section, as provided by town bylaw, or Town Meeting vote.

***Section 9 Removal and Suspension:***

6-9-1 Any appointed officer, member of a multiple member body or employee of the Town may be suspended from office by the appointing authority or the Town Manager if such action is deemed by said authority to be necessary to protect the interests of the town. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure stated in this Charter.

6-9-2 The appointing authority or Town Manager when removing or suspending any town officer or member of a multiple member body shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered in hand, or by registered mail or certified mail, return receipt requested, to the last known address of the person sought to be removed.
- (b) Within five (5) days following deliverance of such notice, the town officer or member of a multiple member body of the Town may request a public hearing before the Board of Selectmen at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing. The hearing shall be held within fourteen (14) days of the hearing request. If no hearing is requested then the original removal or suspension shall be final.
- (c) If a public hearing was requested, within ten (10) days after the public hearing is adjourned the Board of Selectman shall take final action, either removing the officer or member of a multiple member body of the Town, affirming or modifying any suspension or notifying such that the removal or suspension is rescinded. Failure of the Board of Selectmen to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer or member of a multiple member body shall, forthwith, be reinstated.
- (d) Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

***Section 10: Loss of Office, Excessive Absence***

6-10-1 If any person appointed as a member of a multiple member body shall fail to attend four (4) or more consecutive meetings, or one half of all of the meetings of such body held in one (1) calendar year, the remaining members of the multiple body may, by a majority vote of the remaining members of such body, declare the office vacant, provided, however, that not less than ten (10) days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

***Section 11: Publication of the Charter, By-Laws, Organization Chart and Personnel Plan***

6-11-1 For the convenience of the public, the Town Charter, By-Laws, Organization Chart, and Staffing Plan, as prepared by the Town Manager, in conformity with this charter, shall be published and available on the Town's web-site. The School Committee shall provide the Town Manager with copies of their respective staffing plans annually for publication on the Town's web-site. The Town Manager shall ensure the timely publication and availability of all information cited in this section.

## **ARTICLE 7: FINANCE AND FISCAL PROCEDURES**

### **Section 1: Fiscal Year and Duties**

7-1-1 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 MGL

7-1-2 The Finance Committee, acting on behalf of the Towns residents, shall be responsible for the timely and thorough review of all financial statements, forecasts, and recommendations to be presented in conjunction with warrants for expenditures at Town Meeting.

### **Section 2: Budget Process**

7-2-1 Annually, prior to the first day of October, the Board of Selectmen, with the assistance of the Town Manager and Financial Review Team, shall establish and issue a budgeting calendar, which shall set forth the scheduled calendar dates relating to the development of the Town's annual operating budget for the ensuing fiscal year.

7-2-2 The schedule shall be in accordance with this Charter, and designed to comply with meeting all of the Massachusetts Department of Revenue reporting deadlines, unless deviation there from is recommended by the Town Manager and approved by the Board of Selectmen and the Finance Committee.

7-2-3 Annually, prior to the first day of October, the Town Manager shall receive from the Board of Selectmen, Finance Director, Treasurer-Collector, Town Accountant and the Board of Assessors the estimated revenues for the ensuing fiscal year. Upon receipt of any additional specific fiscal data provided by the Commonwealth or any other source the above officials shall within ten (10) business days revise, update and submit the data forthwith to the Town Manager.

7-2-4 Annually, prior to the first day of November, the Board of Selectmen, after consultation with the Town Manager shall issue a policy statement that shall establish the general guidelines for the next fiscal year's Town budget.

7-2-5 All agency and department heads and all multiple member bodies, including the School Department, shall submit the next fiscal year's detailed budget to the Town Manager, in accordance with the Board of Selectmen's budgeting calendar and guidelines.

7-2-6 The Town Manager shall submit to the Board of Selectmen, in accordance with the Board of Selectmen's budgeting calendar, a comprehensive draft balanced budget for all Town functions for the ensuing fiscal year and an accompanying budget message.

7-2-7 The draft budget message shall explain the draft budget in fiscal terms and in terms of what specific projects are contemplated in the year ahead. It shall:

- (a) Outline the proposed financial policies of the Town for the ensuing year,

- (b) Describe the important features of the budget,
- (c) Indicate any major changes from the current fiscal year in financial policy, expenditures and revenues, together with reasons for such changes,
- (d) Summarize the Town's debt position, and
- (e) Include such other material as the Town Manager may deem appropriate.

7-2-8 The draft budget shall provide a complete financial plan for all Town funds and activities and shall be in such form as the Town Manager, in consultation with the Financial Review Team and Finance Committee, may establish. The draft budget shall indicate proposed expenditures for Town and School Department operations and for capital projects during the ensuing year, detailed by each Town agency and by specific purposes and projects.

7-2-9 The Board of Selectmen shall, within thirty (30) days following the submission of the draft budget by the Town Manager or by February fifteenth (15<sup>th</sup>) whichever is earlier, adopt a proposed balanced budget, with or without amendments, and shall submit it to the Finance Committee. The Board of Selectmen shall also transmit the budget request of the School Committee, with its recommendations thereon, to the Finance Committee.

7-2-10 The Finance Committee shall conduct one or more public hearings on the proposed budget, including the school budget, and shall issue printed recommendations and detailed explanations and of all articles in an Annual Finance Committee Report, in accordance with the Board of Selectmen's budgeting calendar. In preparing its recommendations, the Finance Committee may require the Town Manager, any town agency or department, office, board, commission, or committee to appear and furnish it with appropriate additional financial reports and budgetary information.

7-2-11 The Board of Selectmen shall meet with and consider all Finance Committee recommendations and present its proposed balanced budget to the Town Meeting, with or without Finance Committee changes thereto.

7-2-12 The Finance Committee shall present its recommendations to the Town Meeting and shall be given first opportunity at Town Meeting to move amendments to the budget.

### ***Section 3: Budget Tracking***

7-3-1 The Finance Director shall ensure the timely monitoring of all Town agencies and departments, including the School Department and Library, actual revenues and expenditures to budget at least monthly throughout the Town's fiscal year. All variances to budget will be made known in a monthly report to the Board of Selectmen and Finance Committee.

7-3-2 Wherever variances to budget exist, the Town Manager will ensure that corrective action is taken by each agency or department to bring the Town's total revenues and expenses in line. At every Town Meeting, the Town Manager will report all significant, anticipated and actual, variances to budget and the corrective actions being taken to bring the total revenues and expenses in line.

#### ***Section 4: Long Term Budget***

7-4-1 Annually, prior to November 15<sup>th</sup>, the Town Manager shall update a five (5) year revenue and expense budget. Budget guidelines shall be issued based upon revenue projections.

### ***ARTICLE 8: GENERAL PROVISIONS***

#### ***Section 1: Charter Changes***

8-1-1 This Charter may be replaced, revised or amended in accordance with any procedures made available under the Massachusetts Constitution and statutes enacted to implement the said constitutional provisions.

#### ***Section 2: Severability***

8-2-1 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 circumstances is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

#### ***Section 3: Specific Provisions Prevail***

8-3-1 To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

#### ***Section 4: Number and Gender***

8-4-1 Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include a singular person or thing; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

#### ***Section 6: Rules and Regulations***

8-6-1 A copy of the rules and regulations adopted by a Town agency shall be filed in the office of the Town Clerk, shall be posted on the Town's web-site, and shall become effective immediately upon filing, or such later date as may be identified in said filing.

#### ***Section 7: Periodic Review, Charter and By-Laws***

8-7-1 Once every seven (7) years starting in the 7<sup>th</sup> year following the acceptance of this charter by the voters, a special committee consisting of five (5) members shall be established for the purpose of reviewing this Charter and to make a report, with recommendations, to the Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The five (5) members of the committee shall be chosen as follows: the Board of Selectmen, the School Committee, the Library Trustees, the Finance Committee, and

the Town Moderator shall each designate one (1) person. Persons designated by 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 Annual Town Meeting.

8-7-2 The Board of Selectmen shall immediately upon adoption of this Charter and thereafter at five (5) year intervals, in each year ending in eight (8) or three (3), cause to be prepared by a special committee for that purpose, a proposed revision or modification of all bylaws of the Town which shall be presented to the Town Meeting in the year following the year in which the said committee is appointed. The said committee shall consist of five (5) members appointed by the Board of Selectmen. The said committee in its final or its interim report shall include recommendations for such substantive change in Town by-laws as it deems necessary or advisable. The review of Town by-laws shall be in conjunction with Town counsel or special counsel retained for that purpose. Subsequent to enactment by the Town Meeting, copies of the revised by-laws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published, all as required by MGL. Copies of the revised by-laws shall be made available for distribution to the public, and posted on the Town web-site.

## ***ARTICLE 9: OTHER PROVISIONS***

### ***Section 1: Town Administrative Organization***

9-1-1 Until such time as a different form of organization shall be provided for, in accordance with this Charter, the following outline of administrative organization shall be operative:

1. The Board of Selectmen shall appoint:
  - Town Manager
  - Town Counsel
  - Planning and Economic Development Board
  - Board of Assessors
  - Board of Registrars
  - Zoning Board of Appeals
  - Capital Improvement Committee
  - Conservation Commission
  - Industrial Development Commission
  - Norfolk County Advisory Board Representative
  - External Certified Public Accountant Auditor
  - Historical Commission
  - Memorial Committee
  - Recreation Committee
  - Cultural Council
  - Council on Aging
  - Constables
  - Other Committees and Commissions of the Town defined by MGL, Charter, or by-law where no other method of appointment is identified.

2. The Town Moderator, Chairman of the Board of Selectmen, and the current Chairman of the Finance Committee shall appoint:  
Finance Committee
3. The Town Manager shall appoint, subject to 21 day review period by Board of Selectmen:
  - Police Chief
  - Fire Chief
  - Principal Assessor
  - Treasurer/Collector
  - Finance Director
  - Town Accountant
  - Director of Public Services
  - Town Clerk
  - Library Director
  - Human Resource Director (in conjunction with School Superintendent
  - Management Information Systems Director (in conjunction with the School Superintendent.)
4. The Town Manager shall appoint all Town employees not designated another appointing authority including, but not limited to
  - All code enforcement officers
  - Health Agent
  - Senior Center Staff
  - Veteran's Agent
  - Emergency Management Director
  - Public Safety Officials
  - Public Services Officials
  - Administrative Staff
6. The School Committee shall appoint:
  - The Superintendent of Schools
  - Other school department staff as allowed under MGL

***ARTICLE 10: Town Approval***

10-1-1 This Charter shall be submitted to the voters of the Town of Holbrook for acceptance at the next town election in the form of the following question, which shall be placed on the official ballot to be used at that election: "Shall the Town of Holbrook accept the provisions of an Act passed by the General Court entitled 'An Act to Establish a Charter for the Town of Holbrook', be accepted?". A fair and accurate summary of the provisions of this Charter prepared by Town Counsel shall also be placed on the official ballot. If a majority of votes cast in answer to this question are in the affirmative, this Charter shall then take effect on the July 1<sup>st</sup> following such election.

## ***ARTICLE 11: TRANSITIONAL PROVISIONS***

### ***Section 1: Continuation of Existing Laws***

11-1-1 All General Laws, special laws, Town by-laws, votes, rules and regulations of or pertaining to the town which are in force when this Charter takes effect and which are not specifically or by clear implication repealed hereby, shall continue in full force and effect until amended or rescinded by due course of law or 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 that 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 2: Continuation of Government***

11-2-1 All Town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another Town agency in accordance with the provisions of this Charter.

### ***Section 3: Continuation of Personnel***

11-3-1 Any person holding a Town office or employment under the Town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with this Charter for the performance of said duties by another person or agency, provided, however, no person in the permanent full time service of the Town shall forfeit their pay grade, or time in the service of the Town as a result of the adoption of this Charter.

11-3-2 Upon the effective date of the adoption of this Charter, the incumbents serving as members of the Board of Assessors shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen in accordance with this Charter.

11-3-3 Upon the effective date of the adoption of this Charter, the incumbents serving as members of the Planning Board shall continue to serve on the Planning and Economic Development Board for the balance of the terms for which they were elected and appointed. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the Board of Selectmen in accordance with this Charter.

### ***Section 4: Time of Taking Effect***

11-4-1 This Charter shall become effective upon July 1<sup>st</sup> following its adoption by the voters of the Town pursuant to Article 10, except as otherwise provided in this section:

- (a) Forthwith following the adoption of this Charter, the Board of Selectmen shall engage legal counsel to advise the Town By-law Committee to revise the existing by-laws of the Town in order to fully implement the provisions of this Charter and bring them in conformity with the provisions of this Charter.
- (b) The By-Law Committee shall submit a report and recommendations to the Town Meeting for adoption by a warrant article at a session of the Town Meeting held not later than the Annual Town Meeting in the year following the year in which the Charter is adopted.
- (c) The Board of Selectmen shall have the authority to adopt measures which have the force of transitional provisions of this Charter in order to clarify, confirm or extend any provision of this Charter in order that the transition may be made in the most expeditious and the least contentious manner possible.
- (d) Screening Committee - Forthwith following the election at which this charter is adopted, a screening committee shall be established for the purpose of soliciting, receiving, and evaluating applications for the position of Town Manager.

The screening committee shall consist of five (5) persons who shall be chosen as follows: one member or designee of the Board of Selectmen, the school committee, the finance committee, and two elected town meeting members appointed by the town moderator. Persons designated by the said agencies may, but need not, be members of the agency by which they are designated. Appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.

Not more than thirty (30) days following the election at which this Charter is adopted, the several persons chosen as aforesaid shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications received by it, screen all applicants by checking and verifying work records and other credentials, and interview such number of candidates as it deems necessary, desirable or expedient. If, in the sole judgment of the screening committee, there are no candidates deemed acceptable then the screening committee shall report to the Board of Selectmen and request that the advertising and solicitation process be reinstated.

Not more than ninety (90) days following the date, on which the committee meets to organize, the committee shall submit to the Board of Selectmen the names of not less than three (3) and not more than five (5) persons whom it believes to be best suited to perform the duties of the office of Town Manager. The selectmen may, upon a

majority vote of the Board of Selectmen, grant an extension to the ninety (90) day period, said extension not to exceed thirty (30). The Board of Selectmen may only grant two thirty (30)-day extensions.

Within thirty (30) days following the date the list of nominees is submitted to it, the Board of Selectmen shall appoint a Town Mnager. If the Board of Selectmen does not select one of these finalists and does not make an appointment, the process shall commence again beginning with the advertising of a vacancy and solicitation of candidates.

Upon the appointment of a Town Manager the committee established hereunder shall be considered discharged.

Until such time as some other provision is made by by-law for another screening committee and appointing process, a committee as above shall be established and the process herein outlined shall be followed whenever the office of Town Manager shall become vacant.

- (e) Within twelve (12) months following the effective date of this Charter, the Town Manager in conjunction with the Public Schools Superintendent shall appoint a Human Resources Director in accordance with this Charter.
- (f) Within twelve (12) months following the effective date of this Charter the Town Manager shall appoint a Finance Director in accordance with this Charter. Upon the appointment of a Finance Director, a Financial Review Team shall be established.
- (g) Within twelve (12) months following the effective date of this Charter the Town Manager shall appoint a Public Services Director in accordance with this Charter.
- (h) Within twenty-four (24) months following the effective date of this Charter the Town Manager, with the School Superintendent, shall appoint an MIS Director in accordance with this Charter.
- (i) Within twenty-four (24) months following the effective date of this Charter, the Town Manager shall establish a centralized procurement system for the Town in accordance with MGL Chapter 30B and this Charter.
- (j) At the next annual election following the adoption of this charter three (3) members of the Board of Library trustees shall be elected, The individual receiving the highest vote total shall serve a term of three (3) years, the individual with the second highest vote total shall serve a terms of two (2) years, and the individual receiving the third highest vote total shall serve a term of one (1) year. All future terms of those elected to the Board of Library Trustees shall be for a term of three (3) years.
- (k) The Treasurer/Collector shall complete his elected term of office and at the completion of the term or if a vacancy shall occur sooner, the Town Manager shall

solicit applications, and the Town Manager shall appoint the Treasurer/Collector in accordance with this Charter.

- (1) The Town Clerk shall complete his elected term of office and at the completion of the term or if a vacancy shall occur sooner, the Town Manager shall solicit applications, and the Town Manager shall appoint a Town Clerk in accordance with this Charter.

***Section 5: Transfer of Records and Property***

11-5-1 All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.