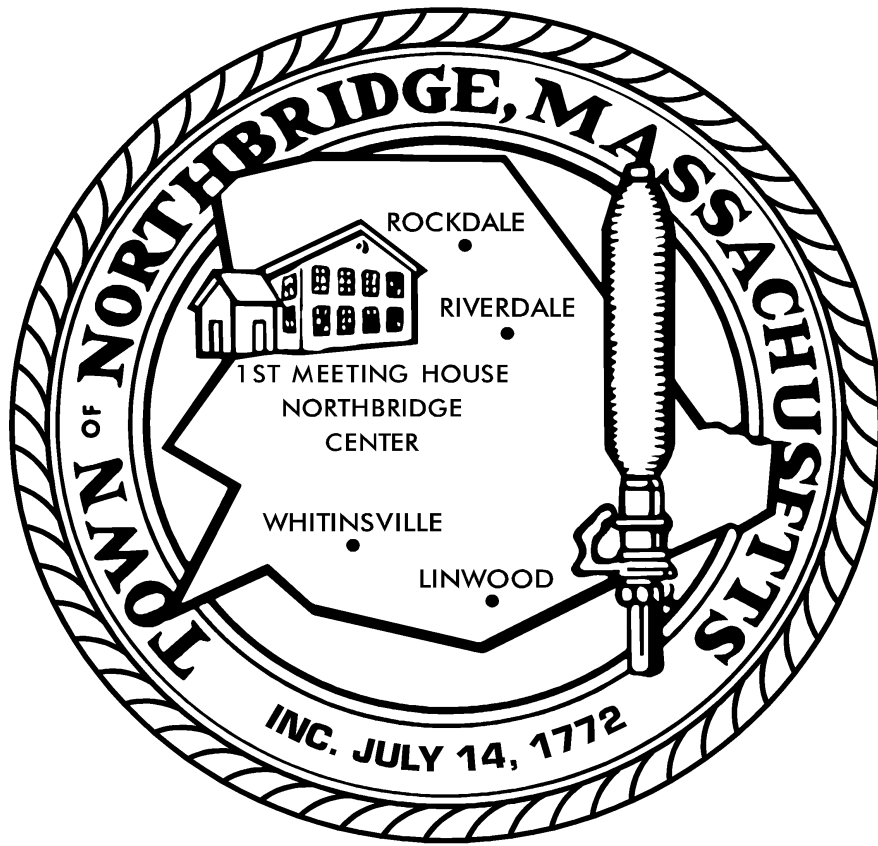


Charter



**Town of Northbridge
1990**

TOWN OF NORTHBRIDGE

BOARD OF SELECTMEN

WHITINSVILLE, MA 01588
(508) 234-2095

VOTERS OF NORTHBRIDGE

The Northbridge Board of Selectmen has accepted the proposed Charter for the Town from the Charter Commission. Your Selectmen, as required by law, are disseminating this document to all residences within Northbridge.

We urge you to carefully consider the contents of this proposal and to thoroughly read the Final Report of the Charter Commission, which is also enclosed. The Board of Selectmen feels the Charter Commission has done a most commendable job in preparing this proposal for your consideration.

There will appear on this year's annual town-election ballot a question which will ask you, the voter, whether you wish to adopt this proposed Charter as your new form of town government. Please give this entire proposal careful consideration and, just as importantly, cast your ballot in line with your wishes on election day.

Most sincerely,

THE NORTHBRIDGE BOARD OF SELECTMEN

Joseph Montecalvo, Chairman

Peter Lachapelle, Vice Chairman

Milton Wynja, Clerk

Gail DiMarco

Paul E. Murray

BALLOT QUESTION AND SUMMARY

**SHALL THIS TOWN APPROVE THE NEW CHARTER
RECOMMENDED BY THE CHARTER COMMISSION,
SUMMARIZED BELOW?**

Yes / /

No / /

SUMMARY: The proposed charter would (1) strengthen the position of the selectmen as the town's chief executive office; (2) create a new position of town manager with specific powers assigned to it; (3) establish new budget procedures designed to improve fiscal management and control; (4) establish certain other standard procedures to govern the operation and conduct of town business.

Reproduced above is the ballot question and summary, which will appear on the ballots to be used at the 1989 town election. The members of the charter commission recognize that the summary is brief and does not include mention of all of the provisions of the proposed home rule charter. In order to familiarize yourself with all of the provisions of the proposed charter we urge you to read the more detailed summary and the full text of the charter itself, which follow in this booklet.

FINAL REPORT

NORTHBRIDGE CHARTER COMMISSION

INTRODUCTION

The Northbridge Charter Commission is pleased to submit its final report containing a proposed charter for the Town of Northbridge. We are especially pleased, and proud, to report to you that this proposed charter has the unanimous support of all nine members of the Charter Commission.

The individual members of the Charter Commission came to our tasks from widely different backgrounds and levels of experience in town government. It was a revelation to all of us as we discussed the "good" and the "not so good" features of Northbridge's existing form of government to find how close we were in our thinking. We have not had a serious disagreement on any issue contained in this proposed charter. It is our fond hope that it will be found to be as acceptable to the voters of Northbridge as we believe it merits.

STATEMENT OF MAJOR DIFFERENCES

The major difference between our proposed charter and the "existing charter" of the Town of Northbridge is in its form and manner of presentation.

Northbridge has an "existing charter" but none of us has ever seen it because that document does not exist in any one place and in any type of consolidated form. Northbridge's "existing charter" is in fact a hodge-podge of state statues, both general and special laws under which the town has acted over the years in establishing local offices and determining the number of members and terms of office, for local officials.

Our proposed charter assembles in one place all of the information one needs to know to understand the way in which our town's government functions. The relationship of municipal agencies, one to another, is clearly spelled out. When you examine it you will find that it resembles the "constitution" of the United States, or the Commonwealth of Massachusetts, in that it establishes the form of government and leaves to by-laws and other local laws the authority to spell out details of town operations and functions.

From a functional point of view our proposed charter differs from the existing charter in the following specific ways:

1. The position of town manager is created to "be in charge" of the day-to-day operations of the town under general policy guidelines issued by the Board of Selectmen who will be his "boss". The position of town manager, with all its appointment powers, establishes for the first time a true audit trail, or a definitive line of accountability, as in "the buck stops here".
2. Several offices now chosen by election have been made appointed. These include the office of clerk, treasurer, collector, board of assessors and the board of health.

These offices, the Commission believes, are too critical to the everyday successful operation of the town to leave to the vagaries of the ballot box. These offices demand particular skills best acquired by education, training, or experience and should not be selected on the basis of mere popularity or electability alone. Removing the sewer and water commission, the road commissioners and the tree warden from the ballot will enable us to create a combined department of public works.

The methodology used by the Commission is considering each office where it belongs in the new streamlined structure, resulted in three categories: (1) policy-making positions; (2) positions requiring discretion or political judgments in carrying out their responsibilities, and (3) operational positions. Policy-making positions are retained as elected; discretionary positions are appointed by an elected board of selectmen; and operational positions are appointed by the town manager who has overall responsibility for the day-to-day operations.

3. A new, complete budget process is detailed in the proposed charter which provides a true "financial plan" for the town. Citizen opportunity for comment on the proposed budget is enhanced by involvement in the process well before the proposed budget is presented on the town meeting floor.

4. Standard procedures which will govern the operation of all multiple member bodies of the town have been provided. The term multiple member body is used to include all agencies consisting of two or more members and whether called a committee, commission, board, trustees, subcommittee, or anything else. These standard procedures provide some basic safeguards for the public and its "right to know" the way in which its business is being conducted in its behalf.

5. Attendance at town meetings will be enhanced and the information available to all of us, as we are members of the legislative body (the town meeting), will be improved, through a requirement that representatives of all town agencies should be present at all town meetings to answer questions which might be posed by voters. In the past voters at town meetings have been frustrated when presented with warrant articles on which insufficient information is available because key officials have not been represented at the town meeting.

6. The framework for the establishment of a combined department of public works is contained in the new charter. We have chosen not to provide all of the day-to-day specifics of the operation of such a department but, rather to leave those details to the town manager and/or director of public works. The combined public works department will eliminate substantial duplication of efforts now going on, materially improve the maintenance and upkeep of town buildings and grounds, make better use of town machinery and equipment, and should do all of these things at a "better" cost than is now being paid for these services.

EXPLANATION OF PROPOSED NEW CHARTER

In order to fully understand all of the provisions of the proposed charter you are urged to read the full text of that document. It is impossible to summarize all of the features of the charter. Following is an article by article summary of its key provisions, however.

Article 1

This article, technical in nature, is designed to secure for us, as citizens of Northbridge, all of the powers for our town to exercise as it is possible for a town to possess, to have maximum advantage of "municipal home rule".

Article 2

This article retains our traditional open town meeting form of legislative body. In order to make it more efficient and more effective as a forum for the discussion of municipal issues certain new standards and basic procedures are provided. These include a requirement for two regularly scheduled town meetings to be held, one in the spring, consistent with long standing practice, and one in the fall on a date fixed by by-law. This requirement, we believe, will reduce the number of "special" town meetings which are held by having a fixed date to plan for and will expedite the transaction of business at town meetings, by **planning** to divide the workload into two regularly scheduled sessions rather than attempting to do it all at one time. Experience has proven it cannot be done at one time; this provision recognizes and takes advantage of that fact.

Article 3

The proposed charter provides for the election of:

- a five (5) member board of selectmen;
- a nine (9) member school committee;
- a five (5) member planning board, and
- a town moderator

all to be elected for terms of three years each; and

four members of a Northbridge Housing Authority, for terms of five (5) years each.

In addition, voters will continue to elect, at town elections, representatives to the regional vocational school district, but, as that is not a "town" office it is not mentioned in the charter (see 3-1 (b)).

The powers, duties and responsibilities of each of these offices are spelled out in a charter section. In addition, this article provides for the recall of any of these elected officers, before their term would otherwise expire, if the voters lose confidence in them.

Article 4

This article provides for the appointment of a town manager as the "chief administrative officer of the town". This official will be charged with the responsibility of overseeing and coordinating all of the day-to-day operations of the town, subject to policy guidelines as determined by the board of selectmen.

The powers, duties and responsibilities of the office are detailed in this charter article.

Article 5

The article provides for the organization of town agencies generally.

Article 6

This article provides for the way in which the annual operating budget of the town will be prepared, reviewed and adopted. The process will be far more open and available for public review and scrutiny and at an earlier time than has ever been the case before. The preparatory work done by the town manager in assembling all of the basic "back-up" data and the organization of this material will be of tremendous assistance to the finance committee in performing its tasks. Being freed of the detail of putting together all of the raw data will enable finance committee members to concentrate on their principal function of recommending actions to the town meeting.

The town manager will also be responsible for preparing annually, a capital outlay program for the five (5) ensuing fiscal years.

Article 7

This article contains some general standard, including definitions of key words and phrases used in the charter, and standard procedures to govern the operation of multiple member bodies. It also requires that public notice be posted whenever a vacancy occurs in a town office or position of employment and provides a method for the removal of appointed officials who are not performing their duties.

Article 8

This article provides for the transition from our present form of government to the new form after the charter is adopted. The key section, 8-5, provides for a smooth, orderly period of change. It also provides, by the use of "piggy back" by-laws some fleshing out of the charter's basic provisions where by-laws are intended to provide additional detail. These by-laws will be subject to change, at any subsequent time by a town meeting vote under a proper warrant article. One of these transitional by-laws provides specifically for the establishment of a consolidated department of public works.

Immediately following the election at which the charter is adopted a special committee will be established to begin screening candidates for the position of town manager. In the fall the special committee will submit a list of names to the board of selectmen for appointment as the town's first town manager.

CHANGES MADE SINCE PUBLISHING PRELIMINARY REPORT

When we published our preliminary report in early January, we promised to listen carefully to the comments made to us concerning that preliminary draft, at our public hearing and otherwise. We said that we would consider all of the comments which were made to us and review our draft in light of those comments.

As a result of citizen comment made to us at the public hearing we have made four (4) substantive changes in this our final draft from our preliminary draft:

1. In response to concerns expressed by many of our fellow citizens we have eliminated in its entirety the provisions relating to what we had termed a "first action town meeting". As we examined town government we had reached a conclusion that town meeting as an institution might benefit if some changes were made in its procedures, changes which we hoped would encourage more voters to participate at the town meeting sessions. What we offered as a suggestion did not meet with popular support. We have therefore eliminated it from this final report and recommend that town meeting continue substantially unchanged in its format and procedures.
2. We thought the school committee might function more efficiently if the number of its members were reduced. We recommended that it consist of seven (7) members. We listened to the members of the school committee who asked that we leave the number of members as it has been, and have so provided in this final report.
3. After meeting with our town clerk we made a number of changes in the "procedures" provisions in Article 7 to tighten up and to clarify certain of these requirements.
4. Because many of the issues which go before the planning board require some degree of professional evaluation in terms of technical engineering matters, or legal requirements, we felt the planning board and the town would benefit if some procedure could be made which would allow persons with special qualifications to be chosen by appointment. With this in mind our preliminary report suggested that the planning board consist of three (3) members who would remain elected and two (2) other positions which would become appointed. We were astounded with the vehemence of opposition to the suggestion. We do not consider it "crucial" in any way to the successful operation of the new governmental system we are proposing. We have eliminated it in this final report.

CONCLUSION

Nothing contained in this charter or in these comments should be construed as a reflection on the way in which any incumbent municipal officer has performed, or is performing, his or her duties. The Commission members believe that Northbridge has been indeed fortunate to have so many competent persons serving it over the years and now, in positions at every level.

We want to thank all of the members of the town government family who have assisted us during the past ten months in our deliberations and who have extended to us at every step in the process every conceivable courtesy. The help and support of these officials has been invaluable to us throughout the year.

We believe that under our present system of government and administration that many of these town officials are frustrated and prevented from performing to their highest level of service by impediments in our existing system. We believe that the changes we are proposing will in many respects open up the system and allow town personnel to more effectively and efficiently perform their duties.

Our service now is at an end. We have diligently and conscientiously examined our existing system of government, studied, weighed and evaluated various alternative arrangements, made our selections of what we believe to be best for Northbridge at this juncture in our affairs as a community and now turn to you and ask that you support us in our recommendations.

All nine members of the Charter Commission join in asking that the Town vote "YES" on the question to adopt our proposed charter which will appear on the 1989 town election ballots.

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142 Lovelace Road

Gerald L. Gaudette
500 Hill Street

Mary Frances Powers, Vice Chairman
6 Elm Street

Anthony Kiwak
10 Sheryl Drive

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8 Beane's Lane

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978 Sutton Road

FINAL REPORT

**CHARTER COMMISSION
TOWN OF NORTHBRIDGE**

PROPOSED HOME RULE CHARTER

submitted to Board of Selectmen

MARCH 13, 1989

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ARTICLE 1

INCORPORATION AND POWERS

Section 1-1 Incorporation

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

Section 1-2 Short Table

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

Section 1-3 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a board of selectmen. The legislative powers of the town shall be vested in a town meeting open to all voters.

Section 1-4 Powers of the Town; Intent of Voters

It is the intent and the purpose of the voters of Northbridge through the adoption of this charter, to secure for the town all of the powers possible to secure under the constitution and statutes of the commonwealth, as fully and completely as though each such power were specifically and individually enumerated herein.

Section 1-5 Interpretation of Powers

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

Section 1-6 Intergovernmental Relations

The town may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

Article 2

LEGISLATIVE BRANCH

Section 2-1 Town Meeting

The legislative powers of the town shall be exercised by a town meeting open to all voters.

Section 2-2 Presiding Officer

The moderator, elected as provided in section 3-4, shall preside at all sessions of the town meeting. Annually, at the first session of the spring town meeting, the moderator shall appoint a deputy moderator to serve as acting moderator in the event of the temporary absence or disability of the moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting.

The moderator, at town meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law or by other vote of the town meeting.

Section 2-3 Committees

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

(b) Finance Committee - There shall be a finance committee the members of which shall be appointed by the moderator. The number of members, the term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by by-law. The subject matter of all proposals to be submitted to a town meeting by warrant articles shall be referred to the finance committee by the board of selectmen at the earliest practicable time following their receipt by the board of selectmen. The finance committee shall report its recommendations on every article contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Provisions for the distribution of such report shall be made by by-law. Before preparing its recommendations the finance committee shall hold one or more public hearings to permit public discussion of the subject matter of all articles contained in the warrant. The finance committee shall have such additional powers and duties as may be provided by general law or by by-law.

Section 2-4 Time of Meeting

The town meeting shall meet in regular session twice in each calendar year. The first such meeting, to be held during March, April or May, on a date fixed by by-law, shall be primarily concerned with the determination of matters involving the expenditure of town funds, including, but not limited to the adoption of an annual operating budget for all town agencies, and for the purpose of electing officers and for the determination of all other matters to be decided by ballot of the voters and which shall be deemed to be the annual town meeting. The second such meeting, the powers of which shall also be deemed to be those of an annual town meeting, except that it shall not include the election of officers or the determination of other matters to be decided by ballots of voters, shall be held during the last four calendar months, on a date fixed by by-law.

Section 2-5 Special Meetings

Special town meetings may be held at the call of the board of selectmen at such time as they deem necessary, or desirable, in order to transact the legislative business of the town in an orderly manner. Special town meetings may also be held on the petition of two hundred or more voters, in the manner provided by general law.

Section 2-6 Warrants

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

Section 2-7 Initiation of Warrant Articles

(a) **Initiation** - The board of selectmen shall receive at any time all petitions addressed to it and which request the submission of any matter to the town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body acting by a majority of its members, (3) any ten voters for a regular town meeting and any one hundred voters for a special town meeting.

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

(c) **Inclusion on Warrant** - The board of selectmen shall close the warrant for a regular town meeting on the date established by by-law for such closing preceding the date on which the town meeting is scheduled, by by-law, to convene. The board of selectmen shall not include in any such warrant the subject matter of any petition which has been received by it after said day nor shall any matter originating with it be included after said date.

Whenever a special town meeting is to be called the board of selectmen shall give notice by publication in a local newspaper of such intention and shall notify all town agencies of its intention to do so. The board of selectmen shall include in the warrant for such special town meeting the subject matter of all petitions which are received at its office on or before five o'clock in the afternoon of the fifth business day following such publication which are in conformity with the provisions of section 2-7 (a) and which specifically request that the subject matter be included on the warrant for said special town meeting.

Section 2-8 Availability of Town Officials at Town Meetings

Every town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the town meeting at which warrant articles pertinent to their agency are or may be acted upon for the purpose of providing the town meeting with information pertinent to all such matters as appear in the warrant for the town meeting.

In the event any town officer, chairperson of a multiple member body, department head or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section.

Section 2-9 Clerk of the Meeting

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

Section 2-10 Rules of Procedure

The town meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of all town meetings.

Section 2-11 General Powers and Duties

All 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 of the powers of the town and for the performance of all duties and obligations imposed upon the town for which no other provision is made in this charter or by by-law.

ARTICLE 3

ELECTED OFFICERS

Section 3-1 In General

(a) **Elective Town Offices** - The town offices to be filled by the voters shall be a board of selectmen, a school committee, five members of a planning board, a board of trustees of soldiers', sailors' and marines' memorials, and a town moderator.

(b) **Other Offices Filled at Town Elections** - In addition to the town offices enumerated above, members of a housing authority and such other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement may also be filled by ballot at town elections.

(c) **Eligibility** - Any voter shall be eligible to hold any elective town office, provided however, no person shall simultaneously hold more than one elected town office as defined in this section.

(d) **Town Election** - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.

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

(f) **Coordination** - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the 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.

(g) **Filling of Vacancies**

(1) **Multiple Member Body** - If there is a vacancy in a board consisting of two or more members, other than the board of selectmen and unless under the terms of a will or other trust some other provision is made, the remaining members shall forthwith give written notice of the existence of any such vacancy to the board of selectmen. After one week's notice of the date on which the vote shall be taken, the board of selectmen with the remaining members or member of such board shall fill such vacancy by a joint vote. If such notice is not given within thirty days following the date on which said vacancy occurs the board of selectmen shall, after one week's notice, fill such vacancy without participation by the remaining members of the multiple member body.

(2) **Board of Selectmen** - If there is a failure to elect or if a vacancy occurs in the office of selectman, the remaining selectmen may call a special election to fill the vacancy and shall call such special election upon the request in writing of two hundred registered voters of the town.

(h) Recall of Elected Officials

(1) Who can be Recalled - Any holder of an elective town office, as defined in section 3-1 (a) with more than six months remaining of the term for which elected, may be recalled from such office by the voters as herein provided.

(2) Recall Petition - Any two hundred voters, at least twenty-five of which shall be voters in each precinct into which the town is divided, may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to the first ten voters who have signed the affidavit copies of petition blanks demanding such recall, printed forms of which shall be kept available. When issued the blanks shall contain the signature and official seal of the town clerk and may be completed by printing or typewriting. They shall be dated, shall be addressed to the board of selectmen and shall contain the names of the ten voters to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said 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 with the town clerk within thirty days after the filing of the affidavit and shall have been signed by at least twenty percent of the voters and not less than ten percent of the voters in each precinct into which the town is divided, who shall add to their signatures the street and number, if any, of their residences. The number of voters shall be determined as of the date of the most recent town election.

The town clerk within twenty-four hours of receipt shall submit the petition to the registrars of voters and the registrars shall, forthwith, but in no event more than five days after receipt, certify thereon the number of signatures which are the names of voters.

(3) Selectmen's Action on Receiving Petition - If the Petition shall be found and certified by the registrars of voters to be sufficient they shall submit the same with their certificate to the board of selectmen without delay, and the board of selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by it not less than sixty days nor more than seventy-five days after the date of the registrars' certificate that sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to succeed to the office if the vote on the recall is in the affirmative. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(5) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties of the office until the recall election. If not then recalled such person shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. If recalled in the recall election such person shall be deemed removed upon the qualification of the candidate receiving the highest number of votes at the recall election who shall serve for the balance of the then unexpired term. If the successor fails to qualify by taking the oath of office within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(6) Propositions on Ballot - Ballots used in a recall election shall submit the following propositions in the order indicated:

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

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "candidates", beneath this the names of candidates arranged in an order drawn by lot as provided in section 7-1, and nominated as hereinbefore provided. If a majority of the voters cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted.

(7) Repeat of Recall Petition - No recall petition shall be filed against an officer within six months after taking office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

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

Section 3-2 Board of Selectmen

(a) Composition, Term and Office - There shall be a board of selectmen consisting of five 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.

(b) Powers and Duties in General - 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 have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of board policy guidelines which are to be implemented by officers and employees serving under it.

(c) Licensing Authority - The board of selectmen shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

(d) Appointments - The board of selectmen shall appoint a town manager, constables, registrars of voters (but not the town clerk) and other election officers, the members of the board of appeals, board of health, conservation commission, historical commission, industrial development finance authority, personnel board, board of assessors and other members of multiple member bodies the functions of which do not involve direct operating responsibilities but are primarily policy making or advisory in nature, and other individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional or district authorities.

(e) Investigations - The board of Selectmen may make investigations and may authorize the town manager to investigate the affairs of the town and the conduct of any town agency 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 and a report summarizing the results of such investigation shall be printed in the next annual town report.

Section 3-3 School Committee

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

(b) Powers and Duties - The school committee shall have all of the powers and duties which are given to school committees by general laws and it shall have additional powers and duties as may be authorized by the charter, by by-law, or by other town meeting vote. The powers of the school committee shall include, but are not intended to be limited to the following:

(i) to appoint a superintendent of the school and all other officers and employees connected with the schools, to fix their compensation and to define their duties, make rules concerning their tenure of office and to discharge them.

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

Section 3-4 Town Moderator

(a) **Term of Office** - There shall be a town moderator elected for a term of three years.

(b) **Powers and Duties** - The town moderator shall be the presiding officer of the town meeting, as provided in section 2-2, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by by-law or by other town meeting vote.

The moderator shall appoint the finance committee, all other standing committees of the town meeting, and all committees authorized by the town meeting for a primary legislative purpose.

Section 3-5 Planning Board

(a) **Composition, Term of Office** - There shall be a planning board consisting of five 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.

(b) **Powers and Duties** - The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The board shall make and may from time to time amend and perfect a comprehensive or master plan, setting forth in graphic and textual form policies to govern future growth and development in the town. The board shall have the power to regulate the sub-division of land within the town by the adoption of rules and regulations governing such development and the administration of such rules and regulations. The planning board shall make recommendations to the town meeting on all matters affecting land use and development, including the zoning by-law of the town.

The planning 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. The planning board shall have all of the other powers and duties planning boards are given by general law, by the charter, by by-law or by other town meeting vote.

Section 3-6 Trustees of Soldiers', Sailors' and Marines' Memorials

(a) **Composition, Term of Office** - There shall be a board of trustees of soldiers', sailors' and marines' memorials which shall consist of the chair-person of the board of selectmen who shall serve, ex officio, and five persons elected for terms of three years each so arranged that the term of as nearly an equal number of members as is possible shall expire each year. At least two members shall be persons who are not veterans of any war.

(b) Powers and Duties - The trustees of soldiers', sailors' and marines' memorials shall have charge and control of the construction of any memorial commemorating the service and sacrifices of soldiers, sailors and marines who have served the country in war or who have rendered military service for the commonwealth in time of war, and to have the custody and care thereof after its construction.

Section 3-7 Northbridge Housing Authority

(a) Composition, Term of Office - There shall be a Housing Authority which shall consist of five members serving for terms of five years each so arranged that the term of one member shall expire each year. Four of these members shall be elected by the voters and the fifth member shall be appointed by the Secretary of Communities and Development of the Commonwealth (or as may otherwise be provided by law).

(b) Powers and Duties - The Housing Authority shall make studies of the housing needs of the community and shall provide programs to make available housing for families of low income and for elderly persons of low income. The Housing Authority shall have such other powers and duties as are assigned to housing authorities by general law.

ARTICLE 4

TOWN MANAGER

Section 4-1 Appointment; Qualification; Term

The board of selectmen shall appoint a town manager from a list prepared by a screening committee established by by-law. The board of selectmen shall appoint the town manager to serve for an indefinite term and shall fix the compensation for such person, annually, within the amount appropriated by the town. 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 administration to perform the duties of the office. A town manager need not be a resident of the town or of the commonwealth at the time of appointment, nor at any time during the period of such service. The town manager shall not have served in an elective office in the town government for at least twelve months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate.

The town manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor actively engage in any other business or occupation during such service, unless such action is approved in advance and in writing by the board of selectmen.

The board of selectmen shall provide for an annual review of the job performance of the town manager which shall, in summary form, be a public record.

Section 4-2 Powers and Duties

The town manager shall be the chief administrative officer of the town, directly responsible to the board of selectmen for the administration of all town affairs for which the office of town manager is given responsibility by or under this charter. The powers and duties of the town manager shall include, but are not intended to be limited, to the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of the town manager is given authority, responsibility or control by this charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise.

(b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions and employees for whom no other method of selection is provided by this charter. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless the board of selectmen shall within that period by a majority of all of its members vote to reject such appointment, or has sooner voted to affirm it. Copies of the notices of all such appointments shall be posted on the town bulletin board when submitted to the board of selectmen.

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

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

(e) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the board of selectmen, but not less than once in each year, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.

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

(g) To have full jurisdiction over the rental and use of all town facilities and property except property under the control of the school committee, the board of library trustees or the conservation commission. The town manager shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town manager's control by this charter, by by-law, by vote of the town or otherwise.

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

(i) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee.

(j) To negotiate all contracts involving any subject within the jurisdiction of the office of town manager, including contracts with town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment.

(k) To be responsible for purchasing all supplies, material and equipment for all departments and activities of the town, but not including food for schools, school books and other instructional material, supplies and equipment, or library books, and other uniquely library related supplies, equipment and items of the circulating collection unless otherwise specifically requested by the school committee or the library trustees, as appropriate. The town manager shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency, except schools and libraries. The town manager shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any town agency.

(l) To see that all of the provisions of the general laws, of this charter, town by-laws and other votes of the town meeting, and votes of the board of selectmen which require enforcement by the town manager or officers subject to the direction and supervision of the town manager are faithfully executed, performed or otherwise carried out.

(m) To inquire, at any time into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency.

(n) To attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the town manager exercises any supervision.

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

(p) To coordinate the activities of all town agencies serving under the office of town manager and the office of board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town manager shall have authority to require the persons so elected, or their representatives, to meet with the town manager, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town.

(q) To perform any other duties as are required to be performed by the town manager by by-laws, administrative code, votes of the town meeting, or votes of the board of selectmen, or otherwise.

Section 4-3 Delegation of Authority

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

Section 4-4 Acting Town Manager

(a) **Temporary Absence** - By letter filed with the town clerk, the town manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town manager during a temporary absence. During a temporary absence the board of selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town manager shall return.

(b) Vacancy - 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 town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen.

(c) Powers and Duties - The powers of a temporary or an acting town manager, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office of employment but not to make permanent appointments or designations.

Section 4-5 Removal and Suspension

The board of selectmen may, by a majority vote of the full board, 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 by the affirmative vote of a majority of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town manager forthwith.

(b) Within five 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 days after the request is filed nor earlier than twenty days. The town manager may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided the same is received at its office more than forty-eight hours in advance of the public hearing.

(c) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a majority of all of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the town manager, if the town manager has not requested a public hearing; or, within ten days following the close of the public hearing if the town manager has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the town manager shall, at the expiration of said time, forthwith resume the duties of the office.

The town manager shall continue to receive a salary until the effective date of a final resolution of removal.

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 authority and fix all responsibility for such suspension or removal solely in the board of selectmen.

ARTICLE 5

ADMINISTRATIVE ORGANIZATION

Section 5-1 Organization of Town Agencies

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

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

(b) **Administrative Code** - The town manager, after consultation with the board of selectmen, may from time to time prepare and submit to the town meeting plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the town 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, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than fourteen days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of thirty days following the date of adjournment of the town meeting at which the proposal is submitted unless the town meeting shall, by a majority vote, vote to disapprove the plan. The town meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The town manager may, through the administrative code, and subject only to express prohibitions in a general law, or this charter, reorganize, consolidate or abolish any town agency, in whole or in part; establish such new town agencies as is deemed necessary to the same extent as is provided in section 5-1 (a), above, for by-laws; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another, provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, assigned to any other town agency unless this charter specifically so provides.

Section 5-2 Publication of Administrative Code and Staffing Plan

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to the by-laws of the town of Northbridge.

The personnel staffing plan prepared in conformity with section 4-2 (c), shall be published annually in the town report.

Section 5-3 Merit Principle

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

ARTICLE 6

FINANCE AND FISCAL PROCEDURES

Section 6-1 Fiscal Year

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

Section 6-2 School Committee Budget

(a) **Public Hearing** - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. It shall further indicate the time and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The school committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) **Submission to Town Manager** - The budget as adopted by the school committee shall be submitted to the town manager within the time fixed by by-law before the date the town manager is required to submit a proposed town budget to the finance committee to enable the town manager to consider the effect of the school department's requested appropriation upon the town operating budget which is required to be submitted under this article.

Section 6-3 Submission of Budget and Budget Message

Within the time fixed by by-law, before the town meeting is to convene in its spring session, the town manager, after consultation with the board of selectmen, shall submit to the finance committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town manager shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

Section 6-4 Budget Message

The budget message of the town manager shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the town manager deems desirable, or the board of selectmen may reasonably require.

Section 6-5 The Budget

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form which the town manager deems desirable or the board of selectmen may require. In the presentation of the budget, the town manager shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections.

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and

(c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 6-6 Action on the Budget

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

(b) **Review** - The finance committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The finance committee may require the town manager, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) **Action by Town Meeting** - The finance committee shall file a report containing its recommendations for the action to be taken on each line item in the proposed operating budget as submitted by the town manager, which report shall be available as provided in section 2-3 (b). When the proposed operating budget for the ensuing fiscal year is before the town meeting for action the prevailing motion shall be: "Shall the operating budget be adopted in the amounts as recommended by the finance committee?" The town manager shall have a right to propose amendments for general town government budget items before any other amendments may be offered and the school committee shall have a right to offer amendments to the schools portion of the budget before any other amendments may be offered.

Section 6-7 Capital Improvement Program

The town manager shall submit a capital improvement program to the board of selectmen and the finance committee at least one hundred fifty days before the start of each fiscal year. It shall be based on material prepared by the capital planning committee established by by-law, including:

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

This information is to be annually revised by the town manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

Section 6-8 Approval of Warrants

The town manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of the general laws shall be submitted to the town manager. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

Section 6-9 Audits

The board of selectmen shall provide for an independent audit of all financial books and records of the town whenever the Commonwealth fails, in any two year period, to provide for such audit, or, whenever it deems an audit of the whole town, or, of any particular town agency, to be necessary.

Audits of the town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the town.

ARTICLE 7

GENERAL PROVISIONS

Section 7-1 Elections

The articles in the warrant for any town meeting insofar as they relate to the election of town officers, or to the determination by the voters of any question to be submitted for such decision by written ballots, shall be acted upon and determined by the voters in their respective precincts.

The regular town election shall be taken on official ballots without party or political designation of any kind on the date fixed by by-law.

The order in which names of candidates appear on the official ballot at any town election shall be determined by a drawing by lot conducted by the town clerk. Each candidate shall be given the opportunity to be present, in person, or to be represented by a designee at the drawing. Each candidate for re-election shall have printed on the official ballot, in addition to such candidate's name and address, the words "candidate for re-election".

Section 7-2 Charter Changes

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

Section 7-3 Severability

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

Section 7-4 Specific Provisions to Prevail

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

Section 7-5 Number and Gender

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

Section 7-6 Definitions

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) **Days** - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days, when the time set is seven days or more, every day shall be counted.

(c) **Emergency** - The word "emergency" shall mean a sudden, unexpected unforeseen happening, occurrence, event or condition which necessitates immediate action.

(d) **general laws** - The words "general laws"(all lower case letters) shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Northbridge is a member.

(e) **General Laws** - The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(f) **Local Newspaper** - The words "local newspaper" shall mean a newspaper having a general circulation in the town of Northbridge.

(g) **Majority Vote** - The words "majority vote shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.

(h) **Multiple Member Body** - The words "multiple body member" shall mean any town body consisting of two or more persons and whether styled board, commission, committee, sub-committee or otherwise and however elected or appointed or otherwise constituted.

(i) **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.

(j) **Town** - The word ""town" shall mean the Town of Northbridge.

(k) **Town Agency** - The words "town agency" shall mean any board, commission, committee, department division or office of the town government.

(l) 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, or by vote of the board of selectmen.

(m) 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.

(n) Voters - The word "voters" shall mean registered voters of the town of Northbridge.

Section 7-7 Rules and Regulations

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

Section 7-8 Periodic Review, Charter and By-Laws

(a) Charter Review - At least one in every ten years, in each year ending in a zero, a special committee to consist of nine members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the finance committee and the school committee shall each designate two persons, the planning board shall designate one person, and three persons shall be appointed by the town moderator. Persons appointed by the said agencies may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the spring town meeting.

(b) By-Law Review - The board of selectmen shall at five year intervals, in each year ending in five, or in zero, cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment not later than at the fall town meeting in the year following the year in which the said committee is appointed. The by-law review committee shall consist of two persons appointed by the town moderator, two persons appointed by the board of selectmen and the town clerk. The said committee in its final or in an interim report shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with the town counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published, all as required by general laws. Copies of the

revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

Section 7-9 Procedures Governing Multiple Bodies

(a) Meetings - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairperson or by one-third of the members thereof by suitably written notice delivered to the residence of place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board in the manner provided by law. Special meetings of any multiple member body shall also be called within one week after the date of the filing with town clerk a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

(b) Agendas - At least twenty-four hours before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted in the town bulletin board. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, a resolution declaring that an emergency exists and that the particular matter be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.

(c) Rules and Journal – Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by law and shall provide for keeping a journal of its proceeding. These rules and journals shall be public records, and certified copies shall be kept available in the office of the town clerk and at the Whitinsville Social Library for the convenience of the public.

(d) Voting – Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, that if the vote is unanimous only that fact need be rendered.

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

(f) Filling of Vacancies – Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill

such vacancy for the remainder of any unexpired term by majority vote of the remaining members.

(g) Composition of Multiple Member Bodies – All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged for as nearly an equal number of terms as is possible will expire each year.

Section 7-10 Removals and Suspensions

Any appointed town officer, member of a multiple body or employee of the town, not subject to the provisions of the state civil service law, or covered by the term of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term cause shall include, but not be limited to the following:

incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interest of the town. However, no suspension shall be for more than fifteen days. Suspension may be conterminous with removal and shall not interfere with rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

(a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.

(b) Within five days following delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

(c) Between one and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to move, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

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 a fixed term expires.

Section 7-11 Notice of Vacancies

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualification to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen days following the date such notice was posted to permit reasonable considerations of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

Section 7-12 Loss of Office, Excessive Absence

If any person appointed to serve as a member of a multiple member body shall fail to attend four or more consecutive meetings, or one-half in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person. A copy of any such vote which is adopted shall, forthwith, be delivered to the office of the town clerk.

ARTICLE 8

TRANSITIONAL PROVISIONS

Section 8-1 Continuation of Existing Laws

All general laws, special laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication released directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

Section 8-2 Continuation of Government

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 the charter.

Section 8-3 Continuation of Administrative Personnel

Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the charter for the performance of said duties by another person or agency.

Section 8-4 Transfer of Records and Property

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.

Section 8-5 Time of Taking Effect

This charter shall take effect upon its adoption by the voters of Northbridge, except as is hereinafter provided:

(a) Forthwith following the election at which this charter is adopted each town agency shall designate some person to represent it at all sessions of the town meeting to be held in this calendar year, in accordance with the provisions of section 2-8.

(b) 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 persons who shall be chosen as follows: the school committee and the personnel board shall each designate one person, and three persons

shall be chosen by the town moderator at least one of whom shall have been a member of the charter commission. Persons chosen by the said agencies may, but need not, be members of the agency by which they are designated: appointments made by the town 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 fourteen days following the election at which the charter is adopted the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who 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 that are received by it, screen all such applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than ninety 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 nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.

Within thirty days following the date the list of nominees is submitted to it the board of selectmen shall choose one of the said nominees to serve as town manager. In the event the board of selectmen shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, appoint the town manager.

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 a committee as above shall be established whenever the office of town manager shall become vacant, provided, however, that in the third paragraph the phrase "thirty days following the town election" shall be understood to mean "thirty days following the date such vacancy, or pending vacancy, becomes known", and the provision requiring a former member of the charter commission to serve shall be void.

(c) Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the town manager shall, in addition to the qualifications as stated in section 4-1, have the following specific qualifications, (a) have at least an earned bachelor's level degree from a recognized, accredited college or university, (b) have served full time as the chief administrative officer of a city or town for not less than two years.

(d) Until such time as the salary of the town manager is otherwise established, and to provide a range within which candidates can initially be recruited, the salary range for the office is hereby

determined to be not less than forty-five thousand nor more than fifty-five thousand dollars per year.

(e) The position of administrative assistant-grantsman, established by a vote under article 9 of the warrant at the May 9, 1978 town meeting, (and now called "town administrator" by action of the board of selectmen) is hereby abolished upon the assumption of office by the first town manager. Provided, however, the incumbent of said office may be continued in town service for a period of up to ninety days for the purpose of providing transitional assistance to the first town manager. While it is the intention of this provision, and sub-section (b) above, that there be a widespread diligent search for candidates for the office of town manager and that the incumbent administrative assistant-grantsman (a.k.a. "town administrator") not automatically be continued in office as the town manager, nothing contained in this document should be construed to prevent the incumbent of said office from applying for or being considered as a qualified candidate to fill such position.

(f) Until such time as the town meeting may act, by by-law, to amend, repeal or revise the, the following provisions shall have the force of town by-laws:

1) Date of Town Meetings – The spring session of the annual town meeting shall be held on the first Tuesday in May and shall continue on the evenings of successive business days until the warrant has been dissolved; their fall session of the town meeting shall be held on the second Tuesday in October and shall continue on the evenings of successive business days until the warrant has been dissolved.

2) Date of Town Elections – The annual town election for the election of town officers and for the determination of all other matters to be referred to the voters shall be held on the third Tuesday in May.

3) Town Administrative Organization – Until such time as a different form of organization shall be provided, in accordance with the provisions of article 5 of this charter, the following outline of organization shall be operative:

The board of selectmen shall appoint:

- a town manager to serve for an indefinite term;
- a town counsel to serve for an indefinite term;
- a board of health;
- a conservation commission;
- a board of registrars of voters and other election officers, in the manner provided by general law;
- a board of appeals;
- a council on aging, as provided by by-law;
- a development and industrial commission;
- a cable television advisory committee;
- constables;
- a civil defense director and related civil defense personnel;
- an arts lottery council;

- a Northbridge Historical commission;
- a board of assessors;
- a personnel board;
- an affordable housing committee;
- a single audit committee;
- a fair housing committee;
- a youth commission;
- a capital planning committee;
- a playground and recreation commission.

The town manager shall appoint:

- a police chief for an indefinite term, and other police officers;
- a fire chief, who shall be the forest warden for an indefinite term, who shall appoint other firefighters;
- a town treasurer;
- a town clerk;
- a town collector;
- a town accountant;
- an inspector of buildings to serve for an indefinite term;
- a wire inspector to serve for an indefinite term;
- a town appraiser, who shall serve full time;
- an inspector of gas appliances and gas fittings;
- a plumbing inspector;
- a dog officer;
- a sealer of weights and measures in accordance with the civil service law and rules;
- a parking clerk;
- a director of public works;
- a veteran's services director, veteran's agent, veteran's graves officer and burial agent.

(g) All town officers and all members of all boards, commissions and committees who have heretofore been elected and who will henceforth be appointed under the provisions of this charter, shall serve for the balance of the term for which they were elected, (subject to their retirement or resignation) but their successors shall be appointed.

(h) As the terms of office of planning board members expire, beginning with the town election held in the year following the year in which this charter is adopted, successors to the office of planning board member shall be elected for terms of three years each, provided, however, that if a vacancy shall occur in such office said vacancy shall be filled for the balance of the then unexpired term.

(i) Until such time as the following provisions may be amended, repealed or revised by a town by-law, a building, planning and construction committee is hereby established, as follows:

(1) Composition, Mode of Appointment, Term of Office – There shall be a building, planning and construction committee which shall consist of seven members, three of these members shall be appointed by the board of selectmen for terms of three years each so arranged

that the term of one such appointee shall expire each year and four of these members shall be appointed by the town moderator for terms of three years each so arranged that as nearly an equal a number of such appointees as is possible shall expire each year. The committee shall include in its membership a registered professional engineer or an architect, an attorney, and a person employed in the construction industry or a related trade of profession.

(2) Powers and duties – The building, planning and construction committee shall be responsible for surveying the growth needs of the town, the needs of the community and the physical condition of all municipal buildings and other facilities. The committee shall meet from time to time with representatives of all municipal agencies to determine the need for additions or renovations to any existing buildings or for the construction of new buildings or any other facilities for the town. The committee may file reports at any town meeting concerning its findings and recommendations. Whenever any construction is authorized for any municipal building or other facility the building, planning and construction committee shall be responsible for all work in connection therewith including site planning, preliminary architectural planning, architectural plans and drawings, and construction supervision.

(j) Until such time as the following provisions may be amended, repealed or revised by a town by-law, a department of public works is hereby established, as follows:

(1) Establishment, Scope – There shall be a department of public works responsible for the performance of all public works related activities of the town. The department of public works shall assume all of the duties and responsibilities related to public works activities which prior to the adoption of the home rule charter were performed by or under the tree warden, road commissioners, sewer commissioners, cemetery commissioners, playground and recreation commission, school committee and board of selectmen.

(2) Director of Public Works – The department of public works shall be under the direct control and supervision of a director of public works who shall be appointed by and who shall be responsible to the town manager. The director of public works shall serve for an indefinite term. The director of public works shall be a person especially fitted by education, experience and training to perform the duties of the office.

The director of public works shall be responsible for the supervision and coordination of all activities of the department of public works in accordance with state statutes, town by-laws, administrative code and rules and regulations.

(3) Policy Formulation – The board of selectmen, acting through the town manager, shall be responsible for the overall supervision of the department of public works and for the establishment of priorities and policies to govern the operation of the department. The board of selectmen shall establish and set forth the fees or charges for all services provided by the department of public works.

(4) Time of Taking Effect – The tree warden, road commissioners, sewer commissioners, cemetery commissioners, playground and recreation commission, school committee and board of selectmen shall continue to perform the same duties in relation to public works related activities

as were performed by them prior to the adoption of the charter until the last day of June in the year following the year in which this charter is adopted. It is the intention of this provision, however, that during such interim period each of said offices shall coordinate all of its public works related functions and activities through the office of the town manager in order that as much cooperation and coordination of activity as it may be practicable to achieve may be accomplished and that long range planning can be achieved. The offices of road commissioners, sewer commissioners and cemetery commissioners shall be abolished as of said date.

The office of tree warden shall be continued as a division within the department of public works and an individual shall be appointed to serve in such capacity. A board of playground and recreation commissioners shall continue to serve, by appointment, to plan, supervise, operate and conduct programs of sport and recreational activities, but it shall have no responsibility for the day-to-day maintenance of land or facilities. The school committee shall continue to be responsible for all maintenance and repair functions in, on and around all school buildings and grounds until a plan for the assumption of those responsibilities has been developed and such functions may be transferred to the department of public works.