

# MAYNARD TOWN CHARTER



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# MAYNARD TOWN CHARTER

## INTRODUCTION

A charter works as a municipal constitution, acting as the authority on how a city or town's government is structured and run. It distributes powers, duties and responsibilities among local offices and establishes and defines certain procedures to be followed by the town government.

Under the provisions of a charter, a city or town may establish for itself the type of government it wishes, based upon locally-identified needs, problems, and opportunities. The charter establishes clearly what a town may manage for itself under an approved home rule petition, versus being subject to a myriad of confusing and in some cases, conflicting, procedures, laws and regulations of multiple government agencies. The essence of this is captured in the preamble to the charter.

A charter is established under amendments to the Constitution of the Commonwealth and Massachusetts General Laws, specifically, "*with any procedures made available by Articles eighty-nine (89) and one hundred thirteen (113) of the amendments to the Constitution of the Commonwealth, commonly known as the Home Rule Amendment, and by Massachusetts General Laws, Chapter 43B, commonly known as the Home Rule Procedures Act*". The town creates its charter, which must be approved at town meeting and then by a vote at a general election, as prescribed by the Department of Housing and Community Development and the Attorney General's office.

One element included in the charter is a requirement that it be reviewed every ten (10) years. The review is done in each calendar year ending in one (1) by a committee of nine (9) members appointed by defined agencies of the town. Changes are approved by the same process used for original approval, i.e., a town meeting approval followed by a vote at a general election. By this requirement the charter was updated in 2001, again in 2013 and the current review began in 2021.

### **Town By-laws, Community Development Principles, and Maynard Master Plan**

This charter defines the organization, powers, functions, and essential procedures of town government. More specific procedures and regulations are set forth in the town by-laws, which are enabled by this charter, but which are not subject to the charter review process. They are subject to amendment and approval of town meeting.

The Community Development Principles and the Master Plan provide guidance to how the town functions, but do not have the regulatory impacts of town by-laws and are also not subject to the charter review process. The Community Development Principles were established in 2006 by the select board as a vehicle to philosophically shape how a town government functions, both internally and in its engagement with residents, businesses and developers as Maynard moves forward.

The most recent Town Master Plan was accepted by town meeting in 2020. A master plan records and illustrates where a community is currently and where it wants to be in the future. It includes a comprehensive assessment of existing resources and issues, as well as projections of future conditions and needs. It considers a collective community vision in its presentation as a

policy guide and framework for land use decision-making. It not only addresses buildings and infrastructure, but also the important social, environmental, and economic values associated with them. A master plan is a method of translating the community's values into specific actions.

Town By-laws, Community Development Principles, and the Town Master Plan are posted on the official town website.

# PREAMBLE

We, the people of the Town of Maynard, Massachusetts, in order to reaffirm our individual sovereignty with respect to the conduct of our local government and to take the fullest advantages inherent in the Home Rule Amendments of the Constitution of the Commonwealth of Massachusetts, do hereby adopt the following Home Rule Charter for this Town.



*Town of Maynard Charter*

## **ARTICLE 1**

### **INCORPORATION; SHORT TITLE; POWERS**

#### **SECTION 1-1: INCORPORATION**

The inhabitants of the Town of Maynard within the corporate limits as established by law of the Commonwealth shall continue to be a body corporate and politic with perpetual succession under the name "Town of Maynard".

#### **SECTION 1-2: SHORT TITLE**

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

#### **SECTION 1-3: POWERS OF THE TOWN**

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Maynard to secure through the adoption of this charter all the powers it is possible to secure for a municipal government under the constitution and the laws of the Commonwealth.

#### **SECTION 1-4: DIVISION OF POWERS**

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

#### **SECTION 1-5: CONSTRUCTION**

The powers of the Town of Maynard under this charter are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Maynard as stated in section 1-3.

#### **SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject to the applicable requirements of any provision of the constitution or statutes of the Commonwealth, the Town of Maynard may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or any one or more agencies thereof.

#### **SECTION 1-7: PRECEDENCE OF CHARTER PROVISIONS**

To the extent any by-laws, votes, rules or regulations of or pertaining to the Town of Maynard are in force and contravene or otherwise conflict with the provisions of this charter, then the charter provisions shall take precedence over existing by-laws, votes, rules or regulations, excepting such votes as are expressly intended to amend this charter.

## **ARTICLE 2**

### **LEGISLATIVE BRANCH**

#### **SECTION 2-1: TOWN MEETING**

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

#### **SECTION 2-2: GENERAL POWERS AND DUTIES OF THE TOWN MEETINGS**

The town meetings shall be vested with all the powers of the Town of Maynard, except as otherwise provided by the Commonwealth, or this charter. The town meetings shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

#### **SECTION 2-3: PRESIDING OFFICER**

The moderator, elected as provided in section 3-6, shall preside at all sessions of the town meeting. At the first session of each town meeting, the moderator shall appoint one or more deputy moderators. The appointment of a deputy moderator(s) shall be subject to ratification by the town meeting. In the event of the absence or disability of the moderator at the start of town meeting, the town clerk shall call the meeting to order and shall preside until a temporary moderator is elected by those present.

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 town by-law or by other vote of the town meeting.

#### **SECTION 2-4: COMMITTEES**

a) In General - Subject to the provisions of this charter and by such town 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 numbers 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 town by-law.

(1) Powers and duties – The finance committee serves as the town's official fiscal legislative oversight body. The finance committee shall have authority at any time to investigate the books, accounts, and management of any department of the

town, and to employ such experts and other assistance as it may deem advisable for that purpose, and the books and accounts of all of the departments and officers of the Town of Maynard shall be open to the inspection of the finance committee and of any person employed by it. The finance committee may appoint subcommittees and delegate to them such of its powers as it deems to be in the best interests of the Town of Maynard. As granted by town meeting, the finance committee shall administer the town's reserve fund and any other fund which they are directed by town meeting.

The subject matter of all proposals to be submitted to a town meeting by warrant article shall be referred to the finance committee by the office of the select board at the earliest practicable time following their receipt by the select board. The finance committee shall report, in writing, its recommendations on every article contained in a town meeting warrant together with a statement of the reasons for each such recommendation. 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 town by-law.

(2) Conflicts - No member of the finance committee shall serve on any other board or committee of the town as a voting member except for a charter review committee, or as may be provided by town by-law. Any member of the finance committee may submit papers to run for or be appointed to any public office of the town. If elected or appointed, they shall immediately resign from the finance committee. For this propose, the posting of the official election results in town hall or on the official town website where the member has the number of votes to be elected to the office, the member shall be considered elected.

#### **SECTION 2-5: DATE OF MEETING**

The annual town meeting shall meet at least once in each calendar year as provided by town by-law.

#### **SECTION 2-6: SPECIAL MEETINGS**

Special town meetings may be held at the call of the select board at such times as they deem necessary, or desirable, in order to transact the legislative business of the town in an orderly manner.

a) Town Initiated Special Town Meetings - The select board shall give notice at least forty-five (45) days prior to the calling of a special town meeting by an announcement through the town's official notification system(s) and posting on the official town website of such intention, except as otherwise provided by statute, and shall notify all town agencies, each town officer and chairpersons of multiple member bodies of its intention to do so. The select board may waive the forty-five (45) day notification for a special town meeting and give notice at least fourteen (14) days prior to calling a special town meeting if a situation exists where it has been determined, by the select board, to be in the best interests of the town to expedite the conduct of the business of the town to deal with land acquisition or any other emergency situation.



b) Citizen Initiated Special Town Meetings - Special town meetings may also be held upon request in writing of two hundred (200) or more registered voters, or of twenty (20) per cent of the total number of registered voters of the town, whichever number is the lesser. The select board shall call a special town meeting, to be held not sooner than twenty-one (21) days nor later than forty-five (45) days after the receipt of such request. The select board shall then give notice of the citizen initiated special town meeting within three (3) business days, in accordance with G. L. c. 39 section 10, by an announcement through the town's official notification system(s) and posting on the official town website of such intention, except as otherwise provided by statute, and shall notify all town agencies, each town officer and chairpersons of multiple member bodies of its intention to do so.

## **SECTION 2-7: TOWN MEETING WARRANTS**

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

Any additional or updated information in respect to any article after the printing of the warrant, but prior to the annual or special town meeting being held, shall be published on the official town website upon availability of the new information. This requirement shall not apply to citizen petition warrant articles.

## **SECTION 2-8: INITIATION OF WARRANT ARTICLES**

a) Initiation - The select board 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 and initiated by:

(1) The Town Administration:

- (i) any town officer
- (ii) any multiple member body acting by a majority of its members

(2) Citizen Petition:

- (i) any ten (10) voters for an Annual town meeting
- (ii) any one hundred (100) voters for a special town meeting

b) Review - Forthwith following receipt of any proposed warrant article the office of the select board shall register the proposed warrant article, furnish a copy of the proposal to the chairperson of the finance committee, a copy to be posted on the town website and shall cause such other distribution to be made of each such proposal as may be required by law or town by-law.

c) Requirements for Inclusion on Warrant –

(1) Annual Town Meeting: The select board shall include on the warrant for the annual town meeting the subject matter of all petitions which are received at its

office before normal close of business sixty (60) or more days prior to the date fixed by town by-law for the town meeting to convene.

(2) Special town meeting: The select board shall include in the warrant for such special town meeting the subject matter of all petitions which are received at its office before normal close of business on the thirtieth (30<sup>th</sup>) day prior to the date of the special town meeting. Where the select board have waived the forty-five (45) days notice period and the resulting notification is less than thirty (30) days, then only articles that are submitted to the select board at the meeting at which they have waived the forty-five (45) day notice period and the select board have determined that the article is germane to the situation for the waiving of the forty-five (45) day notification, shall be included on the warrant.

(3) The select board shall disqualify proposed warrant articles only if they fail to meet any of the following criteria.

- (i) Citizen Petitions: the written requests of registered voters for the insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The select board shall submit such written requests to the town clerk who shall check and forthwith certify the number of signatures so checked which are names of voters in the town, and only names so checked and certified shall be counted. A greater number of names than are required in each case need not be certified. Petitions that fail to be valid shall be disqualified by the select board.
- (ii) Town Administration: with the exception of ongoing union negotiations, any proposed warrant article requesting expenditure of town funds shall include an estimated cost and a proposed funding source. Warrant articles requesting expenditure of town funds that do not include estimated costs shall be disqualified by the select board.
- (iii) Town Administration: all proposed warrant articles shall be subject to review by town counsel. Any proposed article deemed to be illegal by town counsel shall be disqualified by the select board.

## **SECTION 2-9: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS**

Every town officer, the chairperson of each multiple member body, and the head of each department shall attend all sessions of the town meetings for the purpose of providing the town meeting with information pertinent to matters appearing in the warrant. Any of the foregoing may be dismissed or excused from said town meeting by approval of the moderator and the list of excused individuals will be included in the minutes of the meeting.

In the event any town officer, chairperson of a multiple member body, or department head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend and to represent the office, multiple member body or department. If any person designated to attend town meetings 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 2-10: CLERK OF THE MEETING**

The town clerk or their designee shall serve as clerk of town meetings, give notice of all adjourned sessions thereof, record its proceedings, and perform such duties in connection therewith as may be provided by general law, by this charter, by town by-law, or by other town meeting vote. The town clerk will keep a record of the minutes from all special and annual town meetings, these minutes will be delivered to the select board and made available to the public on the official town website no more than thirty (30) days after the meeting has been properly adjourned.

#### **SECTION 2-11: RULES OF PROCEDURE**

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

## **ARTICLE 3**

### **ELECTED OFFICIALS**

#### **SECTION 3-1: IN GENERAL**

a) Elective Offices - The offices to be filled by the voters shall be a select board, a school committee, a moderator, a board of library trustees, a housing authority, and a regional vocational school representative. In addition, members of boards 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.

b) Eligibility - Subject to the recall provisions in this charter, any voter shall be eligible to hold any elective town office, provided however, that no person shall simultaneously hold more than one elected town office as defined by this section.

c) Town Election - The annual election of town officials 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 town by-law.

d) Commencement of Office - The term of all elected town offices shall begin on the first day of July, with the exception of filling of vacancies of elected officials as specified in section 3-1h).

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

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

g) Notice of Resignation of Office - Any person holding an appointed or elected office may resign that office by filing a notice of resignation with the town clerk. The resignation shall be effective immediately unless a different date is specified when it shall take effect.

h) Filling of Vacancies: Elected Officials -

(1) Multiple Member Boards - Vacancies on multiple member boards, other than the select board, shall be filled in accordance with G.L. c. 41 sec. 11. In the event a vacancy or failure to elect occurs, such vacancy shall be filled in accordance with G.L. c. 41 sec 10. Additionally, notice shall be given to the town clerk and the select board that the vacancy exists including the resignation of the member of the multiple member board. In the case of an election to fill the unexpired term of office, the individual elected is qualified as soon as the official election results are known and can take office immediately following the required swearing in.

(2) Select Board - If there is a failure to elect, or if a vacancy occurs, in the office of the select board and more than three (3) months remain until the next annual town election, the remaining select board members may call a special election to fill the vacancy. The remaining select board members shall be required to call a special election to fill the vacancy only upon the request, in writing, of one hundred (100) or more registered voters of the Town of Maynard.

(3) Town Moderator - If there is a failure to elect, or if a vacancy occurs in the office of town moderator; the office of town moderator shall be filled by town meeting vote. The town moderator shall be elected by ballot by registered voters, as certified by the town clerk, present at town meeting, to preside at all town meetings and fulfill the duties of town moderator. The term of office shall begin as soon as the person is qualified, and shall continue for the remainder of the term.

(4) Regional Vocational School Representative - If there is a failure to elect, or if a vacancy occurs in the office of regional vocational school representative, the regional vocational school committee shall forthwith give written notice of existence of the vacancy to the select board and the Maynard school committee. After one (1) week's notice, the select board with the Maynard school committee shall fill such vacancy by a joint vote. The person chosen to fill the vacancy shall serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled. The individual elected is qualified as soon as the official election results are known and can take office immediately following the required swearing in.

i) Recall of Elected Officials –

(1) Application - With the exception of the members of the housing authority, who are governed under Massachusetts General Laws, Chapter 121B, Section 6, any person who has held an elected town office for at least six (6) months, and with more than six (6) months remaining of the term of office at the time of the filing of the recall affidavit, may be recalled there from by the voters of the Town of Maynard in the manner provided in this section.

(2) Recall Provision - One hundred (100) or more voters of the Town of Maynard may file a recall affidavit with the town clerk containing the name of the officer whose recall is sought and a statement of the grounds upon which the affidavit is based, provided that a minimum of twenty-five (25) names of voters shall be from each of the voting precincts into which the town is divided. The town clerk shall, within one (1) working day thereafter, submit such affidavit to the registrars of voters. The registrars of voters shall, within ten (10) working days thereafter, certify such affidavit with regard to the sufficiency and validity of the signatures of voters.

If the affidavit shall be certified by the registrars of voters, the town clerk shall, within five (5) working days thereafter, deliver to the first ten (10) voters named on such affidavit, petition blanks demanding said recall, printed forms of which

the town clerk shall keep available. The blanks shall be signed by the town clerk with the official town seal attached thereto. The blanks may be completed by printing or typewriting; they shall contain the names of the ten (10) persons to whom they are issued; they shall contain the name of the officer whose recall is sought, the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the town clerk.

The recall petitions shall be returned to the town clerk within thirty (30) days following the date they are issued, signed by at least twenty (20) percent of the registered voters of the town at the date of issue. The town clerk shall, within one (1) working day following such filing, submit the petitions to the registrars of voters which shall within fifteen (15) working days thereafter certify thereon the number of signatures which are names of voters.

(3) Recall Elections - If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same, with a certificate to the select board. Upon its receipt of the certified petition, the select board shall forthwith give notice, in writing, of said petition and certificate to the officer whose recall is sought. If said officer does not resign from office within five (5) working days following delivery of said notice, the select board shall order a special election to be held not less than sixty-four (64) days nor more than ninety (90) days after the date of certification of the town clerk, provided however, that if a regular town election is to be held within one hundred and ten (110) days following the date of said certificate the recall election shall be held in conjunction therein and not at a special town election. If a vacancy occurs in said office after the recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

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

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

For the recall (name of officer)

Against the recall (name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said propositions shall appear the word "candidates" and the names of the candidates arranged in accordance with the provisions of law relating to elections. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes cast shall be

declared elected. If the majority of the votes cast is in the negative, the ballots for candidates need not be counted.

(6) Officeholder - The incumbent shall continue to perform the duties of the office until the recall election. If then not recalled, the incumbent shall remain in office for the remainder of the unexpired term, subject to recall as provided in section 3-1(i)(7) below.

If recalled at the election such person shall be deemed to be removed upon the qualification of the successor, who shall hold the office during the unexpired term. If the successor fails to qualify within five (5) working days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(7) Repeat of Recall Petition - No recall shall be filed against an officer subjected to a recall election and not recalled thereby until at least six (6) months after the election at which the recall was submitted to the voters.

(8) Appointment of the Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall provisions are pending against her/him, shall be appointed to any town office within two (2) years after such recall or such resignation.

#### **SECTION 3-2: SELECT BOARD**

a) Composition, Term of Office - There shall be a select board consisting of five (5) members elected for terms of three (3) years each, so arranged that the terms of as nearly equal number of members as is possible shall expire each year.

b) Powers and Duties -

- (1) The executive powers of the Town of Maynard shall be vested in the select board which shall be deemed to be the chief executive office of the town.
- (2) The select board shall be accountable to the town, to the extent provided for in this charter, for events and activities of the town, as performed by employees and boards under its authority.
- (3) The select board shall have all of the executive powers it is possible for a select board to have and to exercise.
- (4) The select board shall serve as the chief policy-making agency of the town. It shall be responsible for the issuance of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town offices, to develop and to promulgate policy guidelines designed to bring all agencies of the town into harmony and further have ultimate responsibility to ensure compliance with policy directives.
- (5) Nothing in this section shall be construed to authorize any member of the select board, or a majority of such board, to become involved in the day-to-day administration of any town agency.

- (6) It is the intention of this provision that the select board shall act through the adoption of policy guidelines which are to be implemented by officers and employees appointed by or under its authority.
- (7) The select board shall maintain liaison with all town boards, commissions, and committees and shall mediate disputes among town boards, commissions and committees.
- (8) The select board shall cause a record of all its official acts to be kept. To aid it to perform its duties, the select board shall appoint a town administrator.
- (9) The select board shall have the power to make investigations, and may authorize the town administrator to investigate the affairs of the town and the conduct of any town department, office, or agency, including any doubtful claims against the town.
- (10) The select board shall have the authority to appoint town boards in accordance with the provisions of this charter and by town by-law.
- (11) Members of the select board shall be ineligible to serve on multiple member bodies established by this charter or by town by-law to which the select board is the appointive authority.
- (12) Members of the select board shall possess no individual authority unless such authority shall have previously been granted by vote of the board.
- (13) The select board shall be recognized as head of the town government for all ceremonial purposes.

c) Licensing Authority - The select board shall act as the licensing authority of the town and shall have the power and responsibility required to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and impose such restrictions as it considers to be in the public interest, and further to enforce, or cause to be enforced, all applicable laws, rules, and regulations relating to all businesses for which it issues licenses.

### **SECTION 3-3: SCHOOL COMMITTEE**

a) Composition, Term of Office - There shall be a school committee consisting of five (5) members elected for terms of three (3) years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

b) Powers and Duties - The school committee shall have all of the powers and duties which are given to school committees by general laws of the Commonwealth. The school committee shall have general charge of the public schools of the town. The school committee shall have the power to select and to terminate a superintendent of schools, and establish educational goals and policies for the school consistent with the requirements of the laws of the commonwealth and standards established by the Commonwealth.

### **SECTION 3-4: HOUSING AUTHORITY**

a) Composition, Term of Office - There shall be a housing authority consisting of five (5) members serving for five (5) years each, so arranged that the term of one member shall expire each year. Three of the members shall be elected by the voters, the fourth shall be



a tenant member appointed by the select board, and the fifth member shall be appointed as provided by Massachusetts General Laws.

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.

#### **SECTION 3-5: LIBRARY TRUSTEES**

a) Composition, Term of Office - There shall be a board of library trustees consisting of three (3) members elected for terms of three (3) years each, so arranged that the term of one member shall expire each year.

b) Powers and Duties - The board of library trustees shall have all the powers and duties which are given to library trustees by general laws of the Commonwealth and shall have additional powers and duties as are provided by this charter, by town by-law or by town meeting vote, as well as any powers, duties, and responsibilities as may be imposed by the terms of any public trust.

The board of library trustees shall have general charge of the free public library of the town and the property. The board of library trustees shall have the power to hire and evaluate the Library Director and adopt library policies and plans consistent with the requirements of the laws and standards established by the Commonwealth.

#### **SECTION 3-6: MODERATOR**

a) Term of Office - There shall be a town moderator elected for a term of three (3) years.

b) Powers and Duties - The town moderator shall be the presiding officer of the town meeting and regulate its proceedings, as provided in section 2-3, and shall perform all other powers and duties given to moderators under the constitution and general laws, and such additional powers and duties as may be authorized by this charter, by town by-law or by other town meeting vote. The moderator shall preside at any public hearing to discuss the suspension or removal of the town administrator.

#### **SECTION 3-7: REGIONAL VOCATIONAL SCHOOL REPRESENTATIVE**

a) Term of Office – the regional vocational school representative shall be elected for a term of four (4) years.

b) Powers and Duties - The regional vocational school representative shall represent the interest of the town of Maynard in regard to the students attending the regional vocational school and shall be empowered as a member of the regional vocational school committee with all the powers and duties which are given to regional vocational school committees by General Laws. Upon request, the regional vocational school representative shall appear before and report to the select board, the school committee, and/or the finance committee.

## **ARTICLE 4**

### **TOWN ADMINISTRATOR**

#### **SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM**

a) Appointment: In accordance with section 4-6 hereof, the select board shall appoint a town administrator for a term of up to three (3) years, which term or portion thereof may be renewed, and which appointment shall be subject to a mutually agreed upon contract. The select board shall fix the compensation for such person, annually, within the amount appropriated by the town. The town administrator shall be appointed on the basis of educational, executive, and administrative qualifications and experience. A town administrator need not be a resident of town or of the Commonwealth at the time of appointment, nor at any time during the period of such service. The town administrator 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 town by-law, such qualifications as it deems necessary and appropriate.

b) Conflict: The town administrator shall devote full time to the office and shall not hold any other public office, elected or appointive, nor engage in any business or occupation during such service, unless such action is approved in advance by the select board.

c) Annual Review: The select board shall provide for an annual review of the job performance of the town administrator which shall, at least in summary form, be a public record. This review shall reflect the town administrator's performance of duties as listed in section 4-2.

d) Removal without Cause: The select board shall include in the town administrator's contract a provision which allows the select board, only by a unanimous vote of all five (5) members, to terminate the town administrator without cause.

e) Contract Renewal: The select board, upon completion of two successive annual performance evaluations, with those evaluations as a foundation for discussions, may engage the town administrator in discussions for contract renewal. In any subsequent contract renewals, following the initial renewal, the select board shall have completed at least one additional evaluation prior to any subsequent renewal. The select board by a two-thirds (2/3) vote may, in their discretion, determine that it is in the best interest of the town to enter into contract renewal negotiations prior to an annual performance evaluation following the first performance evaluation, and waive the foregoing requirements. A majority vote of the select board is required to reappoint and/or renew the town administrator's contract.

f) Contract Non-renewal: Furthermore, if it is the intent not to renew the town administrator's contract but to seek candidates for the position instead, the select board shall provide the then administrator with written notice at least three (3) months prior to the end of the administrator's contract of the open process and not exclude her/him from participating in said process.

## SECTION 4-2: POWERS AND DUTIES

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

- a) To supervise, direct and be responsible for the efficient administration of all functions and activities, according to best business practices, for which the office of town administrator is given authority, responsibility or control by this charter, by town by-law, by town meeting vote, by vote of the select board, or otherwise to best serve the citizens of Maynard.
- b) To appoint, subject to the provisions of the civil service law, any other collective bargaining agreements as may be applicable, and town by-laws, 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 (15th) day following the day on which such notice of the appointment is filed with the select board, unless the select board 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 proposed appointments shall be posted on the official town website when submitted to the select board.
- c) To be entrusted with the administration of the town personnel system, including, but not limited to personnel policies and procedures, rules, and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the library and school department.
- d) To attend all regular and special meetings of the select board, unless unavoidable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.
- e) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the select board, but not less than once a year, a full report of all town administrative operations during the period reported on, which report shall be made available to the public. Towards the goal of a transparent and open government, periodic financial reports shall be made available to the select board, finance committee, and the public as required by town by-law.
- f) To keep the select board fully advised as to the needs of the town and recommend to the select board and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town administrator may deem necessary or expedient.
- g) The town administrator shall be responsible for the maintenance and repair, rental and use, of all town buildings and facilities placed under the town administrator's control by this charter, by town 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 develop material to furnish to the capital planning committee for the preparation of a proposed capital improvement plan for the five (5) 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 control of the school committee or library trustees.

j) To negotiate, on behalf of the select board, all contracts and collective bargaining agreements involving any subject within the jurisdiction of the office of the town administrator, including contracts with town employees involving wages, hours and other terms and conditions of employment. All such contracts and agreements shall be subject to the approval of the select board.

k) To be the chief procurement officer for the town, in accordance with the provisions of Chapter 30B of the Massachusetts General Laws, and to appoint such assistant procurement officers as provided in Chapter 30B of the Massachusetts General Laws.

l) To see that the provisions of the general laws, of this charter, town by-laws and other votes of the town meeting and votes of the select board which require enforcement by the town administrator are faithfully executed, performed or otherwise carried out.

m) To inquire, at any time, into the conduct and operation 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 questions raised by voters which relate to warrant articles and to matters over which the town administrator 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 administrator, in whole or in part, provide for new town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

p) To facilitate activities between and among the following:

- (1) town agencies serving under the office of the town administrator
- (2) town agencies serving under the office of the select board
- (3) town agencies under the control of other officers and multiple member bodies elected directly by the voters.

For this purpose, the town administrator shall have authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town. The town administrator shall have the right to attend and speak at any regular meeting of any multiple member body.

q) To seek and review, by initiative or upon request of any town officer, those state, federal, regional and all other grants which may be of benefit to the Town of Maynard. The town administrator shall be the authority responsible for reviewing all applications for such grants which require the approval of the select board.

r) To be responsible for any and all dispositions of non-criminal citations issued in the Town of Maynard. The town administrator will be responsible for appointing one or more assistant clerks as required.

s) To be responsible for the publication, maintenance and review of the town by-laws and of any duly authorized revisions, amendments, additions, or other changes pertaining thereto. 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.

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

#### **SECTION 4-3: DELEGATION OF AUTHORITY**

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

#### **SECTION 4-4: ACTING TOWN ADMINISTRATOR**

a) Temporary Absence - With the approval of the select board, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during an absence of the town administrator of not more than fifteen (15) days. Such delegation shall be made by letter filed with the town clerk and the select board.

b) Vacancy - Any vacancy in the office of town administrator shall be filled as soon as possible by the select board, but, pending such regular appointment the select board shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed six (6) months but one renewal may be voted by the select board not to exceed an additional six (6) months. Compensation for such person shall be set by the select board.

c) Powers and Duties - The powers and duties of temporary or acting town administrator, under a) and b) above, shall be limited to matters which cannot be delayed and shall include authority to make temporary, emergency appointments or designations to town

office or employment but not to make permanent appointments or designations, unless approved by the select board.

#### **SECTION 4-5: SUSPENSION AND REMOVAL FOR CAUSE**

The select board may, by a majority vote of the full board, terminate and remove, or suspend, the town administrator from office in accordance with the following procedure.

a) The select board shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members, which must state the reason or reasons for removal. This preliminary resolution may suspend the town administrator for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the town administrator forthwith.

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

b) Within five (5) working days of receipt of the preliminary resolution the town administrator may request a public hearing by filing a written request for such hearing with the select board. This hearing shall be held at a meeting of the select board not later than thirty (30) days after the request is filed nor earlier than twenty (20) days. The town moderator shall preside at any public hearing to discuss the suspension or removal of the town administrator. The town administrator may file a written statement responding to the reasons stated in the resolution of removal with the select board provided the same is received at its office more than forty-eight (48) hours in advance of the public hearing.

c) The select board may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a majority of all its members not less than ten (10) days nor more than twenty-one (21) days following the date of delivery of a copy of the preliminary resolution to the town administrator, if the town administrator has not requested a public hearing; or, within ten (10) working days following the close of the public hearing if the town administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the town administrator shall, at the expiration of said time, forthwith resume the duties of the office.

The action of the select board in suspending or removing the town administrator shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the select board.

#### **SECTION 4-6: SELECTING A TOWN ADMINISTRATOR**

Forthwith following a vacancy in the office of the town administrator, the select board shall establish a screening committee to review applicants for the position of town administrator. The screening committee is to consist of nine (9) persons, representing the demographics of the town and shall include at least one (1) town employee and may include up to three (3) town employees. The employee member(s) of the committee do not have to be residents of the town.

Not more than thirty (30) days following the vacancy in the office of the town administrator the nine persons chosen aforesaid shall meet to organize and to plan a process for the selection of the town administrator.

The screening committee shall review all applications 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 it deems to be necessary, desirable, or expedient.

Not more than one hundred twenty (120) days following the date on which the committee meets to organize, the committee shall submit to the select board the names of not less than three (3) nor more than five (5) persons whom it believes to be best suited to perform the duties of the office of town administrator.

Within thirty (30) days following the date the list of nominees is submitted to it, the select board shall choose by majority vote one of the said nominees to serve as town administrator. In the event the select board shall fail to make an appointment within the said thirty (30) days, the screening committee shall reopen the screening process to solicit more nominees.

Upon the appointment of a town administrator, the committee established hereunder shall be considered discharged.

## **ARTICLE 5**

### **ADMINISTRATIVE ORGANIZATION**

#### **SECTION 5-1: ORGANIZATION OF TOWN AGENCIES**

The organization of the Town of Maynard into operating agencies for the provisions of services and the administration of the government may be accomplished as provided in this article.

Administrative Code - The town administrator may on occasion present a reorganization plan related to employees and staffing and employee management and oversight which shall require approval by select board prior to implementation. Once approved by the select board, the town administrator shall notify, in writing, any board or commission whose employees are affected by said change.

The town administrator may, through this administrative code, and subject only to express prohibitions in or requirements of 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 would be permitted by town meeting ; and for such purpose transfer the powers and duties, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of the town agency or agencies to another, provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

#### **SECTION 5-2: PUBLICATION OF ADMINISTRATIVE CODE AND PERSONNEL PLAN**

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part of the by-laws of the Town of Maynard. The personnel and staffing plan as prepared by the town administrator, in conformity with section 4-2 (c) shall be published annually in the town report.

#### **SECTION 5-3: APPOINTMENTS, PROMOTIONS, AND DISCIPLINE**

Unless otherwise provided for by this charter, the heads of all town agencies, whether appointed by the select board or by the town administrator shall be responsible for the appointment, promotion and discipline of all persons serving under them. In the case of an acting or interim department head or chief, the town administrator shall have approval authority over all new hires.

#### **SECTION 5-4: MERIT PRINCIPLE**

Subject to any collective bargaining agreements as may be applicable, or to the provisions of the civil service law, all appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination, past performance, or other evidence of competence and suitability.



## **SECTION 5-5: COMPENSATION**

The compensation paid to each town officer or employee shall be limited to the amount established in accordance with the provisions of law, by-law, or town meeting vote and all fees received in accordance with the provisions of any general or special law shall be paid into the treasury of the town and disbursed to the appropriate person or authority in accordance with the laws.

## **SECTION 5-6: REMOVALS AND SUSPENSIONS**

The requirements for removal of and suspension of the town administrator are set forth in Article 4, sections 4-1 and 4-5 of this charter.

Any employee of the town not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended, without compensation, or removed from office for cause, by the appointing authority, namely, the town administrator or the select board, as appropriate.

Any appointed officer or member of a multiple member body appointed by the select board or town administrator and whether appointed for a fixed or an indefinite term, may be suspended, without compensation, or removed from office for cause by the appointing authority, namely, the town administrator or select board, as appropriate.

Any appointed officer of the Board of Health, Board of Assessors, Conservation Committee, or Council on Aging, and whether appointed for a fixed or an indefinite term, may be suspended, without compensation, or removed from office for cause by the town administrator,.

Appointees of the town moderator may be suspended, without compensation, or removed from office for cause by the town moderator.

Appointees of any multiple member body appointed by the town moderator may be suspended, without compensation, or removed from office for cause by the multiple member body.

The town moderator or the multiple member body appointed by the town moderator may on a case by case basis delegate the removal or suspension to the town administrator.

The term “for cause” shall include, but not be limited to the following: incapacity, inefficiency, neglect, insubordination, or misconduct.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the town administrator if such action is deemed by said town administrator to be necessary to protect the interests of the town against negligence or willful harm. However, no suspension shall be for more than fifteen (15) days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The removal authority, when removing any such officer, member of a multiple member body or employee of the town, shall act in accordance with the procedures set forth in G.L. c. 30A §21 pertaining to open meeting law executive session.

Nothing in this section shall be construed as granting a right to such a hearing when the person who has been appointed for a fixed term is not reappointed when the original term expires.

#### **SECTION 5-7: ORGANIZATION OF TOWN GOVERNMENT**

Until such time as a different form of organization shall be provided, in accordance with the provisions of Article 5-1 of this charter, the following organization the structure of which is shown in Figure 1 shall be operative:

The select board shall appoint as provided by article 4 of this charter and the town by-laws, and membership of multimember board/commissions will be governed by the town by-laws and or respective statute whichever is more specific.

- a Town Administrator;
- an Assistant Town Administrator;
- an Affordable Housing Trust Board,
- an Americans with Disabilities Acts Commission;
- a Conservation Commission;
- a Town Counsel;
- one or more Constables, as the select board may deem necessary;
- a Director of Emergency Management;
- a Maynard Historical Commission;
- a Board of Appeals;
- a Board of Health;
- a Planning Board;
- a Capital Planning Committee;
- a Community Preservation Committee;
- a Police Chief, and all police officers;
- a Fire Chief;
- a Recreation Commission;
- a Board of Registrars;
- a Veterans Administrator;
- two or more Fence Viewers;
- the Town's representative to the Town Retirement Board;
- a Director of Public Works;
- a Keeper of the Lock-up;
- a Council on Aging;
- a Cultural Council;
- a Board of Assessors;
- Tree Wardens;
- a Sustainability Committee;
- a Planning Director or Town Planner.

The town administrator shall appoint as provided by town by-law and general law, and membership of multimember board/commissions will be governed by the town bylaws and or respective statute whichever is more specific:

- a Town Clerk;
- a Financial Director, who will also serve as either the Town Treasurer/Town Collector or Town Accountant.
- a Town Treasurer/Town Collector;
- a Town Accountant;
- a Facility Manager;
- an Animal Control Officer;
- an Inspector of Animals;
- a Tree Committee;
- a Plumbing Inspector;
- an Inspector of Gas Piping and Gas Appliances;
- a Building Commissioner/Zoning Code Enforcement Officer;
- a Wiring Inspector;
- all Assistant Inspectors.

In further definition of the following chart, the positions noted below shall be defined and appointed as follows:

a) Conservation Agent: On the recommendation of the town administrator, the conservation agent is appointed by the conservation commission. The conservation agent is under the day-to-day administrative direction of the town administrator.

b) Chief Assessor: On the recommendation of the town administrator, the chief assessor is appointed by the board of assessors. The chief assessor works under the policy direction of the board of assessors and the day-to-day administrative direction of the town administrator.

c) Board of Health Director/Public Health Officer/Health Officer: On the recommendation of the town administrator, the director is appointed by the board of health. The director works under the policy direction of the board of health and the day-to-day administrative direction of the town administrator.

d) Council on Aging Director: On the recommendation of the town administrator, the director is appointed by the members of the council on aging. The director works under the policy direction of the council and on the day-to-day administrative direction of the town administrator.

e) Planning Director or Town Planner: On the recommendation of the town administrator, the planning director or town planner is hired by the select board. The planner works under the day-to-day administrative direction of the town administrator.

For all of the foregoing positions, the town administrator shall advertise the position, conduct the search, screen and interview candidates and will submit the recommended individual to the board/commission for their appointment of the individual to the position.

The moderator shall appoint as provided by town by-law and general law and membership of multimember board/commissions will be governed by the town bylaws and or respective statute whichever is more specific:

- a finance committee;
- a by-law committee;
- all standing committees authorized by vote of town meeting.

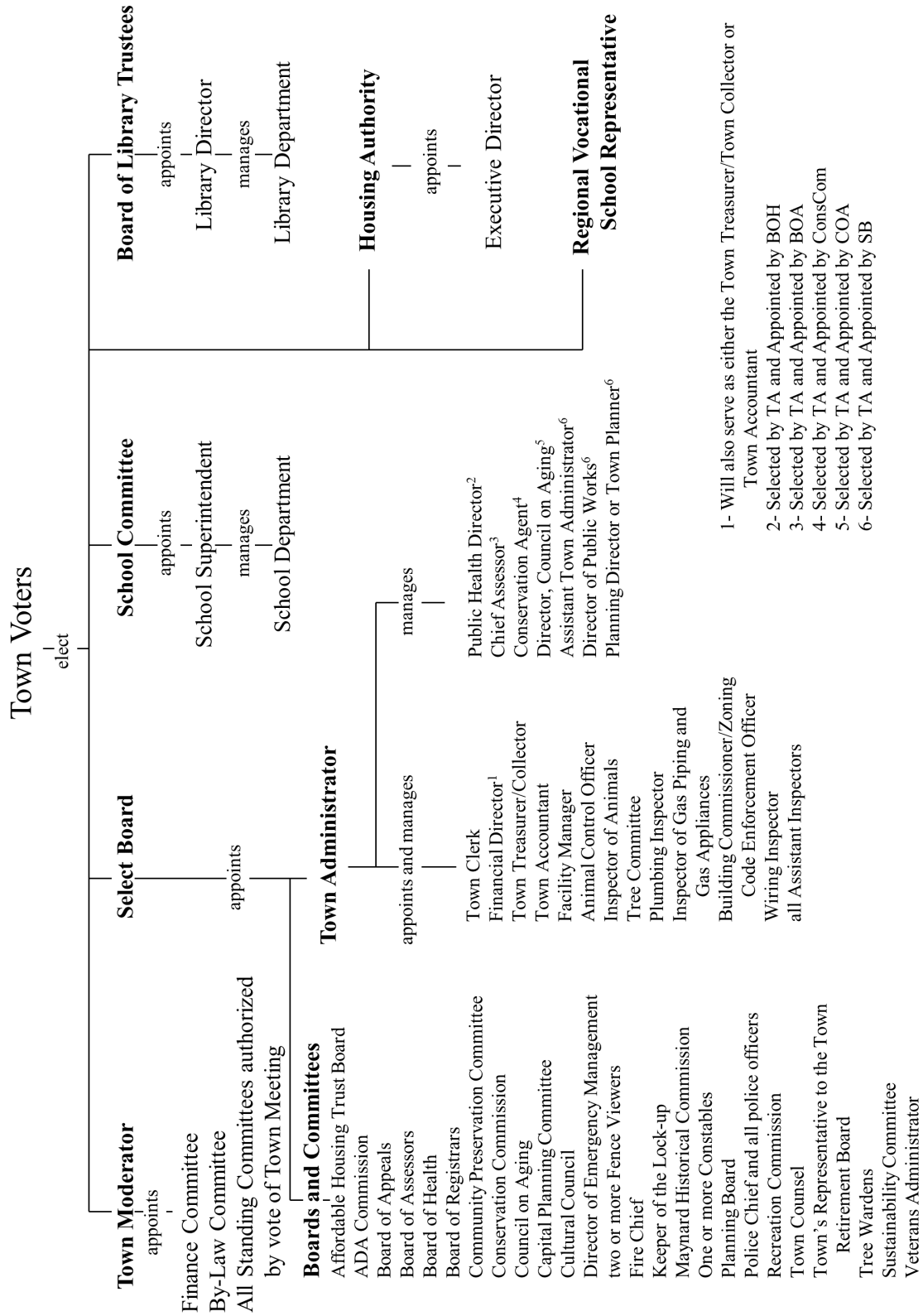


Figure 1

## **ARTICLE 6**

### **FINANCE AND FISCAL PROCEDURES**

#### **SECTION 6-1: FISCAL YEAR**

The fiscal year of the Town of Maynard 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: FINANCE COMMITTEE**

A finance committee shall be established with Article 2, section 2-4 of this charter.

#### **SECTION 6-3: LONG TERM FINANCIAL PROJECTION**

The town administrator shall develop an overall long term financial projection of the town and provide an analysis of how the projection relates to the current and upcoming budget of the town by the 15th day of November of each year or any other time fixed by town by-law. The projection will be regarded as a guideline as each department formulates their budget for the next fiscal year.

The financial projection shall be reviewed by the select board and finance committee and be adopted by the select board with or without amendment.

#### **SECTION 6-4: SUBMISSION OF BUDGETS AND BUDGET MESSAGE**

a) Estimated Revenues - On or before the first day of November of each year or any other time fixed by town by-law, the town administrator shall request and receive from all town agencies, officers and multiple member bodies the estimated revenues for the next fiscal year. Upon receipt of any additional specific data provided by the Commonwealth or from any other source, such estimates shall be revised, updated and submitted forthwith to the town administrator.

b) Policy Statement - On or before the fifteenth day of November of each year, or any other time fixed by town by-law, the select board, after consultation with the town administrator and the finance committee, shall issue a policy statement relating to the budget for the next fiscal year. The statement shall establish the outer limits and guidelines of possible budget growth for the town to be used by the various town agencies, officers and committees in the preparation of operating budgets for the ensuing fiscal year. The town administrator shall send the policy statement to every town agency, officer, and committee charged with the expenditure of town funds.

c) Budget Requests - Every town agency, officer, and committee charged with the expenditure of town money shall submit its budget requests for the ensuing fiscal year to the town administrator by the first day of January of each year or any other time fixed by town by-law. Such budget requests shall include commentary regarding any changes from the amounts appropriated for the current year for the same purposes and any additional work projects that will require additional expenditures.

d) Submission of Comprehensive Budget - On or before the twenty-first day of January of each year, or any other time fixed by town by-law, the town administrator shall submit to the select board a comprehensive budget for all town functions for the ensuing fiscal year and an accompanying budget message.

#### **SECTION 6-5: ACTION ON THE PROPOSED BUDGET**

The select board in conjunction with the town administrator and the finance director will develop a schedule each year for the budget process.

a) Joint Budget Review – On or before the fifteenth day of February, the select board and the finance committee will hold a joint budget review meeting. In the course of the review, the select board and the finance committee may require the town administrator, and representatives of town departments, offices, or multiple member bodies to attend and present appropriate financial reports and budgetary information.

b) Adoption - The select board shall on or before the second Saturday of April, or otherwise appropriate to the relevant schedule of the Massachusetts Department of Revenue, or any other time fixed by town by-law, adopt the budget, with or without amendments, and the estimated revenues. The adopted budget and estimated revenues shall then be submitted forthwith to the finance committee.

c) Finance Committee Review - The finance committee shall conduct at least one public hearing on the proposed budget. In preparing its recommendations, the finance committee may require the town administrator, any town department, office, or multiple member body to furnish it with appropriate financial reports and budgetary information.

d) Publication - The publication of the proposed budget and finance committee recommendations shall be included in the warrant of the annual town meeting issued by the select board in accordance with the provisions of Article 2, of this charter. The budget shall be published on the official town website and updated as appropriate during process with comments from the finance committee and/or the select board.

e) Presentation - The select board shall be responsible for presenting the town budget to the town meeting. The budget shall be first subject to amendments by the finance committee before any other amendments are proposed.

#### **SECTION 6-6: BUDGET ADOPTION**

The town meeting shall adopt the budget, with or without amendments, prior to the beginning of the fiscal year.

#### **SECTION 6-7: CAPITAL IMPROVEMENT PLANS**

The capital planning committee shall prepare a capital improvements plan based on material developed by the town administrator 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 (5) fiscal years together with supporting information as to the need for each capital improvement;
- c) cost estimates, methods of financing and recommended time schedules for each improvement; and
- d) the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired.

The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction, repair or acquisition.

The capital improvements plan shall be submitted to the select board and the finance committee on or before the first day of January of each year, or any other time fixed by town by-law. The select board shall, on or before the second Saturday of March or any other time fixed by town by-law, accept the capital improvements plan with or without amendments.

The capital improvement plan shall be part of the joint budget review as specified in Section 6-5 a) and presented in a public forum to the finance committee and the select board prior to the annual town meeting.

#### **SECTION 6-8: COLLECTIONS**

Except as otherwise provided by general law or by-law all monies and fees received by any department, officer, or multiple member body shall be paid forthwith into the town treasury. The treasurer/collector shall use any and all means necessary to collect taxes in accordance with General Laws. The treasurer/collector shall use only those agreements consistent with the Massachusetts Department of Revenue guidelines when entering into any tax payment agreements.

#### **SECTION 6-9: PUBLIC RECORDS**

The budget and the capital improvements plan shall be public records, and copies shall be available for inspection at the office of the town clerk and posted to the official town website.



## **ARTICLE 7**

### **GENERAL PROVISIONS AND DEFINITIONS**

#### **SECTION 7-1: CONTINUATION OF EXISTING LAWS**

All town by-laws, resolutions, rules, regulations, and votes of town meetings which are in force at the time this charter is adopted, which are not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

Where provisions of this charter conflict with the provisions of town by-laws, rules, regulations, orders, and special acts and acceptances of laws of the Commonwealth, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

#### **SECTION 7-2: CHARTER CHANGES**

This charter may be replaced, revised or amended in accordance with any procedures made available by Articles eighty-nine (89) and one hundred thirteen (113) of the amendments to the Constitution of the Commonwealth, commonly known as the Home Rule Amendment, and by Massachusetts General Laws, Chapter 43B, commonly known as the Home Rule Procedures Act.

#### **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 may be applied to several persons or things; words importing the plural number may include the singular. Words importing one gender shall include all genders.

#### **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 in this charter and any amendments to it which may hereafter be adopted.

b) Citizen Petition – A written request made to an official person or organized body stating a specific desired action of that official person or organized body with the required number of signatures of registered voters of the town. The written request shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The signatures must also be certified by the town clerk.

c) Commonwealth - The word *Commonwealth* shall mean the Commonwealth of Massachusetts.

d) Days - The word *days* means working days, not including Saturdays, Sunday and legal holidays when the time set is less than seven (7) days. When the time set is seven (7) days or more, every day shall be counted, unless otherwise specified as "working days", in which case Saturdays, Sundays and legal holidays will not be counted.

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

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

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

h) 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.

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

j) Notification System – One or more official communication systems that send important messages from the town to those who have opted into receiving these messages. These messages can be by phone, email or text.

k) Office of the Select Board – The administrative personnel who manage the day-to-day activity of and provide support to the select board.

l) Official Town Website – A collection of pages on the internet, authorized by the select board, managed, published and maintained by the town government.

m) Precincts - The word *precincts* shall mean the areas of the Town of Maynard into which the town is divided for the purposes of voting.

n) 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.

o) Rules and Regulations - A rule or order prescribed by a competent board or commission relating to action of those under the jurisdiction of the board or commission.

p) Town - The word *town* shall mean the Town of Maynard.

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

r) Town Bulletin Board - The words *town bulletin board* shall mean the bulletin board in the town building 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 town by-law, or by vote of the select board.

s) Town Officer or Town Official - The words *town officer or town official* 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, is elected or appointed, paid or unpaid.

t) Voters - The word *voters* shall mean registered voters of the Town of Maynard.

#### **SECTION 7-7: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency except for the school committee and the public schools shall be filed in the office of the town clerk. The town agency is responsible for the posting of their rules and regulations on the agency's or the official town website.

#### **SECTION 7-8: PERIODIC REVIEW**

a) Charter - At least once every ten (10) years, in each year ending in a one (1), a special committee to consist of nine (9) 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 (9) who shall be chosen as follows: the select board, the school committee, the housing authority and the board of library trustees shall designate one (1) person; the finance committee shall designate two (2) persons and three (3) 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 no later than June 1<sup>st</sup> of the calendar year ending in one (1).

b) By-laws - Forthwith following the passage of a revised charter at annual town meeting, a special committee shall be appointed by the town moderator to revise the by-laws of the town to fully implement the provisions of this charter.

If there is an active by-law committee, two (2) addition members from the charter review committee shall be appointed by the town moderator to the by-law committee. The members from the charter review committee shall serve until the revision of the by-laws relative to the charter revisions is presented to the town meeting by a warrant article and the town meeting takes action thereon, at which time their positions shall automatically cease.

If there is not an active by-law committee, a special committee of five (5) members shall be appointed by the town moderator to revise the by-laws of the town to fully implement the provisions of this charter. The said committee shall submit a report and recommendations to the town meeting for adoption by a warrant article at a town meeting held in the year following the year in which this charter is adopted. At least two (2) members of the said committee shall have been members of the charter review committee. Upon submission of said report and recommendations to the town meeting, this special committee shall be discharged.

c) Copies of the said by-laws and this charter shall be made available in suitable form in the office of the town clerk. An amount not to exceed the actual cost per copy of reproduction may be charged.

#### **SECTION 7-9: PROCEDURES GOVERNING MULTIPLE MEMBER BODIES**

a) Meetings - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Times and places for all regularly scheduled meetings shall be posted on the town bulletin board and official town website.

Meetings of any multiple member bodies shall be held on the call of the respective chairperson, or by one-third of the members thereof by suitable written notice delivered to the residence or place of business of each member, and shall be posted on the town bulletin board and official town website at least forty-eight (48) hours in advance of the time set.

Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

b) Rules and Minutes - Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by town by-law and shall provide for the keeping of minutes of its proceedings. These rules and minutes shall be public records, and shall be kept available for public inspection.

c) 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 (30) 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.

#### **SECTION 7-10: PUBLICATION OF VACANCIES**

Any vacancies for boards, commissions, committees or positions for employment, paid or unpaid will be kept as list by the town clerk and updated and or reviewed quarterly by the town clerk. Furthermore the town clerk will publish said list on the official town website and in the clerk's office for public review. All employment opportunities must be approved by the town administrator for advertising; said approval will be submitted to the town clerk for posting and advertising.

#### **SECTION 7-11: LOSS OF OFFICE, EXCESSIVE ABSENCE**

If any person appointed to serve as a member of a multiple member body shall fail to attend four (4) or more regularly scheduled consecutive meetings, or one half or more of all the meetings of such body held in one calendar year, or refuses to communicate with or appear before the select board when invited, that appointed official may be removed from their position in accordance with Section 5-6 herein and G.L. c. 30A §21 pertaining to open meeting law executive session.

#### **SECTION 7-12: TERMS OF OFFICE**

Notwithstanding any other provision of this charter which may appear to be to the contrary, whenever a person after having served for the initial term of years in a full time appointed town office, including, but not limited to the offices of town clerk, town accountant and town treasurer-collector, is reappointed to the same office to succeed herself, such reappointment shall be for an indefinite term not subject to further periodic reappointment, provided however, that the reappointment provision shall apply only those incumbents in such offices who have been reappointed at least once, and the reappointment provision shall expire upon the vacating of office of any such incumbents. All such offices shall be subject to removal and/or suspension in accordance with the procedures of section 5-6 of this charter and G.L. c. 30A §21 pertaining to open meeting law executive session.

All appointed board, commission and committee members must comply with state and federal certifications and licensures as required by law or regulation. Furthermore, all members or the chair of said boards, commissions or committees may be requested to appear before the select board from time to time and as needed. Failure to appear may be considered a reason for removal or non-reappointment as set forth above.