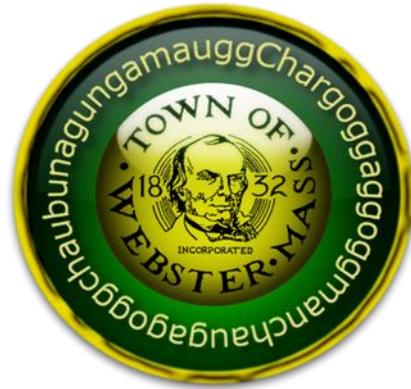


Town of Webster

CHARTER



Old version

Approved: January 7, 2009
Chapter 455 of the Acts of 2008

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ARTICLE 1 INCORPORATION; SHORT TITLE; POWERS

SECTION 1-1: INCORPORATION

The inhabitants of the Town of Webster, within the corporate limits as established by law, shall continue to be a body corporate and political with perpetual succession under the name “Town of Webster”.

SECTION 1-2: SHORT TITLE

This instrument shall be known, and may be cited as, the Webster 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 proposed municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Webster to secure, through the adoption of this charter, all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

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 board of selectmen. The legislative powers of the town shall be vested in an open town meeting open to this inhabitants of Webster registered to vote.

SECTION 1-5: CONSTRUCTION

The powers of the Town of Webster, 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 Webster 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 Webster may exercise any of its powers or perform any of its functions and may participate in the financing, thereof, jointing or in cooperation by contract or otherwise, with any one or more states or division divisions or agencies, thereof, or the United States Government or agency thereof.

ARTICLE 2 LEGISLATIVE BRANCH

SECTION 2-1: TOWN MEETING

The legislative branch shall consist of a form of open town meeting, open to those inhabitants of Webster registered to vote who may act and vote in exercise of the corporate powers of the Town.

SECTION 2-2: PRESIDING OFFICER

The moderator, elected as provided in Section 3-3, 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 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 town meeting vote.

Subject to the provisions of this charter and such by-laws regulating committees as may be provided by the town meeting, the moderator shall appoint the members of such committees of the town meeting, special of standing, as may from time to time be established.

SECTION 2-3: TIME OF ANNUAL MEETING

The town meeting shall meet in regular session at least twice in each calendar year. The first such meeting, to be held on the second Monday in May, or 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 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 2-4: SPECIAL TOWN MEETINGS

Special town meetings may be held at the call of the board of selectmen at such times 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 2-5: TOWN MEETING WARRANTS

- (a) In General – 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 town 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 any by-law governing such matters.
- (b) Initiation of Warrant Articles – The board of selectmen shall receive, at any time, 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, and (3) any ten voters for the spring or the fall town meeting and any two hundred voters for a special town meeting.

- (c) Referral – Forthwith following receipt of any proposed warrant article, the board of selectmen shall cause a copy of the proposal to be posted on the town bulletin board and shall cause such other distribution to be made of each such proposal as is required by by-law.
- (d) Inclusion of Warrant – The board of selectmen shall include on the warrant for the spring and fall annual town meetings the subject matter of all petitions which have been received by the board of selectmen in accordance with this charter, thirty or more days prior to the date fixed by by-law for such town meeting to convene. 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 include, in the warrant for such special town meeting, the subject matter of all petitions which are received in accordance with this Charter at its office on or before four o'clock in the afternoon on the second business day following such publication.

SECTION 2-6: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS; PARTICIPATION IN PROCEEDINGS

Every town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said department shall attend all sessions of the town meeting for the purpose of providing the town meeting with information pertinent to matters appearing in the warrant.

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 with the approval of a majority of voters present.

SECTION 2-7: GENERAL POWERS

Except as otherwise provided by law or this charter, all powers of the town shall be vested in the town meeting. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

SECTION 2-8: TOWN MEETING PROCEDURES

- (a) Meetings to be Open - All sessions of the town meeting shall at all times be open to the public and no closed, or so-called executive sessions, shall be held.
- (b) Participation by Residents and Taxpayers – Any resident or any taxpayer of the town attending any session of the town meeting and subject to such rules regarding participation by non-town voters as may from time to time be provided by bylaw, shall have a right to speak and to be heard on any matter coming before the town meeting, but shall have no right to vote, or to make any motion, unless that person is a registered voter in the Town of Webster.
- (c) Quorum – Sixty-one (61) voters shall constitute a quorum for the transaction of all business but a smaller number may adjourn from time to time.

- (d) Clerk of the Town Meeting – The town clerk, or the designee of the town clerk, shall be the clerk of the town meeting. The clerk of the town meeting shall give notice of all of its meetings to the public, keep the journal of its proceedings and perform such other functions as may be otherwise required.
- (e) Meetings of Multiple Member Bodies – No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is scheduled to be in session for the transaction of town business. This section shall not be construed to prevent an emergency meeting of a multiple member body held in the same building in which the town meeting is to meet.

SECTION 2-9: REFERENDUM PROCEDURES

- (a) Effective Date of Final Votes – No final vote of the town meeting under any article appearing in the warrant for such meeting, but not including a vote to adjourn or to dissolve a town meeting, or a vote to appropriate a sum or sums of money for the payment of any bonds or notes of the town and interest on the same coming due, or a vote authorizing the borrowing of money in anticipation of taxes or other revenue of the town, or a vote declared by preamble to be an emergency measure necessary for the immediate preservation of the peace, health or safety of the town and adopted by a two thirds vote of the town meeting members, shall be operative until the expiration of ten days following the dissolution of the town meeting. If a petition of voters as provided in subsection (c), below, is not filed within said ten days, all votes taken at the said town meeting shall then become effective.
- (b) Interpretation of Certain Votes – Any warrant article disposed of by a vote to lay upon the table, or, to postpone indefinitely, or by other procedural device which avoids a vote upon the merits of the subject matter of the warrant article shall be deemed to have been rejected in the form of an affirmative main motion to accomplish the result as envisioned by the framers of the warrant article.
- (c) Petition – If, within ten (10) days following the dissolution of a town meeting, a petition which has been certified by the board of registrars of voters to have been signed by not less than four (4) percent of the voters as of the date of the most recent town election, is filed with the board of selectmen, protesting the action of the town meeting in either approving or disapproving of a measure, the vote under such warrant article shall be further suspended pending the outcome of the procedure as described below. All other votes taken at said town meeting against which no such petition has been presented shall then become final.

Not more than seven (7) days following the dissolution of a town meeting, any such petition shall be submitted to the board of registrars of voters which shall, within three days following such referral, determine whether the petition contains a sufficient number of valid signatures of voters. Said petition shall forthwith be referred by the registrars of voters to the board of selectmen.

The board of selectmen, within seven (7) days following receipt of notice that a petition contains a sufficient number of valid signatures, shall order a special election to be held on a

date fixed by it, not more than forty five (45) days after the date of its order, for the submission of such question, or questions, to the voters for a final determination.

- (d) Form of Question – Questions submitted to the voters under this section shall be stated on the ballot in substantially the same language and form in which the question was presented to the town meeting members by the moderator as appears from the records of such meeting provided, however, the question shall always be stated in the affirmative form.
- (e) Voting – All votes taken on questions submitted to the voters shall be taken on official ballots and the conduct of any such special election shall be in conformity with the provision of general laws relating to elections. All questions submitted shall be determined by plurality voting provided, however, that no vote which results in a different action than that taken by the town meeting members shall be effective unless at least twenty (20) percent of the voters, as of the date of the most recent town election, shall have participated at the special election.
- (f) Referral by Town Meeting Voters – The town meeting may, by its own vote, provide for the submission to the voters, for adoption or rejection at a general or special town election, any proposed measure it might itself adopt, consistent with the procedures provided in this section.

ARTICLE 3 ELECTED OFFICIALS

SECTION 3-1: GENERAL PROVISIONS

- (a) Elected Offices – The town offices to be filled by ballot of the whole town shall be a board of selectmen, a school committee, a board of assessors, a town moderator, a town treasurer, a town clerk, a town collector, a board of health, and one-third (1/3) of the members of the finance committee. In addition, members of a board of library trustees, housing authority, a redevelopment authority, and such members of regional authorities or districts as may be established by statute, interlocal agreement or otherwise shall also be elected at town elections.
- (b) Eligibility – Any voter shall be eligible to hold any elective town office, but no elected town official shall simultaneously hold any other elected town office.
- (c) Election – The regular elections for town office shall be held annually on such date as may from time to time be fixed in the bylaws of the town.
- (d) Compensation – Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.
- (e) 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 administrator, at

all reasonable times, for consultation, conference, and discussion on any matter relating to their respective offices.

(f) Filling of Vacancies

- (1) Town Officer – If there is a failure to elect, or if a vacancy occurs in the office of the town clerk, town collector, or town treasurer, the board of selectmen shall, in writing, appoint some suitable person to serve until the next town election.
- (2) Multiple Member Body – If there is a failure to elect, or if a vacancy occurs in the membership of any elected multiple member body, unless the provisions of a will or trust provide for a different method, the remaining members of the multiple member body shall forthwith give notice of such vacancy to the board of selectmen and to the public in the manner provided in section 7-10; the board of selectmen, with the remaining members of such multiple member body shall, after one week's notice of the date on which the vote shall be taken, fill such vacancy, until the next town election, by a joint vote. The votes of a majority of the total number of persons entitled to vote shall be necessary for such election.
- (3) Board of Selectmen – If there is a failure to elect, or if a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen may call a special election to fill such vacancy and shall call such special election upon the written request of two hundred (200) or more voters.

(g) Recall of Elected Officials

- (1) Who Can Be Recalled – Any holder of an elective office, as defined in section 3-1 (a) with more than six (6) months remaining of the term for which elected, may be recalled therefrom by the voters as herein provided.
- (2) Recall Petition – Any twenty-five (25) voters 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 said voters making 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 selectmen, shall contain the names of all persons 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 twenty-five (25) days after the filing of the affidavit and shall have been signed by at least twenty-five (25) percent of the voters who shall add to their signatures the street and number, if any, of their residences.

The town clerk shall, within twenty-four (24) hours of receipt, submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are 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 selectmen without delay, and the selectmen shall forthwith given 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 (5) days thereafter, order an election to be held on a date fixed by them not less than thirty-five (35) nor more than sixty (60) days after the date of the registrars certificate that a sufficient petition be filed provided, however, that if any other town election is to occur within ninety (90) days after the date of the certificate, the 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 the re-elected, 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 not re-elected 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 unexpired term. If the successor fails to qualify within five (5) 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”, the directions to voters required by Section 42 of Chapter 54 of the General Laws, and beneath this, the names of candidates nominated as hereinbefore provided. If a majority of the votes 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 three (3) months after taking office nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least three (3) 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 (2) years after such recall or such resignation.

SECTION 3-2: BOARD OF SELECTMEN

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

- (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 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 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 broad 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 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 constables, a town accountant, registrars of voters (but not the town clerk) and other election officers, the members of the zoning board of appeals, planning board, conservation commission, historical commission, industrial development finance authority 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 administrator 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: TOWN MODERATOR

- (a) Term of Office – At each town election at which the term of office expires, or when a vacancy exists, a town moderator shall be elected for a term of three years.
- (b) Powers and Duties – The town moderator shall be the presiding officer of the town meeting, shall regulate its proceedings, decide all questions of order and shall have such other powers and duties as may be provided for that office by general law, by this charter, by by-law and by other vote of the town meeting.

SECTION 3-4: 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 term of office 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 school committees may have under the constitution and general laws of the commonwealth and it shall have such additional powers and duties as may be authorized by this charter or bylaw. The powers of the school committee shall include, but are not limited to be, the following:
 - (1) To appoint a superintendent of the schools and all other officers and employees connected with the schools, to fix their compensation, define their duties, make rules concerning their tenure of office and to discharge them.
 - (2) To make all reasonable rules and regulations consistent with law for the administration and management of the public schools and for the conduct of its own business and affairs.

SECTION 3-5: BOARD OF ASSESSORS

- (a) Composition, Term of Office – There shall be a board of assessors consisting of three (3) members elected for terms of three years each, so arranged that the term of office of one member shall expire each year.
- (b) Powers and Duties – The board of assessors shall annually make a fair cash valuation of all the estate, real and personal, subject to taxation within the town. It shall determine, based on such valuations and such sums as may be authorized to be expended by town meeting and consideration of other income and expenses of the town, annually, the rate of taxation to apply against property in the town. The board of assessors shall have such other powers and duties which are given to boards of assessors by general law, by this charter, by town by-law or by other vote of the town meeting.

SECTION 3-6: TOWN CLERK

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

- (b) Powers and Duties – The town clerk shall be the keeper of vital statistics for the town; the custodian of the town seal; shall administer the oath of office to all persons, elected or appointed to any town office; shall issue such licenses and permits as are required by law to be issued by town clerks; supervise and manage the conduct of all elections and all other matters relating to elections; be the clerk of the town meeting, keep its records and in the absence of the town moderator or deputy town moderator to preside pending the election of a temporary town moderator. The town clerk shall have such other powers and duties as are given to town clerks by general law, by this charter, by by-law or by other vote of the town meeting.

SECTION 3-7: TOWN TREASURER

- (a) Term of Office – A town treasurer shall be elected for the term of three years.
- (b) Powers and Duties – The town treasurer shall receive and take charge of all monies belonging to the town and shall pay over and account for the same according to the order of its authorized officers. The town treasurer shall have all of the other powers and duties which are given to town treasurers by general laws, by this charter, by by-law or by other vote of the town meeting.

SECTION 3-8: TOWN COLLECTOR

- (a) Term of Office – A town collector shall be elected for the term of three years.
- (b) Powers and Duties – The town collector shall collect all accounts which are due to the town and shall, at least weekly, pay over the same to the town treasurer along with a complete accounting of all monies received or collected. The town collector shall have all of the powers which are available to a town treasurer in the collection of taxes. The town collector shall have all of the other powers and duties which are given to town collectors by general law, by this charter, by by-law or by other vote of town meeting.

SECTION 3-9: FINANCE COMMITTEE

- (a) Composition, Term of Office – There shall be a finance committee which shall consist of fifteen members, five of these members shall be elected by the voters, five of these members shall be appointed by the Board of Selectmen, and five of these members shall be appointed by the town moderator. All of the members of the finance committee shall serve for terms of three years each, so arranged that the terms of five members shall expire each year.
- (b) Powers and Duties – The finance committee shall have such powers and duties with regard to advising the town meeting on any, or all matters which are to come before it for action as may be assigned to the finance committee by by-law. The finance committee shall have such other powers and duties as are assigned to finance committees by general laws.

SECTION 3-10: BOARD OF LIBRARY TRUSTEES

- (a) Composition, Term of Office – There shall be a board of library trustees consisting of seven (7) members for terms of three (3) years each, so arranged that the terms of as nearly an equal number of members as possible shall expire each year.

- (b) Powers and Duties – The board of library trustees shall have the care, custody and management of the public library and all property related to the said library. All funds of money and other property that the town may receive by gift or bequest for the purpose of library support, development or maintenance shall be administered by the board of library trustees in accordance with the terms of such gift or bequest. The board of library shall have all of the other powers and duties which are given to boards of library trustees by general law, by this charter, by by-law or by other town meeting vote.

SECTION 3-11: WEBSTER HOUSING AUTHORITY

- (a) Composition, Term of Office – There shall be a housing authority consisting of five (5) members, four (4) of these members shall be elected by the voters and one (1) shall be appointed in the manner provided by general law. All of the members shall serve for five (5) year terms, so arranged that the term of office of one member shall expire each year.
- (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 other low-income and for elderly persons of low income. The housing authority shall have such other powers and duties as are given to housing authorities by general laws.

SECTION 3-12: WEBSTER REDEVELOPMENT AUTHORITY

- (a) Composition, Term of Office – There shall be a redevelopment authority consisting of five (5) members, four (4) of these members shall be elected by the voters and one (1) shall be appointed in the manner provided by general law. All of the members shall serve for five (5) year terms, so arranged that the term of office of one (1) member shall expire each year.
- (b) Powers and Duties – The redevelopment authority shall make studies and shall determine which areas within the town are decadent, sub-standard or blighted open areas and shall prepare plans and undertake projects for the clearance, conservation or rehabilitation of such areas. The redevelopment authority shall have such powers and duties as are given to redevelopment authorities by general laws.

SECTION 3-13: BOARD OF HEALTH

- (a) Composition, Term of Office – There shall be a board of health which shall consist of three (3) members elected for alternating three (3) year terms.
- (b) Powers and Duties – The board of health shall have all of the powers and duties which are given to a board of health by general law, except as otherwise provided herein, by this charter, by by-law or by other vote of town meeting.

ARTICLE 4 TOWN ADMINISTRATOR

SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM

The board of selectmen shall appoint a town administrator from a list prepared by a screening committee established by by-law, if any. The board of selectmen shall appoint the town

administrator to serve for an indefinite term and shall fix the compensation for such person, annually, within the amount appropriated by the town. The town administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The town administrator shall be a person especially fitted by education, training and previous experience in public administration to perform the duties of the office. A town administrator need not be a resident of the town or the commonwealth at the time of appointment, but, unless the board of selectmen shall, by a majority vote of the full board, extend such time or waive such requirement, a residence in the town of Webster shall be established within one year following appointment. The town administrator shall not have served in an elected 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 administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor 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 administrator which shall, at least in summary form, be a public record.

Any vacancy in the office of the town administrator shall be filled as soon as possible by the board of selectmen, and meanwhile they shall appoint a qualified town administrative officer or temporary town administrator to perform the duties of the office. Such temporary appointment may not exceed three (3) months but one additional renewal may be voted by the board of selectmen not to exceed a second three (3) months. Compensation for such person shall be set by the board of selectmen.

SECTION 4-2: POWERS AND DUTIES

The town administrator 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 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 for which the office of the town administrator 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 board 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 notice of the appointment is filed with 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, in conjunction with a personnel board established by by-law, entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except for 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 adoption of such measures requiring action by them or by the town meeting as the town administrator may deem necessary or expedient.
- (g) To have full jurisdiction over the rental and use of all town facilities and property except school property and property under the control of the of the conservation commission. He/she shall be responsible for the maintenance and repair of all town buildings and facilities placed under his/her control by this charter, by by-law, by vote of the town or otherwise.
- (h) To prepare or present, in the manner provided in Article 6, an annual operating budget for the town and a proposed capital outlay program 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 jurisdiction of the school committee.
- (j) To negotiate in conjunction with the with the personnel board all contracts involving any subject within the jurisdiction of the office of the town administrator, including contracts with town employees, excepts employees of the school department, involving wages, hours and other terms and conditions of employment.
- (k) To be responsible for purchasing all supplies, materials and equipment for all departments and activities of the town, but not including food for schools, school books and other instructional materials, supplies and equipment, unless otherwise specifically requested by the school committee. The town administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, materials and equipment delivered to or received by any town agency, except schools. The town administrator shall be responsible for the disposal of all supplies, materials 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, town by-laws and other votes of the town meeting, and votes of the board of selectmen which require enforcement by the town administrator or officers subject to the direction and supervision of the town administrator are faithfully executed, performed or otherwise carried out.
- (m) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency.
- (n) To 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 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 coordinate the activities of all town agencies serving under the office of the town administrator and the office of the 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 administrator shall have the 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.
- (q) To perform any other duties as are required to be performed by the town administrator by town by-laws, administrative code, the votes of town meeting, or the votes of the board of selectmen, or otherwise.

SECTION 4-3: DELEGATION OF AUTHORITY

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

SECTION 4-4: ACTING TOWN ADMINISTRATOR

- (a) Temporary Absence – By letter filed with the town clerk, the town administrator shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town administrator during a temporary absence. During a temporary absence, the board of selectmen may not revoke such a designation until at least ten (10) working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator shall return.
- (b) Vacancy – Any vacancy in the office of the town administrator 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.

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 administrator 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 administrator for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the town administrator forthwith.
- (b) Within five (5) days after receipt of the preliminary resolution the town administrator may request a public hearing by filing a written request for such hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than thirty (30) days after the request is filed nor earlier than twenty (20) days. The town administrator 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 (48) 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 affirmative vote of a majority of all of its members at any time after ten (10) 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, any time after the public hearing if the town administrator has requested one.

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

**ARTICLE
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 unless this charter specifically so provides, assigned to any other.

- (b) Administrative Code – The town administrator, 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 administrator 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 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.

Any organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date of the town meeting at which the proposal is submitted unless the town meeting shall, by a majority vote within that time, vote to disapprove the plan. The town meeting may vote only to approve or disapprove the plan and may not vote to amend or alter it.

The town administrator 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, 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 Webster. 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: MERIT PRINCIPLE

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

SECTION 5-4: DEPARTMENT OF PUBLIC WORKS

There shall be a department of public works, headed by a director of public works appointed by the town administrator.

The appointment of a director of public works by the town administrator shall become effective on the fifteenth day following the day 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. The director of public works so appointed shall be a person especially fitted by education, training, or previous experience to perform the duties or the office.

The director of public works shall be responsible for the supervision and coordination of all public works operations of the town which are placed under his control by this charter, by by-law, by vote of the town or otherwise. Public works operations may include, but need not be limited to the following operations: refuse collection and disposal, sewerage, water supply and distribution, forestry services and maintenance of physical plant.

The department of public works shall assume all the duties and responsibilities and perform all of the functions, including, but not limited to those which, prior to adoption of this charter, were performed by the public works department.

Other offices, the functions of which are related to a department of public works, may, from time to time, be assigned to the department in accordance with by-laws or an administrative code as provided in section 5-1.

The board of selectmen acting through the town administrator shall be responsible for the overall supervision of the department of public works and for the establishment of policies to govern the operation of the department, provided, however, that the board of selectmen shall not in any way become involved with the day to day operations of the said department.

SECTION 5-5: WATER AND SEWER ADVISORY BOARD

- (a) Composition, Term of Office – There shall be a water and sewer advisory board consisting of six (6) members appointed by the board of selectmen for terms of three (3) years each, so arranged that the terms of two (2) members shall expire each year, and the director of public works who shall serve by virtue of office.
- (b) Powers and Duties – The water and sewer advisory board shall be responsible for advising the town on the adequacy in quantity and quality of the public water supply. They may recommend that the town take by eminent domain or acquire by purchase or otherwise, and hold within town limits, not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith; and also for said purpose they may recommend that the town may take by eminent domain, or acquire by purchase or otherwise, and hold all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof.

The water and sewer advisory board shall also be responsible for advising the town on all proposed extensions of the town sewer system and may obtain, subject to appropriations, engineer's estimates and reports relative to the need and to the construction of proposed sewer extension projects. The board is further authorized to acquire land for, contract for the construction of, and carry out in all respects, such sewer extension projects as the town may from time to time direct. Except for the original construction all other powers with respect to sewers shall be in the board of selectmen.

ARTICLE 6 FINANCES 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 further indicate the times 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 Administrator – The budget as adopted by the school committee shall be submitted to the town administrator in sufficient time to enable the town administrator to consider the effect of the school department's requested appropriation upon the total 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 administrator 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 administrator 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 variation from the current operation 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 administrator 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 administrator deems desirable, or the 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 administrator deems desirable or the selectmen may require. In the presentation of the budget, the town administrator 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 administrator, or any other town agency, to furnish it with such additional information as it may deem necessary to assist 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 actions on the proposed operating budget, which report shall be available at least seven days before the date on which the town meeting acts on the proposed budget. Copies of the report of the finance committee shall be available for distribution to any person requesting the same at the office of the town clerk, the office of the board of selectmen, at the public library, and at the police station. When the budget proposed by the town administrator is before the town meeting for action, it shall first be subject to amendments, if any, proposed by the finance committee before any other amendments shall be proposed.

SECTION 6-7: CAPITAL IMPROVEMENT PLAN

The town administrator shall submit a capital improvement plan to the board of selectmen and the finance committee at least one hundred fifty (150) days before the start of each fiscal year. It shall be based on material prepared by the capital planning committee established by by-law, if any, including:

- (a) A clear, concise, general summary of its contents;
- (b) A list of all capital improvements proposed to be undertaken during the next ensuing five (5) years with supporting information as to the needs of 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 each facility and piece of major equipment involved.

This information is to be revised annually by the town administrator 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 administrator shall be the chief fiscal officer of the town. Warrant for the payment of town funds prepared by the town account in accordance with the provisions of the general laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator 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 administrator or a vacancy in the office of the town administrator.

ARTICLE 7 GENERAL PROVISIONS

SECTION 7-1: 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 7-2: 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 7-3: 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 7-4: 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 7-5: 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 or to a class of municipalities of which Webster is a member.
- (e) General Laws – The words “General Laws” (used with 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 of general circulation in the Town of Webster.
- (g) Majority Vote – The words “majority vote” shall mean a majority of those present and voting, providing 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 member body” 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 Webster.
- (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 Webster.

SECTION 7-6: 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.

SECTION 7-7: PERIODIC REVIEW

- (a) Charter Review – At least once in every ten (10) years, in each year ending in a six, a special committee shall be appointed by the town moderator 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.
- (b) By-Law Review – The board of selectmen shall at five (5) year intervals, in each year ending in a two (2) or a seven (7), cause to be prepared by a special committee appointed for the purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment at the fall town meeting in the year following the year in which it is appointed. 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 if the board of selectmen so direct, by special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies of the revised bylaws shall be forwarded to the attorney general of the commonwealth for his 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.

SECTION 7-8: REMOVALS AND SUSPENSIONS

Any appointed officer, member of a multiple member body or 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, whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term 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 b them to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen (15) days. Suspension may be conterminous with removal and shall not interfere with the 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 by registered mail to the last known address of the person sought to be removed.
- (b) Within five (5) days of deliver of such notice, the officer, member of a multiple member body or employee of the town may request a public hearing at which he 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 (1) and ten (10) 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 (6) and fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body, or employee of the town or notifying him that the notice is rescinded.

Any officer, member of a multiple body, or employee subjected to these proceedings shall continue to receive a salary until the effective date of a removal.

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 his original term expires.

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. Except in cases of emergency, special meetings of any multiple member bodies shall be held on the call of the respective chairman or by one-third of the members thereof by suitably written notice delivered to the residence or place of business of each member at least forty-eight (48) hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board(s). Special meetings of any multiple member body shall also be called within one (1) week after the date of the filing with the town clerk of a petition signed by at least fifty (50) 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.
- (b) Agendas – At least twenty-four (24) hours before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to become before the multiple member body at the meeting shall be posted. 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 must 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 proceedings. 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 public 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 yeas and nays shall be recorded in the journal provided, however, that if the vote is unanimous, only that fact need to be recorded.

- (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 shall be established with an odd number of members. Whenever the terms of office of the members of a multiple member body are for more than one year, such terms of office shall be so arranged that as nearly an equal number of terms as is possible shall expire each year.

SECTION 7-10: NOTICE OF VACANCIES

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten (10) days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position, or employment. No permanent appointment to fill such office, position, or employment shall be effective until fourteen (14) days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

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

ARTICLE 8 TRANSITIONAL PROVISIONS

SECTION 8-1: CONTINUATION OF EXISTING LAWS

All general laws, special laws, town by-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, repealed 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 this 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 such provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency provided, however, that no person in the permanent full-time service or employment of the town shall forfeit their pay grade or time in service. All such persons shall be retained in a capacity similar to their former capacity as it is practical to do so.

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 or 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: DISPOSITION OF SPECIAL LAWS

- (a) Partial Repeal of Certain Special Acts – The following special laws, which were enacted for the purpose of authorizing and enabling the town to exercise certain powers not generally available to municipal governments prior to the ratification of article eighty-nine (89) of the amends to the state constitution insofar as they confer power upon the Town of Webster which the Town would not otherwise hold under the charter, general laws, or the constitution, are retained, otherwise, they are hereby repealed, it being the specific intention of this paragraph that portions of any special acts retained which limit or restrict a power conferred are to be exercised in accordance with the charger but, insofar as any provision of any of said special laws grants a power to the town which would otherwise not be available to it, so much of said special laws are retained: Chapter One Hundred Fifty Five, Acts of Eighteen Hundred Ninety Three; Chapter Three Hundred Forty Five, Acts of Eighteen Hundred Ninety Eight; Chapter Two Hundred Twenty Seven, Acts of Nineteen Hundred Forty Six; Chapter Three Hundred Thirty Four, Acts of Nineteen Hundred Fifty Eight; Chapter Three Hundred Eighty Five, Acts of Nineteen Hundred Eighty One.
- (b) Full Repeal – The following special acts are hereby repealed provided, however, that such repeal shall not be construed to invalidate, revoke or otherwise alter acts done in compliance with or under the authority of said chapter: Chapter Three Hundred Eighty-One, Acts of Eighteen Hundred Ninety Five; Chapter One Hundred Ten, Acts of Eighteen Hundred Ninety

Six; Chapter One Hundred Seventy, Acts of Nineteen Hundred Five; Chapter Three Hundred Nineteen Two, Acts of Nineteen Hundred Fourteen; Chapter Five Hundred Twenty Eight, Acts of Nineteen Hundred Fourteen; Chapter Two Hundred Forty Six, Acts of Nineteen Hundred Twenty Six; Chapter Four Hundred One, Acts of Nineteen Hundred Thirty One; Chapter Thirteen, Acts of Nineteen Hundred Thirty One; Chapter Thirteen, Acts of Nineteen Hundred Thirty Three; Chapter Two Hundred Sixty Three, Acts of Nineteen Hundred Thirty Seven; Chapter Two Hundred Twenty Five, Acts of Nineteen Hundred Forty Seven, Chapter Two Hundred Fifty Seven, Acts of Nineteen Hundred Forty Eight; Chapter Two Hundred Sixty Six, Acts of Nineteen Hundred Forty Eight; Chapter One Hundred Forty Nine, Acts of Nineteen Forty Nine; Chapter Nineteen Hundred Ninety Five, Acts of Nineteen Hundred Fifty; Chapter Six Hundred Seventy One; Acts of Nineteen Hundred Fifty One; Chapter Seventy Four, Acts of Nineteen Hundred Fifty Two; Chapter Four Hundred Thirteen, Acts of Nineteen Fifty Three; Chapter Sixty Eight, Acts of Nineteen Hundred Fifty Three; Chapter Four Hundred Fifty Nine, Acts of Nineteen Hundred Fifty Eight; Chapter Two Hundred Forty Four, Acts of Nineteen Hundred Fifty Eight; Chapter Three Hundred Sixty Five, Acts of Nineteen Hundred and Fifty Nine; Chapter Four Hundred Twenty Eight, Acts of Nineteen Hundred Sixty One; Chapter Thirteen, Acts of Nineteen Hundred Sixty Two; Chapter Fifty One, Acts of Nineteen Hundred Sixty Five; Chapter One Hundred Sixty Three, Acts of Nineteen Hundred Sixty Nine; Chapter One Hundred Forty Nine, Acts of Nineteen Hundred Seventy; Chapter Three Hundred Seventy Four, Acts of Nineteen Hundred Seventy Three; Chapter One Hundred Fifty Six, Acts of Nineteen Hundred Eighty, Chapter One Hundred Fifty Seven, Acts of Nineteen Hundred Eighty.

- (c) Special Acts Specifically Retained – The following acts are hereby recognized, confirmed, and retained: Chapter Ninety Three, Acts of Eighteen Hundred and Thirty Two; Chapter Forty, Acts of Eighteen Hundred and Forty One.

SECTION 8-6: TIME OF TAKING EFFECT

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

- (a) All town officers and all members of all multiple member bodies who have heretofore been elected and who will henceforth be appointed under the provisions of this charter shall continue to serve for the balance of the term for which they were elected (subject to their own voluntary termination by resignation, or otherwise) but their successors shall be appointed.
- (b) 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 charter year in accordance with the provisions of section 2-7.
- (c) 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 administrator.

The screening committee shall consist of nine persons who shall be chosen as follows: the board of selectmen, the school committee, and the board of assessors shall each designate one person, the finance committee shall designate two persons and four persons shall be chosen by the town moderator. 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 shall be made last in time in order that in making appointments, the Moderator may, insofar as it may be feasible to do so, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.

Not more than thirty (30) days following the election at which the charter is adopted, the several persons chosen as aforesaid shall meet to organize and 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 one hundred and fifty (150) days following the date on which the committee meets to organize, the committee shall submit to the Board of Selectmen the names of not less than three (3) nor more than five (5) persons whom it believes to be best suited to perform the duties of the office of the Town Administrator. Notwithstanding any other provisions of this section which might be otherwise construed, it is the intention of this provision that the first Town Administrator not be appointed until after the special election and the increase in the size of the Board of Selectmen to five (5) members has become effective.

Within thirty (30) 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 Administrator. In the event the Board of Selectmen shall fail to make an appointment within the said thirty (30) days, the screening committee shall, forthwith, appoint the Town Administrator.

Upon the appointment of a Town Administrator, 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 the Town Administrator shall become vacant, provided, however, that in the third paragraph, the phrase "thirty (30) days following the town election" shall be understood to mean "thirty (30) days following the date such vacancy, or pending vacancy, becomes known."

- (d) Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the Town Administrator shall, in addition to the qualifications as stated in 4-1, have the following specific qualifications, (a) have at least earned a bachelors level degree

from a recognized accredited college or university, (b) have served full-time as an administrative officer (under any title) of a city or town for not less than five years.

- (e) Until such time as the salary of the Town Administrator 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 (45,000) thousand nor more than fifty five thousand (55,000) dollars per year.
- (f) A special election for the purpose of increasing the number of members of the Board of Selectmen from three (3) to five (5) shall be held on the third Monday in September in the year in which this charter is adopted. Candidates shall be nominated and the election shall be held in the same manner as for regular elections. Five (5) candidates shall be elected to serve for terms of office in descending order of votes received as follows: the two (2) candidates receiving the highest number of votes shall serve for the term of three (3) years, expiring at the town election to be held in the third year following the year in which this charter is adopted; the two (2) candidates receiving the next highest number of votes shall serve for the term of two (2) years, expiring at the town election to be held in the second year following the year in which this charter is adopted. Upon the election and qualification of the five (5) members of the Board of Selectmen as herein provided, the terms of office of the three (3) persons elected to the Board of Selectmen for the term of one (1) year at the election at which this charter is adopted shall be terminated. The incumbent members of the Board of Selectmen may be candidates for the office of the Board of Selectmen at the special election held as provided in this section.

At the same special election held on the third Monday in September of the year in which this charter is adopted, one hundred and twenty (120) persons shall be elected to serve as town meeting members pursuant to the provisions of article two (2) of the charter. The term of office of persons so elected shall be extended so that the terms of office of the first half of members so elected shall expire at the town election held in the third year following the year in which the charter is adopted and the terms of office of the second half of members so elected shall expire at the town election held in the second year following the year in which the charter is adopted. The election of persons as town meeting members at the town election held in the year following the year in which the charter is adopted shall be only for the purpose of filling any vacancies then existing.

- (g) The Webster Lake Commission, established by chapter 385 of the acts of 1981 is hereby merged and consolidated with the Webster Conservation Commission. All of the powers, duties and responsibilities of the said Webster Lake Commission and all of the powers, duties and responsibilities of the said Webster Conservation Commission shall hereafter be exercised by a new entity under the title of Webster Conservation and Lake Commission. The Webster Conservation and Lake Commission shall consist of seven (7) members who shall serve for terms of three (3) years each so arranged that as nearly an equal number of such terms as is possible shall expire each year. The merger and consolidation of the Lake Commission and the Conservation Commission shall become fully effective on the date of the town election in the year following the year in which the charter is adopted. On such date, the terms of all incumbent members of said agencies, whether elected or appointed,

shall be terminated and members of the new agency shall be appointed provided, however, due consideration shall be given to appointment of persons who were serving on either of the two old agencies as members of the combined agency.

- (h) The Board of Health and the Board of Public Works, the members of which were, prior to the adoption of the charter, elected by the voters, are hereby abolished as of the date of the town election held in the year following the year the charter is adopted. All powers, duties and responsibilities insofar as the same are to be exercised by a multiple member body shall thereafter be excised by the Board of Selectmen. The day-to-day jurisdiction of the operations of said agencies shall be under the Town Administrator.
- (i) All appointments to all multiple member bodies for which the term of office is more than one (1) year, however established, shall be so arranged that as nearly an equal number of terms as is possible shall expire each year. All multiple member bodies shall consist of an odd number of members.

In order that the terms of office of the members of the school committee may be more equally arranged, in conformity with the provisions of Section 3-3 (a), at the town election held in 1988, at which election the terms of three (3) members of the school committee shall expire, the two (2) candidates receiving the highest number of votes shall be declared elected to a three (3) year term and the candidate receiving the third highest number of votes shall be declared elected to a two (2) year term.

In order that the board of library trustees shall consist of an odd number of members, section 3-9 of this charter provides for the said board to consist of seven (7) members. The seventh member shall be added at the election held in the year following the year in which this charter is adopted.

- (j) Section 3-9 of this charter providing for a newly constituted finance committee shall not become effective until the town election held in the year following the year in which this charter is adopted. At the said election, five (5) candidates shall be elected to said committee, the two (2) receiving the highest number of votes receiving a three (3) year term, the two (2) receiving the next highest number of votes receiving a two (2) year term and the fifth candidate elected to receive a one (1) year term. The moderator and the Board of Selectmen shall also make their appointments to be effective at the said election.
- (k) Until such time as the town meeting may act, by by-law, to amend, repeal or revise them, the following provisions shall have the force of town by-laws:
 - (1) Date of Town Meeting – The spring session of the Annual Town Meeting shall be held on the second Monday in May and the fall session shall be held on the third Monday in October.
 - (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 first Monday 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 6 of this charter, the following outline of organization shall be operative:

The Board of Selectmen shall appoint:

- A Town Administrator to serve for an indefinite term;
- A Conservation and Lake Commission to consist of seven (7) members appointed for terms of three (3) years each;
- A Board of Registrars of Voters in the manner provided by general law;
- A Board of Appeals to consist of three (3) regular and three (3) associate members to serve for terms of three (3) years each;
- A Council on Aging, as provided by by-law;
- An Industrial Development Financing Authority in the manner provided by general law;
- A Board of Trustees of Soldiers Monuments consisting of five (5) members, at least three (3) of whom shall be veterans, to serve for terms of three (3) years;
- A Planning Board to consist of five (5) members to serve for terms of three (3) years;

The Town Administrator shall appoint:

- A Director of Public Works to serve for an indefinite term and other employees of a Department of Public Works;
- A Police Chief and other police officers to serve for indefinite terms;
- A Board of Fire Engineers, forest wardens, and other firefighters to serve for indefinite terms;
- A Town Accountant to serve for the term of three (3) years;
- A Building Inspector to serve for an indefinite term;
- A Wire Inspector to serve for an indefinite term;
- An Inspector of Gas Appliances and Gas Fittings to serve for an indefinite term;
- A Plumbing Inspector to serve for an indefinite term;
- An Animal Control Officer to serve for an indefinite term;
- A Sealer of Weights and Measures in accordance with the Civil Service Law and rules;
- A Town Counsel to serve for an indefinite term;
- A Health Agent and other employees of a Department of Public Health for indefinite terms

- (1) Forthwith following the election at which this charter is adopted, the Board of Selectmen shall appoint a special committee to consist of five (5) persons to revise the by-laws of the Town to bring them into conformity with the new charter and shall submit a report and recommendations to the Town Meeting for adoption by a warrant article at a session of the Town Meeting held not more than one (1) year following the election at which this charter is

adopted. At least one (1) member of the said committee shall have been a member of the Charter Commission.

- (m) Notwithstanding any provision of the charter to the contrary, it is not expected that the first person serving as Town Administrator shall begin forthwith following such appointment to exercise all of the powers, duties, and responsibilities conferred on such office by this charter. It is recognized that such assumption, in the best long-range interest of the Town of Webster, should be gradual and on a so-called phased-in basis.
- (n) The provisions of Section 6-2 and Section 6-6 of the charter shall not become effective until the year in which the charter is adopted.

July 15, 2008

Approved: January 7, 2009 – Chapter 455 of the Acts of 2008