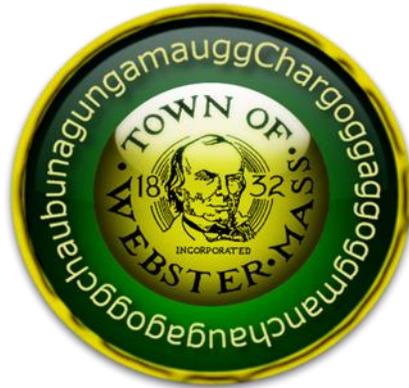


Town of Webster

Home Rule Charter



Proposed Revisions as Voted on at the October 30, 2017, Special Town Meeting
Approved: January 7, 2009
Chapter 455 of the Acts of 2008

TABLE OF CONTENTS

ARTICLE 1 INCORPORATION: SHORT TITLE; POWERS

SECTION

- 1-1 Incorporation
- 1-2 Short Title
- 1-3 Powers of the Town
- 1-4 Division of Powers
- 1-5 Construction
- 1-6 Intergovernmental Relations

ARTICLE 2 LEGISLATIVE BRANCH

SECTION

- 2-1 Town Meeting
- 2-2 Presiding Officer
- 2-3 Time of Annual Meetings
- 2-4 Special Town Meetings

- 2-5 Town Meeting Warrants
 - (a) In General
 - (b) Initiation of Warrant Articles
 - (c) Referral
 - (d) Inclusion on Warrant

- 2-6 Availability of Town Officials at Town Meetings; Participation in Proceedings
 - (a) Availability
 - (b) Participation

- 2-7 General Powers

- 2-8 Town Meeting Procedures
 - (a) Meetings to be Open
 - (b) Participation by Residents and Taxpayers
 - (c) Quorum
 - (d) Clerk of the Town Meeting
 - (e) Meetings of Multiple Member Bodies
 - (f) Town Meeting Procedure

ARTICLE 3 ELECTED OFFICIALS

SECTION

- 3-1 General Provisions
 - (a) Elected Offices
 - (b) Eligibility
 - (c) Election
 - (d) Compensation
 - (e) Coordination
 - (f) Filling of Vacancies
 - (g) Recall of Elected Officials

- 3-2 Board of Selectmen
 - (a) Composition, Term of Office
 - (b) Powers and Duties in General
 - (c) Licensing Authority
 - (d) Appointments
 - (e) Investigations

- 3-3 Town Moderator
 - (a) Term of Office
 - (b) Powers and Duties

- 3-4 School Committee
 - (a) Composition, Term of Office
 - (b) Powers and Duties

- 3-5 Town Clerk
 - (a) Term of Office
 - (b) Powers and Duties

- 3-6 Finance Committee
 - (a) Composition, Term of Office
 - (b) Powers and Duties

- 3-7 Board of Library Trustees
 - (a) Composition, Term of Office
 - (b) Powers and Duties

- 3-8 Webster Housing Authority
 - (a) Composition, Term of Office
 - (b) Powers and Duties

- 3-9 Webster Redevelopment Authority
 - (a) Composition, Term of Office
 - (b) Powers and Duties

- 3-10 Board of Health
 - (a) Composition, Term of Office
 - (b) Powers and Duties

ARTICLE 4 TOWN ADMINISTRATOR

SECTION

- 4-1 Appointment; Qualification; Term
- 4-2 Powers and Duties
- 4-3 Delegation of Authority
- 4-4 Temporary Town Administrator

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

SECTION

- 5-1 Organization of Town Agencies
 - (a) By-Laws
 - (b) Administrative Code
- 5-2 Publication of Administrative Code and Personnel Plan
- 5-3 Department of Public Works
- 5-4 Water and Sewer Commission
 - (a) Composition, Term of Office
 - (b) Powers and Duties

ARTICLE 6 FINANCES AND FISCAL PROCEDURES

SECTION

- 6-1 Fiscal Year
- 6-2 School Committee Budget
 - (a) Public Hearing
 - (b) Submission to Town Administrator
- 6-3 Submission of Budget and Budget Message
- 6-4 The Budget
- 6-5 Action on the Budget
 - (a) Public Hearing
 - (b) Review
 - (c) Action by Town Meeting
- 6-6 Capital Plan
- 6-7 Approval of Warrants

ARTICLE 7 GENERAL PROVISIONS

SECTION

- 7-1 Charter Changes
- 7-2 Severability
- 7-3 Specific Provisions to Prevail
- 7-4 Number and Gender
- 7-5 Definitions
- 7-6 Rules and Regulations

- 7-7 Periodic Review: Charter and By-Laws
 - (a) Charter Review
 - (b) By-Law Review

- 7-8 Removals and Suspensions

- 7-9 Procedures Governing Multiple Member Bodies
 - (a) Meetings
 - (b) Agendas
 - (c) Rules and Meeting Minutes
 - (d) Voting
 - (e) Filling of Vacancies
 - (f) Composition of Multiple Member Bodies

- 7-10 Loss of Office, Excessive Absence
- 7-11 Notice of Vacancies
- 7-12 Charter Enforcement

ARTICLE 8 TRANSITIONAL PROVISIONS

SECTION

- 8-1 Continuation of Existing Laws
- 8-2 Continuation of Government
- 8-3 Continuation of Administrative Personnel
- 8-4 Transfer of Records and Property

- 8-5 Time of Taking Effect
 - (a) Elected to Appointed Offices
 - (b) Reduction in Size of Finance Committee
 - (c) Increase in Size of Board of Health
 - (d) Creation of Water and Sewer Commission
 - (e) Fire Department

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 all residents 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, jointly or in cooperation by contract or otherwise, with any one or more states or divisions or agencies, thereof, or the United States Government or agency thereof.

ARTICLE 2 LEGISLATIVE BRANCH

SECTION 2-1: TOWN MEETING

The legislative branch will consist of a form of open Town Meeting, open to all voters of the Town of Webster. Said voters shall, subject to the authority of the presiding officer and in accordance with any by-laws applicable to the conduct of Town Meeting, have the right to have

their opinions heard by the Town Meeting 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 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 or standing, as may from time to time be established.

SECTION 2-3: TIME OF ANNUAL MEETINGS

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 determination of all other matters which shall be deemed to be the Annual Town Meeting.

The second such meeting, the powers of which shall also be deemed to be those of an Annual Town Meeting, 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 one hundred (100) 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 – All subjects to be acted on by a Town Meeting shall be placed on a warrant issued by the Board of Selectmen. 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) The Town Clerk or Town Moderator;

- (2) Any elected or appointed multiple member body acting by a majority of its members; or
- (3) Any ten (10) voters for the Annual Town Meeting and any one hundred (100) voters for a Special Town Meeting.

All petitions filed under this section shall be in writing and shall include the signatures in addition to the street and number, if any, of their residences. Furthermore, each request for a particular subject shall be submitted as a separate petition.

The proponents of each proposed warrant article may file, with each subject proposed to be included as an article in a Town Meeting warrant, a brief written statement of not greater than one hundred (100) words in explanation of the proposal provided, however, that the Board of Selectmen shall have the right to also include a statement if it believes that a misstatement of fact or law has been made.

- (c) Referral – Forthwith following receipt of any proposed warrant article, the Board of Selectmen shall cause a copy of the proposal to be forwarded to the Chairperson of the Finance Committee, a copy posted on the Town bulletin board, and cause other such distribution to be made of each such proposal as is required by law or by-law.

(d) Inclusion of Warrant

- (1) Annual Town Meeting – The Board of Selectmen shall close the warrant for a Town Meeting on the date established by by-law for such closing preceding the date on which the Town Meeting is scheduled, by by-law, to convene. The Board of Selectmen shall not include, in any such warrant, the subject matter of any petition which has been received by the Board of Selectmen after said date nor shall any matter original with said board be included after said date. In the event the Board of Selectmen delays the date of the Annual Town Meeting in accordance with G.L.c.39, §9, the Board may delay the date for inclusion of articles by a like amount.
- (2) Special Town Meeting – Whenever the Board of Selectmen determines a Special Town Meeting is to be called, it shall give notice of the time, date, and location of said meeting by advertisement in a local publication and by a written notice distributed to all Town agencies of its intention to do so.

The Board of Selectmen shall include in the warrant for such Special Town Meeting the subject matter of all petitions that are received at its office on or before the close of business on the fifth business day following such publication that are signed by not less than one hundred (100) registered voters and which specifically request that the subject matter be included on the warrant for said Special Town Meeting.

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

- (a) Availability – The Town Administrator, Town Treasurer, Town Collector, Town Accountant, Chief Assessor, the Chairperson of each elected and appointed multiple member body

created by law, this Charter, or Town by-law, the head of each department, and the head of each division within said departments, or their designees, 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 the Town Administrator, Town Treasurer, Town Collector, Town Accountant, Chief Assessor, 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 or a resident of the Town of Webster, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section with the approval of the Moderator.

- (b) Participation – The Town Administrator, Town Treasurer, Town Collector, Town Accountant, Chief Assessor, the Chairperson of a multiple member body, Department Head or Division Head shall have a right to make a motion under any article in the warrant which relates specifically to the operation of the agency such person represents, even if not a voter or a resident of the Town of Webster, but shall have no right to vote.

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 by-law, 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 – The Town shall, by by-law, establish the number of voters required to be present at a Town Meeting session to constitute a quorum.
- (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 meeting minutes 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.

- (f) Town Meeting Procedure – Town Meeting procedure shall be conducted in accordance with the rules and regulations promulgated by Town Meeting Time, this Charter, and Town by-laws.

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 Town Moderator, a Town Clerk, three (3) members of a Board of Health, and one-third 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, inter-local agreement, or otherwise shall also be elected at Town elections.
- (b) Eligibility – Any voter shall be eligible to hold any elective Town office subject to the following limitations: no elected Town official shall simultaneously hold any other elected Town office. No person’s name shall be printed on the ballot as a candidate for more than one Town office at any Town election. No elected incumbent of any board or committee shall be eligible to seek election to the same board or committee at any time other than at the expiration of their elected term.
- (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 by-laws 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, 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, meaning that no votes were cast for the office or a tie vote resulted, 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 posting notice of the meeting in the manner required by the Open Meeting Law one (1) week prior to 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 in attendance and entitled to vote shall be necessary for such election, provided that a quorum of the members of the Board of Selectmen are present.

- (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 Affidavit and Petition – Any registered voter may file, with the Town Clerk, an affidavit signed under the penalty of perjury, by no less than fifty (50) voters who shall add to their signatures the street and number, if any, of their residences, and which affidavit sets forth the name of the officer sought to be recalled and a statement of the ground(s) for recall. Following certification of the name, the Town Clerk shall thereupon notify the voter filing the affidavit (“lead petitioner”) when copies of the petition blanks demanding such recall shall be available in the office of the Town Clerk, 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, addressed to the Board of Selectmen, and shall contain the names of the first ten (10) signers of the petition, the name of the person whose recall is sought, the ground(s) for the 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 into 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 following notification of the availability of the recall petitions and shall have been signed by at least twenty five (25) percent of voters as of the last annual Town election who shall add to their signatures the street and number, if any, of their residences.
- (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 certification 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) business days thereafter, order an

election to be held on a date fixed by them not less than sixty four (64) nor more than ninety (90) days after the date the election is called; provided, however, that if any other Town election is to occur within one hundred (100) days after the date of the vote to call the election, the Selectmen shall postpone the holding of the recall election to the date of such other election, and the question of recall may, but need not, appear on the same ballot. 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 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 and office)
 - Against the recall of (name of officer and office)

To the right of each proposition there shall be a place to record a vote. 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 unless an affidavit is filed in accordance with Section 3-1(g)(2) that contains a number of registered voters’ signatures that is five (5) times the number required to place a candidate on the ballot. In the case of an officer subjected to a recall election and not recalled thereby, that officer shall also be immune to a standard recall petition for a three (3) month period after the election recall was submitted to the voters unless an affidavit is filed in accordance with Section 3-1(g)(2) which contains a number of registered voters’ signatures that is five (5) times the number required to place a candidate on the ballot.

- (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 (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 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 possible for a board 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 offices 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 the 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 and 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 the following officers, each of which shall have all the powers and duties provided by the general laws, this Charter, by by-law, or by other vote of Town Meeting:
- Constable(s);
 - Town Accountant;
 - Registrars of Voters and other election officers;
 - Zoning Board of Appeals;
 - Planning Board;
 - Conservation Commission;
 - Historical Commission;
 - Water and Sewer Commission; and
 - Three (3) members of the Finance Committee.

The Board of Selectmen shall also appoint members of multiple member bodies, the functions of which do not involve direct operating responsibilities but are primarily policymaking or advisory in nature, and other individuals who are to serve as representatives

of the Town to the governing or advisory bodies of the area, regional, or district authorities for which no other method of appointment has been established.

- (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 investigations shall be placed on file in the Office of the Board of Selectmen.

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 (3) 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, or by other vote of 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, by by-law, or by other vote of Town Meeting.

SECTION 3-5: TOWN CLERK

- (a) Term of Office – There shall be a Town Clerk elected for a term of three (3) 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 Town Meeting.

SECTION 3-6: FINANCE COMMITTEE

- (a) Composition, Term of Office – There shall be a Finance Committee which shall consist of nine (9) members, three (3) of these members shall be elected by the voters, three (3) of these members shall be appointed by the Board of Selectmen, and three (3) of these members shall be appointed by the Town Moderator. All of the members of the Finance Committee shall

serve for terms of three (3) years each, so arranged that the terms of three (3) members shall expire each year.

- (b) Powers and Duties – The Finance Committee shall consider all municipal questions affecting revenue, indebtedness, and expenditures. For these purposes, the Committee shall have access to all financial data of the Town and may confer with all Town boards, officers, and Department Heads as it deems necessary. The Finance Committee shall provide written recommendations to all Annual and Special Town Meeting warrant articles. The Finance Committee shall approve transfers from the Reserve Fund for extraordinary or unforeseen expenditures in accordance with G.L.c.40, §6, and shall have such powers and duties as are given to Finance Committees by general law, by this Charter, by by-law, or by other vote of Town Meeting.

SECTION 3-7: 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 office 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 Trustees 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 vote of Town Meeting vote.

SECTION 3-8: 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 (1) 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 3-9: 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 3-10: BOARD OF HEALTH

- (a) Composition, Term of Office – There shall be a Board of Health which shall consist of five (5) members – three (3) of these members shall be elected by the voters and two (2) of these members shall be appointed by the Town Administrator in accordance with the provisions of Section 4-2(b) of this Charter. All of the members of the Board of Health shall serve for terms of three (3) years each, so arranged that the terms of office of as nearly an equal number of members as possible shall expire each year.

- (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. The 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 (1) year following appointment. The Town Administrator shall not have served in an elected office in the Town government for at least twelve (12) 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.

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 boards, commissions, and employees for whom no other method of selection is provided by this Charter. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the Board of Selectmen unless said 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.
- (c) To be 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 and Finance Committee, 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 as they shall be responsible for the maintenance and repair of all Town buildings and facilities placed under their 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 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, excluding all property under the jurisdiction of the School Committee.
- (j) To negotiate all contracts involving any subject within the jurisdiction of the office of the Town Administrator including contracts with Town employees, except employees of the School Department, involving wages, hours, and other terms and conditions of employment.
- (k) To award and execute contracts for the purchase of all supplies, materials, and equipment for all departments and activities of the Town, excluding the School Department. 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, excluding schools. The Town Administrator shall be responsible for the disposal of all supplies, materials, and equipment which have been declared surplus by the Board of Selectmen.
- (l) To see that all of the provisions of the general laws, of this Charter, Town by-laws, and other votes of the Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town 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 or performance of duties of any officer or employee, department, board, commission, or other Town agency.
- (n) To formally investigate any member of any multiple member body, employee, or Town officer for any charges of wrongdoing or criminal act. The Board of Selectmen shall be made aware of any formal investigation, in writing, not later than forty eight (48) hours after the Administrator has launched the formal investigation. The Administrator may use any means available through the Police Department or outside consultants, providing that any monetary expenditures are approved by the Board of Selectmen as provided in Section 7-8 of this Charter.
- (o) To attend all sessions of all Town Meetings. The Town Administrator shall answer all questions directed to the Administrator by the Moderator related to warrant articles and may defer, as necessary, to Department Heads to respond.
- (p) 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 reassignment of powers, duties, and responsibilities among such agencies so established or existing.
- (q) 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 affecting coordination and cooperation among all agencies of the Town.

- (r) 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: TEMPORARY TOWN ADMINISTRATOR

Any vacancy in the office of the Town Administrator shall be filled as soon as possible by the Board of Selectmen. The Board shall appoint a Town Administrator meeting the qualifications listed in the Town by-laws. Such temporary appointment shall not exceed a six (6) month term, but an additional renewal or renewals may be voted every thirty (30) days thereafter for a total temporary appointment of not more than one (1) year. Compensation for such person shall be set by the Board of Selectmen within the appropriation made by the Town Meeting for the office of the Town Administrator or in such amount as may be made available by a transfer from the Reserve Fund.

**ARTICLE 5
ADMINISTRATIVE ORGANIZATION**

SECTION 5-1: ORGANIZATION OF TOWN AGENCIES

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

- (a) By-Laws – Subject only to express prohibitions in a general law or the provisions of this Charter, the Town Meeting may, by by-law, reorganize, consolidate, create, merge, divide, or abolish any Town agency, in whole or in part; establish such new Town agencies as it deems necessary or advisable; determine the manner of selection, the term of office, and prescribe the functions of all such entities provided, however, that no function assigned by this Charter to a particular Town agency may be discontinued, or 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 in a local publication, which notice shall describe the scope of the proposal and time and place at which the hearing will

be held not later than fourteen (14) 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: DEPARTMENT OF PUBLIC WORKS

There shall be a Department of Public Works comprised of three (3) divisions: Water, Sewer, and Highway. Each division shall be headed by a Superintendent, appointed by the Town Administrator, who shall have the necessary education, training, and previous experience to perform the duties of the office.

The Board of Selectmen shall be responsible for the establishment of policies to govern the operation of the Department of Public Works. The Town Administrator shall be responsible for the overall supervision and day-to-day operation of said divisions. The Board of Selectmen shall not interfere with the day-to-day operations of said department.

The Superintendent of each Public Works Division shall be responsible for the oversight and coordination of their respective divisions placed under their control by this Charter, by by-laws, or by vote of the Town Meeting.

Other offices and functions related to the Department of Public Works may, from time to time, be assigned to the Department.

SECTION 5-4: WATER AND SEWER COMMISSION

- (a) Composition, Term of Office – There shall be a Water and Sewer Commission consisting of five (5) members appointed by the Board of Selectmen for terms of three (3) years each, so arranged that the term of office as nearly an equal number of members as is possible shall expire each year. In addition, the Superintendents of the Water and Sewer divisions shall serve by virtue of their offices and shall each have a voice, but no vote, and shall not count towards the quorum required hereunder. The Town Administrator may attend meetings of the Water and Sewer Commission and shall have a voice but no vote.

- (b) Powers and Duties – The Water and Sewer Commission shall be responsible for advising the Town on the adequacy of the public sewer system and the quantity and quality of the public water supply. The Commission may recommend that the Town take, by eminent domain, or acquire by purchase or otherwise, and hold the waters of any portion thereof, of any pond, brook, spring, stream, or groundwater sources within the Town’s 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, as well as any other matters falling within its jurisdiction as set forth herein. The Commission shall grant abatements on a quarterly basis as well as set annual water and sewer rates after a public hearing for which at least two weeks’ notice is provided by posting on the Town website.

**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 (7) days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be advertised, in a local publication, the date, time, and place when a public hearing shall be held on the proposed School budget. The notice shall further indicate where complete copies of the School Committee’s proposed budget and the general summary indicating major variations from the current budget are available for examination by the public, and such documents shall be posted simultaneously on the School website.

- (b) Submission to Town Administrator – The budget request as adopted by the School Committee shall be submitted to the Town Administrator within the time fixed by by-law, if any, or on the date established by the Town Administrator in consultation with the School Superintendent.

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 advertisement, in a local publication, of notice of the availability of the complete proposed budget. The notice shall further indicate the times and places at which complete copies of the proposed operating budget, budget message, and general summary are available for examination by the public, and such documents shall also be posted simultaneously on the Town website. Failure to post in accordance with the requirements of this Charter and any applicable by-law shall mean that Town Meeting shall take up the budget at an adjourned session of the spring Town Meeting unless action to vote on the budget at the first Town Meeting session is approved by seventy five percent (75%) of those present and voting.

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 6-4: 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 two (2), 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 6-5: ACTION ON THE BUDGET

- (a) Public Hearing – Forthwith upon its receipt of the proposed Operating Budget, the Finance Committee shall provide for the advertisement in a local publication of a notice stating the time and place, not less than seven (7) nor more than fourteen (14) 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 with the Board of Selectmen containing its recommendations for actions on the proposed operating budget no less than seven (7) days before the date on which the Town Meeting acts on the proposed budget. Simultaneously with such filing, the Finance Committee shall cause a copy of such report to be posted on the Town website and shall indicate where copies of the report are available for examination by the public. 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 6-6: CAPITAL PLAN

The Town Administrator shall submit a Capital Plan to the Board of Selectmen and the Finance Committee at a time fixed by by-law. The plan shall include:

- (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.

SECTION 6-7: APPROVAL OF WARRANTS

The Town Administrator shall be the Chief Fiscal Officer of the Town. Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the provisions of the general laws shall be submitted to the Town 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 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 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 (7) days; when the time set is seven (7) 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 Publication – The words “local publication” shall mean a printed 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 (2) 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) 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 (10) days following the date it has been so filed in the office of the Town Clerk unless otherwise specified by general law.

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

- (a) Charter Review – At least once in every ten (10) years, in each year ending in a six (6), 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 Town Moderator 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 directs, 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.

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, in accordance with any applicable procedures established for such purposes in the Town’s Personnel By-law, be

suspended or, after the opportunity for a hearing, removed from office by the appointing authority for good cause. The term “good cause” for the purposes of this section shall include, but not be limited to: incapacity other than temporary illness; inefficiency; insubordination; and conduct unbecoming the office.

Any appointed officer, member of a multiple member body, or employee of the Town may be suspended from office by the appointing authority if such action is deemed by 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.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original or any other later 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, excluding Saturdays, Sundays, and legal holidays. A copy of the said notice shall also be posted on the Town bulletin board. 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. All meetings held pursuant to this section shall be called and held in accordance with the provisions of the Open Meeting Law, G.L.c.30A, §18-25, and, except as authorized by law, shall be open to the public.
- (b) Agendas – Before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted as required by the Open Meeting Law, G.L.c.30A, §18-25. No action taken on a matter not included on the agenda shall be addressed by such a body except upon a separate vote 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 Meeting Minutes – 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 meeting minutes of its proceedings. These rules and meeting minutes shall be public records, to the extent provided by law, and certified copies shall be kept available in the office of the Town Clerk and on the Town’s official website 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 in the yeas and nays and shall be recorded in the meeting minutes provided, however, that if the vote is unanimous, only that fact need to be recorded.
- (e) 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 who shall fill the vacancy for the remainder of the unexpired term in the manner of the original appointment.
- (f) Composition of Multiple Member Bodies – All multiple member bodies shall be established with an odd number of members unless otherwise specified by general law. Whenever the terms of office of the members of a multiple member body are for more than one (1) year, such terms of office shall be so arranged that as nearly an equal number of terms as is possible shall expire each year.

Nothing in this Charter shall be construed to authorize any individual member of an elected or appointed multiple member body, nor a majority of members of such body, to become involved in the day-to-day operation and administration of any Town agency, including appointment and supervision of Division or Department Heads and staff. Rather, day-to-day operation shall be subject to general oversight by the Town Administrator and of the respective Town officer or Division or Department Head. It is the intention of this section to affirmatively establish that such multiple member bodies shall act only through the adoption of broad policy guidelines that are to be implemented by officers and employees serving under such body.

SECTION 7-10: LOSS OF OFFICE, EXCESSIVE ABSENCE

If any person appointed to serve as a member of a multiple member body shall fail to attend six (6) or more consecutive meetings, or one-half or more of all meetings of such a body held in one (1) calendar year, the appointing authority may declare the office to be vacant provided, however, that not less than ten (10) business days prior to the date said declaration is made, the appointing authority has given in hand, or mailed, by registered mail, return receipt requested, notice of such proposed or pending declaration to the last known address of the person whose removal is to be sought.

SECTION 7-11: NOTICE OF VACANCIES

Whenever a vacancy occurs in any Town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the Town website, and as otherwise may be required by by-law, 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 or if in conflict with the provisions of any collective bargaining agreement.

SECTION 7-12: CHARTER ENFORCEMENT

It shall be the duty of the Town Administrator to see that the provisions in this Charter are faithfully followed and complied with by all departments, boards, Town officers or employees, hereinafter referred to as "Town agency" or "Town employee". Whenever it appears to the Town Administrator that any Town agency or Town employee is failing to follow any provision of this Charter, the Town Administrator shall, in writing, cause notice to be given to such Town agency or Town employee, directing compliance with the Charter.

If it shall appear to the Board of Selectmen that the Town Administrator, personally, is not following the provisions of this Charter, it shall, by resolution, direct the attention of the Town Administrator to those areas in which they believe there is a failure to comply with Charter provisions.

Fifty (50) or more registered voters shall have the right to petition the Town Administrator for enforcement of the Charter. Said petition shall be filed with the Town Clerk and shall state the provision or provisions of this Charter demanding to be enforced. The Town Clerk shall thereupon deliver to the Town Administrator a copy of said petition within one (1) business day of receipt of/for such action as the Town Administrator shall deem appropriate.

Nothing in this section shall be deemed to waive any rights otherwise available in law or in equity.

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, re-elected, 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 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, agency, or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency, shall be transferred forthwith to the office, department, or agency to which such powers and duties are assigned.

SECTION 8-5: TIME OF TAKING EFFECT

- (a) Elected to Appointed Offices – Following the effective date of the amendments to the Charter approved at the October 30, 2017, Special Town Meeting, the elected incumbent Town Treasurer and Town Collector shall serve for the remainder of their respective elected terms or sooner resignation or vacating of office; upon the expiration of the elected term or such resignation or sooner vacating of office, the elected office shall be abolished and the Board of Selectmen may immediately appoint a Town Treasurer or Town Collector in accordance with Section 3-2(d). Upon the effective date of the amendments to the Charter approved at the October 30, 2017, Special Town Meeting, the elected office of the Board of Assessors shall be abolished and the terms of the remaining members terminated. The Board of Selectmen may immediately appoint a Chief Assessor pursuant to Section 3-2(d) and service as an elected Assessor shall not be a disqualification for appointment.

- (b) Reduction in Size of Finance Committee – Following the effective date of the amendments to the Charter approved at the October 30, 2017, Special Town Meeting, the Finance Committee shall be reduced from fifteen (15) members to nine (9) members as set forth herein provided, however, that such reduction in membership shall not prematurely terminate the term of any elected or appointed member but instead shall be accomplished by attrition. Of the members appointed by the Board of Selectmen, the first two (2) vacancies shall not be filled and such positions shall thereupon be abolished. Of the members appointed by the Town Moderator, the first two (2) vacancies shall not be filled and such positions shall thereupon be abolished. The first two (2) elected positions expiring more than sixty four (64) days after the effective date of this Charter shall not appear on the ballot to be filled, and upon such expiration of terms, the elected positions shall be abolished. No person serving as an appointed or elected member of the Finance Committee whose term expires and whose position is abolished as a result of this section shall serve as a so-called “holdover”.

- (c) Increase in Size of Board of Health – Following the effective date of the amendments to the Charter approved at the October 30, 2017, Special Town Meeting, the Town Administrator shall, in accordance with the provisions of Section 4-2(b) of this Charter, appoint two (2) members to the Board of Health: one (1) for a two (2) year term and one (1) for a three (3) year term.

- (d) Creation of Water and Sewer Commission – Upon the effective date of the amendments to the Charter approved at the October 30, 2017, Special Town Meeting, the Water and Sewer Advisory Board shall be abolished and the terms of any incumbent members thereof terminated. The Board of Selectmen shall forthwith make appointments to the Water and Sewer Commission. Initial appointments shall be made as follows: two (2) for three (3) year terms, two (2) for two (2) year terms, and one (1) for a one (1) year term. Thereafter,

appointments shall be made for three (3) year terms in accordance with Section 5-4(a). Notwithstanding any other provision of Section 5-4(b) to the contrary, the Board of Selectmen shall continue to be responsible for setting water and sewer rates until one (1) year following the effective date of this Charter amendment. Thereafter, the water and sewer rates shall be set by the Water and Sewer Commission in accordance with Section 5-4(b).

- (e) Fire Department – Upon the effective date of this act, there shall be established in the Town of Webster a Fire Department under the control of the Fire Chief. The Fire Chief shall be appointed by the Town Administrator subject to confirmation by the Board of Selectmen pursuant to the provisions of Section 4-2(b) of this Charter, and who shall receive such salary as the Town Administrator may, from time to time determine, not exceeding in aggregate the amount annually appropriated therefor. The Fire Chief shall have charge of extinguishing fires in the Town and the protection of life and property in case of fire. The Fire Chief shall purchase, subject to the approval of the Town Administrator, and keep in repair, all property and apparatus used for and by the Fire Department. The Fire Chief shall have and exercise all powers and discharge all duties conferred or imposed by statute upon engineers in towns except as herein provided. The Town Administrator may, following consultation with the Fire Chief, and subject to appropriation therefor, appoint a Deputy Fire Chief and such officers and Firemen as the Town Administrator may think necessary and may remove the same at any time for cause and after a hearing. The Fire Chief shall have full and absolute authority in the administration of the department, make all rules and regulations for its operation, report to the Town Administrator from time to time as may be required, and annually report to the Town the condition of the Department with the Fire Chief's recommendation thereon.

Upon the effective date of this act, the terms of any incumbent member of the Board of Fire Engineers shall be terminated and the Board of Fire Engineers abolished. The then-incumbent Fire Chief and Deputy Fire Chief shall be deemed to be the first Chief and Deputy Chief hereunder and shall serve until the expiration of any appointed term or until their earlier resignation, removal, or otherwise vacating of office. Thereafter, appointment shall be made in accordance with Section 4-2(b) of this Charter.