



OFFICE OF THE TOWN CLERK
350 Main Street
Webster MA 01570

Robert T. Craver
Town Clerk

To all citizens concerned,

The Charter attached, dated January 7, 2009 is the Official Charter of the Town of Webster.

Please disregard all previous Town of Webster Charters. If you have any questions, please contact our office.

Robert T. Craver
Webster Town Clerk
508-949-3800 ext. 4003

Town of Webster

CHARTER



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

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ARTICLE I

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 politic 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 municipality in the constitute 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 those inhabitants of the 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 civil divisions or agencies thereof or the United States government or agency thereof.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1: TOWN MEETING FORM

The legislative branch shall consist of a form of open town meeting, open to those inhabitants of the 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 or 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, (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 on 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 of the second business day following such publication.

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

(a) Availability – Every town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the town meeting 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 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 session 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 – Sixty-one 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 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 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 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 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 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 of the members of a 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 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 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 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 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 and 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 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) per cent 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 give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five (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 then reelected 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 reelected 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 to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

(d) Appointments – The board of selectmen shall appoint constable, a town accountant, registrars of voters (but not the town clerk) and other election officers, the members of the 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 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 by-law. The powers of the school committee shall include, but are not intended to be limited to 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 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 members for terms of three 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 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 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 shall be appointed in the manner provided by general law. All of the members shall serve for five-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 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 members, four of these members shall be elected by the voters and one shall be appointed in the manner provided by general law. All of the members shall serve for five year terms, so arranged that the term of office of one 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 other 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 members elected for alternating three 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 the 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 of 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 elective office in the town government for at least twelve months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate.

The town 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 employee 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 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, and commissions and employees for whom no other method of selection is provided by this charter. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen 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 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 conservation commission. He shall be responsible for the maintenance and repair of all town buildings and facilities placed under his control by this charter, by by-law, by vote of the town or otherwise.

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

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

(j) To negotiate in conjunction with the Personnel Board all contracts involving any subject within the jurisdiction of the office of 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 be responsible for purchasing all supplies, material and equipment for all departments and activities of the town, but not including food for schools, school books and other instructional material, supplies and equipment, 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, material and equipment delivered to or received by any town agency, except schools. The town administrator shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any town agency.

(l) To see that all of the provisions of the general laws, of this charter, town by-laws and other votes of the town meeting, 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 town administrator and the office of board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town

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 the 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 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 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 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