

Section/Chapter	Title	Amendments
	Global changes	Removed revision history from each section. Moved to endnotes. Renamed sections with awkward titles (e.g. “Administrator, Town” changed to “Town Administrator”.) Capitalized appointed and elected titles. Capitalized Town Meeting.
§ 1-4 A	Bylaw Committee	Change time limit for submitting bylaws for review to reference date of Town Meeting instead of close of warrant. (Was “prior to the close of the warrant for the meeting at which they are to be considered” to “prior to the meeting Town Meeting at which they are to be considered”)
§ 1-4 B	Bylaw Committee	Change “for the Board of Selectmen to exclude the proposed change(s) from the Warrant” to “for the Town Moderator to rule the bylaw article out of order”
§1-8 and §1-9	§1-8 Renumbering and recaptioning §1-9 Global style changes	Delete 1-8 and 1-9. Replace with 1-10
§1-10	Global Style	Replaces 1-8 and 1-9
Ch 7	Administrator, Town	Change title from “Administrator, Town” to “Town Administrator”
§ 7-3	Screening Committee	Correct grammar in first sentence of 7-3 C. (may, but not, added “necessarily be”) In Section 7-3 B (1), replace “The Board of Selectmen, the School Committee, and the Board of Assessors shall each designate one person.” with “The Board of Selectmen and the School Committee shall each designate two persons.” In 7-3 B (3) change “four” to “three”. These changes are necessary because the Board of Assessors has been eliminated. By increasing the BOS and School Committee to two appointments each and reducing the Town Moderator appointments to three, the committee remains at 9 members as required by the Charter.
§ 7-4	Candidates	Add “of” between “date” and “such” in first sentence to correct grammar. Delete commas before and after “or pending vacancy”.

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§7-5	Interviews	Delete “checking and” from first sentence (redundant).
§7-6	Nominees	Add comma between “it” and “the” in first sentence.
§14-2	Water and Sewer Advisory Board	Replace existing text with new text to align with charter. See separate warrant article for new text. Change title from “Water and Sewer Advisory Board” to “Water and Sewer Commission”.
§14-3	Conservation and Lake Commission	Revise name to Conservation Commission to align with Charter.)
§14-5	Board of Health	Delete “be the Board of Selectmen and” from A. Add “B” text from Charter to reflect composition. Change current “B” to be “C”.
§14-6	Public Safety Committee	ADD 14-6 A to reflect composition and appointing authority not previously defined in 14-6.
§14-10	Industrial Development	Delete entire Section
§14-12	Recycling Commission	Delete entire Section
§14-15	Youth and Recreation Commission	Delete entire Section
§14-17	Substance Abuse Commission	Delete entire Section
§14-23	Tree and Moth Superintendent	Delete original text. Designate Highway Superintendent as Tree Warden and Moth Superintendent.
§14-24	Director of Public Works	Delete entire Section
§14-26	Fire Department	Delete “Board of Fire Engineers” and replace with “Fire Chief”.
§ 14-29	Town Counsel	Change title of Chapter 64 from “Counsel, Town” to “Town Counsel”
§14-31	Other Appointments	Delete: A, B, C, D, L, M, P Re-letter remaining positions. Add Treasurer/Collector and Information Technology Director
§19-2	Duty of Tax Collector	Change “Tax Collector” to “Treasurer/Collector” to align with Charter.
§ 36-1	Town Officer Bonds	Change “Tax Collector” to “Treasurer/Collector” to align with Charter. Delete comma after “accountant”.
§ 55-1	Town Clerk	Delete entire Section.
Ch. 64	Town Counsel	Chapter 64-Revisions to make gender neutral. Delete Section 64.4 which refers to C-FACE and is no longer relevant. Renumber subsequent Sections.

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Ch. 69	Data Processing Center, Municipal	Delete Chapter 69. It is unnecessary.
Ch. 73	Disposal of Property	Replace “five thousand dollars (\$5,000) with “twenty-five thousand (\$25,000)” four places.
Ch. 85	Enforcement; Noncriminal Disposition	Chapter 85 of the Administrative Bylaws will be renumbered as Chapter 260 so that it appears in the Regulatory Bylaws.
§110-1	Finance Committee	Change number of members to 9, change charter reference section from 3-9 to 3-6 (a), and delete comma after section number.
§110-3	Duties and Powers	Add reference to Charter Section 3-6 (b) regarding duties and powers.
§146-1(A)	Insure against liability	Correct “the Town to property protect” to “the Town to properly protect” in first sentence. Delete hyphen between “all” and “physical” in second sentence. Delete comma after “for” in second sentence.
§146-1(B)	Insure against liability	Correct “preformed” to “performed” in first sentence.
§217-2.1	Personnel Advisory Board Limits on who may serve	Renumber 217-2.1 to 217-3 for format consistency.
§217-3 and -4	Personnel Advisory Board	Renumber due to insertion of 217-3 in place of 217-2.1.
§222-4	Dept. of Public Works Charter Reference	Add “Section 5-3” to be more specific about applicable Charter section.
222-5	Water Department	Delete Chapter 222 Article III and Section 222-5. Covered by Charter
222-6	Sewer Department	Delete Chapter 222 Article IV and Section 222-6. Covered by Charter
229-3	Valuation List	Delete Section 229-3 Valuation List. This information is available online and can be printed upon request.
Ch. 253	Town Meeting	Add note referencing Charter Article 2
§253-1	Notice of Meeting	Add reference to Charter 2-5
§253-2	Annual Town Meeting article dates	Remove “warrant” after “spring or fall Annual Town Meeting”. Delete “30 days before the spring or fall Annual Town Meeting” and replace with “during the period the warrant is open”. Add “The warrant shall not close more than 45 days in advance of the Town Meeting.” Delete “Should the 30th day fall on a weekend or legal holiday, the next working day shall be deemed to be the acceptance date.”

2019 General Bylaw Revisions

§253-4	Late Warrant articles	Delete 253-4. 253-4 A. violates Charter Section 2-1(d)(1). 253-4 B is unnecessary.
§253-5	Spring Town Meeting date	Correct capitalization of “held”
§253-7	Town Election date	Move 253-7 to 255-1 It deals with town elections and does not belong in the Town Meeting section. Create new Chapter 255. Elections
§253-9	Protocol matters	Reword to better align with Charter Section 2-8 (f).
§253-10	Moderator duties	Added allowance for electronic voting.
§253-12	Committees and motions	Delete 253-12. Covered in last paragraph of Charter Section 2-2.
§253-13	Reconsideration of motions	Delete existing text of section. Covered in Town Meeting Time. Keep section number and title to allow for new bylaw regarding reconsideration of motion.
§253-14	Action on articles	Delete comma after “passed over” in first sentence. Add “to be” between “Article” and “of an emergency”. Delete “Articles for Town Meetings.” at beginning (not needed).
§253-15	Referendum of voters	Delete 253-15 because referendum procedures have been deleted from the Charter.
Ch 255	Motions	Chapter 255 created for elections. 255-1 was 253-7. Delete “in the Warrant announcing the meeting.”

Mark-up notes:

- Lined out sections show current text.
- Underlined text shows new or revised text.
- Bold text at end of Chapter or Section describe changes.

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Division 2 General Bylaws

Part 1: ADMINISTRATIVE BYLAWS

Chapter 1. General Provisions

Article 1. Terminology¹

§ 1-1. Definitions.²

As used in this Town Code, the following terms shall have meanings indicated:

ADMINISTRATOR

The Town Administrator shall be the chief administrative officer of the Town.

CHARTER

The Webster Home Rule Charter

GENERAL LAWS

The General Laws of the Commonwealth of Massachusetts

STREET or PUBLIC WAY

All alleys, lanes, courts, public squares and places, including sidewalks and gutters, unless the contrary is expressed or the construction will be inconsistent with the manifest intent of these bylaws.

TOWN

The Town of Webster, Massachusetts.

Article II. Adoption of the 1988 General Bylaws³

§ 1-2. Bylaws⁴

The bylaws contained in Division 2, General Bylaws, of the Code of the Town of Webster may be designated as the “General Bylaws of the Town of Webster, Massachusetts”, and shall be in lieu of all bylaws heretofore in force.

§ 1-3. Published⁵

The Selectmen shall publish these bylaws every five years and additions of amendments in the Town Report thereto in the year in which they are adopted.

§ 1-4. To Change a Bylaw⁶

- A. These bylaws may be altered, amended or annulled at any spring or fall Annual or Special Town Meeting by a majority of those voters present, an article or articles for that purpose having been inserted in the warrant for such meeting, unless otherwise required

by law. All proposed changes to bylaws must be submitted in writing to the Bylaw Committee not less than 30 days nor more than 90 days prior to the close of the warrant for the meeting Town Meeting at which they are to be considered.⁷

****** Change time limit for submitting bylaws for review to reference date of Town Meeting instead of close of warrant. (Was “prior to the close of the warrant for the meeting at which they are to be considered” to “prior to the meeting Town Meeting at which they are to be considered”)**

B. Failure to properly submit changes to the Bylaw Committee shall be grounds for the Board of Selectmen to exclude the proposed change(s) from the Warrant. Town Moderator to rule the bylaw article out of order.

******Change “for the Board of Selectmen to exclude the proposed change(s) from the Warrant” to “for the Town Moderator to rule the bylaw article out of order”**

§ 1-5. Charter.

If these bylaws shall conflict in any way with the Webster Home Rule Charter (referred to as the Charter within these bylaws), the Charter shall be the governing document.

§ 1-6. Invalidity of Any Article.

The invalidity of any article or section of these bylaws shall no invalidate any other article or section thereof.

§ 1-7. Time to take effect.

These bylaws shall take effect upon their passage by the Town Meeting and approved by the Attorney General and published according to law.

Article III. Adoption of Code⁸

~~§ 1-8. Renumbering and recaptioning.~~

~~The Town voted to renumber and recaption the General Bylaws of the Town by a) assigning a chapter number to each of the General Bylaws; b) renumbering each section of each bylaw accordingly; c) inserting chapter, article and section titles; and d) updating internal references to reflect the new numbering system, as set forth in the document on file in the office of the Town Clerk titled “Town of Webster Massachusetts Bylaws Draft” dated April 2009.~~

~~§ 1-9. Global style changes.~~

~~The town voted to adopt the following global changes to the General Bylaws, as set forth in the document on file in the office of the Town Clerk titled “Town of Webster Massachusett Bylaw Draft” dated April 2009:~~

~~A. References to the Massachusetts General Laws are standardardized to the following format: MGL c. _____, § _____.~~

- ~~B. The word “Town” is consistently capitalized when it refers to the Town of Webster.~~
- ~~C. The terms “Annual Town Meeting” and “Special Town Meeting” are consistently capitalized.~~
- ~~D. References to “non-criminal” are amended to read “noncriminal”.~~
- ~~E. References to “by-law”, “By-law”, and “Bylaw” are amended to read “bylaw”.~~
- ~~F. Numbers in the text of the bylaws are cited in a consistent manner:
 - ~~(1) So that numerals one through nine are spelled out as words, and numerals 10 and higher are cited in number form only; and~~
 - ~~(2) So that all monetary amounts, fractions, decimals and percentages are cited in numeric form and written form.~~~~

******Delete 1-8 AND 1-9. Replace with 1-10**

§ 1-10. Global Style.

The following global style format shall be used throughout the General Bylaws:

- A. References to the Massachusetts General Laws shall be standardized to the following format: MGL c. _____, § _____.
- B. The word “Town” shall be consistently capitalized when it refers to the Town of Webster.
- C. The terms “Annual Town Meeting” and “Special Town Meeting” shall be consistently capitalized.
- D. References to “non-criminal” shall read “noncriminal”.
- E. References to “by-law”, “By-law”, and “Bylaw” shall read “bylaw”.
- F. Numbers in the text of the bylaws shall be cited in a consistent manner:
 - (3) So that numerals one through nine are spelled out as words, and numerals 10 and higher are cited in number form only; and
 - (4) So that all monetary amounts, fractions, decimals and percentages are cited in numeric form and written form.
- G. The order of hierarchy used throughout is as follows: Division, Part, Article, Chapter, Section.
- H. Section numbers are preceded with the section symbol (§). There is a space between the section symbol and the section number.
- I. Titles of divisions, parts, articles, chapters, and sections are in bold.

Chapter 7. Administrator, Town⁹ Town Administrator

GENERAL REFERENCES

Appointments by Town Administrator-See Ch. 14, Art. II

§ 7-1. Appointment.

The Town Administrator shall be appointed by the Board of Selectmen, and the duties of the office shall be as outlined in Article 4 of the Charter.

§ 7-2. Qualifications.

The Town Administrator shall have the following specific qualifications:

- A. Have at least an earned bachelor's level degree from a recognized, accredited college or university.
- B. Have served full-time as an administrative officer (under any title) of a city or town for not less than five years.

§ 7-3. Screening Committee.

- A. A Screening Committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of Town Administrator.
- B. The Screening Committee shall consist of nine persons who shall be chosen as follows:
 - (1) ~~The Board of Selectmen, the School Committee, and the Board of Assessors shall each designate one person.~~ The Board of Selectmen and the School Committee shall each designate two persons.
 - (2) The Finance Committee shall designate two persons.
 - (3) The Town Moderator shall designate ~~four~~ three persons.
- C. Persons chosen by the said agencies may, but not necessarily be, be members of the agency by which they are designated. Appointment made by the Town Moderator shall be made last in time in order that in making appointments the Moderator may, in so far as it may be feasible to do so, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the Town.

*****REVISE TO CORRECT GRAMMAR IN FIRST SENTENCE OF 7-3 C. (MAY, BUT NOT, ADDED "NECESSARILY BE") Change chapter title from "Administrator, Town" to "Town Administrator".**

******In Section 7-3 B (1), replace "The Board of Selectmen, the School Committee, and the Board of Assessors shall each designate one person." with "The Board of Selectmen and the School Committee shall each designate two persons."**

******In 7-3 B (3) change "four" to "three". These changes are necessary because the Board of Assessors has been eliminated. By increasing the BOS and School Committee to**

two appointments each and reducing the Town Moderator appointments to three, the committee remains at 9 members as required by the Charter.

§ 7-4. Candidates.

Not more than 30 days following the date of such vacancy, or pending vacancy, becomes known, the several persons chosen as aforesaid shall meet to organize and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any agency to designate its representatives.

******Add “of” between “date” and “such” in first sentence to correct grammar. Delete commas before and after “or pending vacancy”.**

§ 7-5. Interviews.

The Screening Committee shall review all applications that are received by it, screen all such applications by ~~checking and~~ verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates it deems to be necessary, desirable or expedient.

******DELETE “checking and” from first sentence (redundant).**

§ 7-6. Nominees.

- A. Not more than 150 days following the date on which the committee meets to organize, the committee shall submit to the Board of Selectmen the names of not less than three nor more than five persons whom it believes to be the best suited to perform the duties of the Town Administrator.
- B. Within 30 days following the date the list of nominees is submitted it, the Board of Selectmen shall choose one of the said nominees to serve as Town Administrator. In the event the Board of Selectmen shall fail to make an appointment within the said 30 days the Screening Committee shall, forthwith, appoint the Town Administrator.

******ADD COMMA BETWEEN “IT” AND “THE” IN FIRST SENTENCE.**

- C. Upon appointment of a Town Administrator the committee established hereunder shall be considered discharged.

Chapter 14. Appointed Committees, Boards, and Officials¹⁰

GENERAL REFERENCES

Town Administrator-See Ch. 7

Board of Selectmen-See Ch. 238

Article 1. Appointments by Board of Selectmen or Town Moderator¹¹

§ 14-1. Bylaw Committee.¹²

There shall be a Bylaw Committee consisting of seven voters of the Town, two of whom shall be appointed by the Town Moderator on or before June first of each year for the term of three years. The duties of the Committee shall be to make recommendations of the Town concerning all proposed changes in the Bylaws, and members shall receive no compensation for their services. This Bylaw Committee shall also make the five-year review of the bylaws per Section 7-7 of the Charter.

§ 14-2. ~~Water and Sewer Advisory Board.~~ Water and Sewer Commission¹³

~~The Board of Selectmen shall appoint a committee consisting of six members, known as the Water and Sewer Advisory Board, pursuant to Section 5-5 of the Charter. The Board shall also oversee studies, initiatives and compliance requirements related to stormwater management.~~

******Replace existing text with new text to align with charter. See separate warrant article for new text. Change title from “Water and Sewer Advisory Board” to “Water and Sewer Commission”.**

§ 14-3. ~~Conservation and Lake Commission.~~

~~The Webster Conservation and Lake Commission of seven members shall be appointed for three-year terms by the Board of Selectmen. The duties of the Commission shall be as set forth in Chapter 385 of the Acts of the Legislature 1981 and as later amended, and MGL c. 40, § 8C, for Conservation Commissions and as later amended.~~

******(Revise name to Conservation Commission to align with Charter.)**

§ 14-4. Planning Board.¹⁴

There shall be a five-member Planning Board, with two associate members, appointed by the Board of Selectmen for three-year terms, and which board shall perform its duties pursuant to MGL c. 41, § 81B, and as later amended.

§ 14-5. Board of Health.

- A. There shall be a Board of Health which shall ~~be the Board of Selectmen and~~ perform its duties to adopt rules and regulations pursuant to MGL c. 111, and as later amended.
[Reference Charter Section 3-10]
- B. Any rule or regulation enacted by the Board of Health and any Town bylaw within the jurisdiction of the Board of Health, the violation of which is subject to a specific penalty, may, in the discretion of the enforcing person, be enforced in the method provided in MGL c. 40, § 21D. The noncriminal fine for each violation, if not otherwise specified, shall be fifty dollars (\$50). Each day on which any violation exists shall be deemed to be a separate offense. "Enforcing person," as used in this bylaw, shall be members of the Board of Health, and its agents, inspectors or other designees of the Board.¹⁵

******Delete “be the Board of Selectmen and” from A and add reference to Charter Section 3-10.**

§ 14-6. Public Safety Committee.

- A. There shall be a Public Safety Committee composed of the Police Chief, Fire Chief, Highway Superintendent, a School Department liaison, a resident appointed by the Board of Selectmen, and a Police Officer with responsibility for traffic supervision.
- B. The Public Safety Committee will study the following issues and make their recommendations to the Board of Selectmen:
 - A. Traffic and parking surveys.
 - B. Crime problems.
 - C. Fire problems.
 - D. Public safety problems on any issue requested by the Board of Selectmen.
 - E. The public may request the review of the public safety problems.

******ADD 14-6 A to reflect composition and appointing authority not previously defined in 14-6.**

§ 14-7. Historical Commission.

There shall be established under the provisions of MGL c. 40, § 8D, a Historical Commission of the Town of Webster for the purpose and with the rights and duties provided by law to be composed of seven members appointed by the Board of Selectmen for terms of three years.

§ 14-8. Registrars of Voters.

A Board of Registrars of voters in the manner provided by General Laws, shall be appointed by the Board of Selectmen, except for the Town Clerk who shall be a member.

§ 14-9. Council on Aging.

A Council on Aging, as provided by MGL c. 40, § 8B, shall be appointed by the Board of Selectmen.

§ 14-10. Industrial Development.

~~An Industrial Development Financing Authority in the Manner provided by MGL c. 40, § 8A, shall be appointed by the Board of Selectmen.~~

******DELETE ENTIRE 14-10**

§ 14-11. Trustees of Soldiers Monuments.

A Board of Trustees of Soldiers Monuments consisting of five members, at least three of whom shall be veterans, to serve for terms of three years, shall be appointed by the Board of Selectmen.

§ 14-12. Recycling Commission.

- ~~A. A Recycling Commission, hereinafter called the Commission, shall be appointed by the Board of Selectmen, for the purpose of promotion and development of programs to recycle paper, metal and glass solid waste. Said Commission shall research local recycling areas and shall coordinate the activities of groups organized for similar purposes. [Amended 5-11-2009 ATM, Art. 26]~~
- ~~B. The Commission shall consist of seven members, appointed by the Board of Selectmen, for three year terms. The Selectmen shall set this commission up per Section 7-9 of the Town Charter.~~

~~A Commission shall, within three years of acceptance of this bylaw, establish a plan for recycling materials, paper, metal and glass etc. Each recycling program shall be approved by the Board of Selectmen before it shall take effect.~~

******DELETE ENTIRE 14-12**

§ 14-13. Selectmen staff.

The Board of Selectmen shall appoint a Staff to the Board of Selectmen.

§ 14-14. Arts Council.

The Webster Arts Council members shall be appointed by the Board of Selectmen. The Arts Council shall be in accordance with MGL c. 41, § 82.

§ 14-15. Youth and Recreation Commission.

- ~~A. A Youth and Recreation Commission, hereinafter called the Commission, shall be appointed by the Board of Selectmen, for the purpose of carrying out programs which may be designed or established to meet the opportunities, challenges and problems of the youth of Webster. This shall be in conjunction with any similar or related programs of any agency of the commonwealth or any agency of the federal government. The Commission shall at least once a year meet with representatives from each school system in Webster. [Amended 5-11-2009 ATM, Art. 26]~~
- ~~B. The Commission shall also review the park and recreation areas of the Town, with the needs of all Webster residents in mind and make a recommendation for improvements. It shall meet at least once a year with representatives from the Department of Public Works, Senior Center and other interested parties, to develop a park improvements agenda.~~
- ~~C. The Commission shall also review the needs of Town cemeteries and make any recommendations for improvements.~~
- ~~D. The Commission shall consist of seven members, appointed by the Board of Selectmen, for three year terms. The Selectmen shall set this commission up per Section 7-9G of the Town Charter. This Commission shall be set up at the discretion of the Board of Selectmen.~~
- ~~E. Each program shall be approved by the Board of Selectmen before it shall take effect.~~

******DELETE 14-5**

§ 14-16. Town Accountant.¹⁶

The Town Accountant shall be appointed by the Board of Selectmen pursuant to Section 3(2)(d) of the Charter and shall, under the direction of the Selectmen, perform the duties and exercise the powers which, by the laws of the Commonwealth, Town Accountants and Auditors are required and authorized to perform.

~~§ 14-17. Substance Abuse Commission.¹⁷~~

~~A. A Substance Abuse Commission, hereinafter called the Commission, shall be appointed by the Board of Selectmen, for the purpose of carrying out programs which shall be designed or established to meet the problems created by liquor and drugs in our Community.¹⁸~~

~~B. The Commission shall be appointed by the Board of Selectmen, its membership fitted by qualification and education, for a one-year term. Each program shall be approved by the Board of Selectmen.~~

******DELETE 14-17**

§ 14-18. Capital Planning Advisory Committee.

Refer to Chapter 48, Capital Planning Advisory Committee, of the Code of the Town of Webster.

Article II. Appointments by Town Administrator¹⁹

§ 14-19. Sealer of Weights and Measures.

The Sealer of Weights and Measures of the Town, appointed by the Town Administrator, shall be paid a salary determined by the Selectmen and shall account for any pay to the Town Treasurer fees collected by virtue of his office.

§ 14-20. Gas Inspector.

The Town Administrator on or before the first of each year shall appoint an Inspector of Gas Piping and Gas Appliances in buildings to be known as the Gas Inspector, whose duties shall be those set forth in MGL c. 143, § 30, and as later amended.

§ 14-21. Wire Inspector.

The Town Administrator on or before the first of each year shall appoint an Inspector of Wires whose duties shall be those set forth in MGL c. 166, § 32, and as later amended.

§ 14-22. Plumbing Inspector.

The Town Administrator shall appoint an Inspector of Plumbing and such other Inspectors as required by the General Laws as later amended. The duties of these Inspectors shall be in accordance with the applicable provisions of the General Laws and as later amended.

§ 14-23. Tree Warden and Moth Superintendent.

~~Any person or firm requiring the services of the Tree Warden and Moth Superintendent shall pay for services at an hourly rate equal to the hourly rate of the General Foreman of the Forestry Division Department of Public Works of the Forestry Division Department of Public Works. Such compensation shall be paid directly to the Town of Webster, General Fund. The Tree Warden and Moth Superintendent shall be appointed by the Town Administrator.~~

The Highway Superintendent shall serve as the Tree Warden and Moth Superintendent.

*******DELETE ORIGINAL TEXT AND REPLACE WITH HIGHWAY SUPERINTEDENT TEXT.**

~~§ 14-24. Director of Public Works.~~

~~A Director of Public Works, to serve for an indefinite term and other employees of a Department of Public Works, shall be appointed by the Town Administrator. (Editor's Note: See also Ch. 222, Public Works and Engineering.)~~

******DELETE ALL OF 14-24.**

§ 14-25. Police Department.²⁰

A Police Chief and other police officers, to serve for indefinite terms, shall be appointed by the Town Administrator.

§ 14-26. Fire Department.²¹

~~A Board of Fire Engineers- Fire Chief~~, Forest Wardens and other fire fighters, to serve for indefinite terms, shall be appointed by the Town Administrator.

******Delete “Board of Fire Engineers” and replace with “Fire Chief”.**

§ 14-27. Building Inspector.

A Building Inspector to serve for an indefinite term, shall be appointed by the Town Administrator.

§ 14-28. Animal Control Officer.

An Animal Control Officer to serve for an indefinite term, shall be be appointed by the Town Administrator.

§ 14-29. Town Counsel.²²

Refer to Chapter 64, ~~Counsel, Town~~ Town Counsel, of the Code of the Town of Webster.

******Change title of Chapter 64 from “Counsel, Town” to “Town Counsel”**

§ 14-30. Health Department.

A Health Agent and other employees of a Department of Public Health, for an indefinite term, shall be appointed by the Town Administrator.

§ 14-31. Other Appointments.

The Town Administrator shall appoint the following positions, per Section 4-2 of the Charter:

- ~~A. Town Historian.~~
- ~~B. Superintendent of Fire Alarms.~~
- ~~C. Civil Defense Director.~~
- ~~D. Civil Defense Rescue Squad.~~
- E. Custodian(s) of Town Office Building.
- F. Janitor(s) of Fire and Police Station.
- G. Lockup Keeper.
- H. Matrons.
- I. Parking Clerk.
- J. Director of Veterans Services.
- K. Caretaker of Graves of Soldiers and Sailors.
- ~~L. Burial Agent for Veterans.~~
- M. Fence Viewers.
- N. Measures of Wood and Bark.
- O. Chapter 90 Highway Superintendent.
- ~~P. Building Inspector.~~
- Q. Zoning Agent.
- R. Senior Center Director.
- S. Insurance Advisory Committee.

******Delete: A, B, C, D, L, M, P Re-letter remaining positions. Add Treasurer/Collector and Information Technology Director.**

The Town Administrator shall appoint the following positions, per Section 4-2 of the Charter:

- A. Custodian(s) of Town Office Building.
- B. Janitor(s) of Fire and Police Station.
- C. Matrons.
- D. Parking Clerk.
- E. Director of Veterans Services.
- F. Chapter 90 Highway Superintendent.
- G. Building Inspector.
- H. Zoning Agent.
- I. Senior Center Director.
- J. Insurance Advisory Committee.
- K. Treasurer/Collector
- L. Information Technology Director

Chapter 19. Assessments and Taxes²³

Article I. Tax List and Tax Bills²⁴

§ 19-1. Procedures.

The taxes shall be assessed and the tax list and warrant shall be committed to the ~~Tax Collector~~ Treasurer/Collector on or before the first day of June and a supplementary tax list shall be committed to the Collector on or before December 20, in each year and the Collector shall deliver all tax bills forthwith after such commitments.

Article II. Statement of Collected Taxes

§ 19-2. Duty of ~~Tax Collector~~ Treasurer/Collector

The ~~Tax Collector~~ Treasurer/Collector shall file with the Town Accountant a statement of taxes collected for the preceding month, on or before the seventh of each month.

*******Replace “Tax Collector” with “Treasurer/Collector”**

Chapter 22. Audit²⁵

§ 22-1. Audit.

There shall be an audit of the accounts of the Town under supervision of the Director of the Department of Revenue in accordance with the provisions of MGL c. 44, §35.

Chapter 36. Bonds²⁶

§ 36-1. Town Officer Bonds

All bonds of the ~~Treasurer, Tax Collector~~ Treasurer/Collector, Constables or other persons bonded for the benefit of the Town shall be safely kept and retained by the Town Accountant; and shall not be surrendered or cancelled until the accounts of the bonded persons are closed by the Town.

******Delete “Treasurer, Tax Collector” and replace with Treasurer/Collector. DELETE COMMA AFTER ACCOUNTANT.**

Chapter 48. Capital Planning Advisory Committee

§ 48-1. Committee.

The Capital Planning Advisory Committee, hereinafter called the Committee, shall consist of five members, four members will be appointed by the Board of Selectmen, each will serve a three-year term. The Town Administrator or his or her representative, will be the fifth member.

The Board of Selectmen may vote to have the Finance Committee or Town Administrator serve in place of this Committee, to establish the capital improvement program.

§ 48-2. Members.

Members of the Capital Planning Advisory Committee shall be appointed based on experience and knowledge so as to enable the committee to fairly prepare, evaluate and recommend a sound and fiscally responsible capital improvement program. A full and complete study shall be formally voted, approved and delivered to the office of the Town Administrator no less than 190 days prior to the start of the fiscal year.

§ 48-3. Scope.

The capital improvement program shall include the needs of the School Department and all other Town departments. The Capital Budget shall include a capital improvement schedule and a capital equipment replacement schedule. This program is outlined in Section 6-6, of the Town Charter.

§ 48-4. Powers and duties.

In addition to the items listed in Section 6-6 of the Town Charter, the Capital Planning Advisory Committee shall conduct studies, surveys and analysis as needed and upon request of the Board of Selectmen and/or the Town Administrator. Any formal matter, action or vote, etc. undertaken by the Capital Planning Advisory Committee shall not bind the Administrator or Board of Selectmen to any action relative to its determination. However, all activities or decisions rendered and approved by a majority vote of the Capital Planning Advisory Committee shall be made available and presented at the request of the Board of Selectmen or Town Administrator.

§ 48-5. Authority.

The Capital Planning Advisory Committee shall have the authority to require any Town official, board, committee, or their representative, non union supervisory employees, and other body(s) legally authorized and empowered to spend Town funds, including the school department, to appear before the Capital Planning Advisory Committee to gather information for the purpose of preparing or evaluating the Capital Improvement Program.

~~**§ 55-1. Town Clerk**~~

~~The Town Clerk shall perform the duties which, by the laws of the Commonwealth, Town Clerks are required to exercise and perform.~~

~~****DELETE 55-1 (DUPLICATES INFORMATION IN CHARTER)~~

Chapter 60 Contracts and Purchasing²⁷

§ 60-1. Contracts for supplies and services.²⁸

The procurement of any supply or service shall be made by the Chief Procurement Officer in accordance with the requirements of MGL c. 30B as it may be amended from time to time.

§ 60-2. Chief Procurement Officer.²⁹

The Town Administrator shall be the Chief Procurement Officer for purposes of this bylaw and the Uniform Procurement Act, MGL c. 30B. The Chief Procurement Officer may, in writing, delegate his procurement powers and duties, and may revoke or amend such delegation at any time. Such delegation may be in specific or general terms and may be limited to a particular procurement or class of procurements, and may be conditioned upon compliance with specified procedures. No delegation or revocation or amendment thereof shall take effect until a copy of same has been filed with the Massachusetts Office of the Inspector General. Provided, however, that with the exception of ensuring compliance with MGL c. 30B, the Chief Procurement Officer shall delegate the duty of purchasing supplies and services for the schools to the School Committee in accordance with the Town Charter. The values or procurement thresholds specified in § 60-1 and this section shall be amended as the MGL c. 30B may be amended.

§ 60-3. Exempt contracts.³⁰

This Chapter of the Town's General Bylaws shall not apply to the contracts for the services of expert witnesses for use in adjudicatory proceedings or litigation or in anticipation thereof, labor relations representatives, physicians, dentists, lawyers, designers, or certified public accountants, or to other contracts, agreements and transaction, that are not subject to the provisions of the Uniform Procurement Act Act, MGL c. 30B.

****Delete extra "Act".

§ 60-4. Delegation of purchasing.³¹

Notwithstanding the ultimate responsibility of the Town Administrator to be responsible for purchasing all supplies, materials, services, and equipment, the Town Administrator may delegate, by letter, the authority to Contract for the ordinary or routine purchase of supplies, material, services and or equipment. This delegation of authority is subject to immediate revocation by the Town Administrator, at his or her discretion. Any and all administrative documents, including, but not limited to: letters of intent or award, purchase orders, informal or formal agreements or other control measures issued by the Town are not binding if funds are not available for such contracts. Further, the intent of such documents shall not bind the Town to any contract or financial obligation and the issuance of any administrative document or letter shall be conditioned upon the legal solicitation, an administrative bidding or procurement process and the proper execution of a contract or agreement for the related or subject item(s). The School Department's right to purchase as outlined in Section 4-2 of the Charter shall remain in effect except as otherwise provided in MGL c. 30B and in §§ 60-1 and 60-2 of this bylaw.

§ 60-5. Contracts to be signed by Town Administrator.

- A. During the period when a legal vacancy exists in the position of the Town Administrator, the Board of Selectmen shall, by majority vote of the full board, execute administrative documents, outlined above. The Board of Selectmen may elect to delegate this authority to another administrative official by a majority vote of the full board. Such delegation shall be made by sending a signed, formal letter to the administrative official. Revocation of this authority by the Selectmen shall be made in the same manner as the delegation.

- B. Notwithstanding the obligation of the Town boards, committees, or legal entities authorized to enter into contracts, all such contracts, financial obligations and agreements involving the use of any and all Town funds to create formal or informal contracts shall be executed and authorized in writing by the Town Administrator. The approval shall be made formally on the contract or agreement document by the signature of the administrator with the clearly printed or typed name of the Town Administrator accompanying the signature. The administrator shall also provide for a verification and certification of available funds to meet the financial obligations of each contract, agreement, or obligation etc.
- C. If no physical contract or agreement document is written, the Town administrator may, at his or her discretion, require a written agreement, or may provide for an authorization or execution of obligations in accordance with general law. The School Department's right to purchase as outlined in Section 4-2 of the Charter shall remain in effect except as otherwise provided in MGL c. 30B and in §§ 60-1 and 60-2 of this bylaw.³²
- D. During a period when a legal vacancy exists in the position of the Town Administrator, the Board of Selectmen shall, by a majority vote of the full board, execute such contracts as defined above. The Board of Selectmen may delegate this authority to another administrative official by a majority vote of the full board. Such delegation shall be made by sending a signed, formal letter to the administrative official. Revocation of this authority by the Board of Selectmen shall be made in the same manner as the delegation.

§ 60-6. Surety and security deposit.

- A. The competitive bidding process and solicitation of proposals, services, professional and general procurement items may require the receipt of surety or security items such as; money, certified checks, deposits, fees, bonds, insurance and other administrative surety as may be necessary or required to secure valid and responsible bids, proposals etc.
- B. Any Town official, employee, board, committee or their representative who receives any item, surety or related security as a condition of solicitation, award or contract execution shall deliver said surety or item(s) to the Town Treasurer prior to the close of business on the same business day said items were received. If the Treasurer's Office is closed for business at the time of receipt of said item(s), the deposit shall be made on the next business day. The Town Treasurer shall deposit the monies or item(s) in a safe, vault or other secure area.
- C. A third party, who is legally contracted to act on the Town's behalf, may retain or manage the surety's or securities with the written authorization of the Town Administrator. Procedures for accountability shall be established by the Town Administrator, in writing.

- D. Any surety, security or other administrative item that is received and deposited shall be fully accounted for in terms of the receipt, disposition and return or deposit of any and all monies or items received. The Town Administrator along with the Town Treasurer shall determine the method of accountability.

§ 60-7. Duration of contracts.³³

The Town Administrator and the School Committee are hereby authorized to enter into contracts for goods and services for such period of time as the Town Administrator or the School Committee may determine, which may be longer than three years, but not more than 10 years, except as provided by law, or, as may be otherwise approved by majority vote of Town Meeting.

Chapter 64. Counsel, Town³⁴

§ 64-1. Appointment.

The Town Administrator shall each year after the Annual Spring Town Meeting, and whenever a vacancy shall exist, choose some competent lawyer, to act as Town Counsel. ~~He~~ Town Counsel shall be paid such compensation as the Town shall determine. ~~His~~ Town Counsel's term of office to take effect after the Annual Spring Town Meeting and shall continue for one year or until the appointment and acceptance of ~~his~~ a successor.

§ 64-2. Legal advice.

The Town Counsel shall, when requested by Town Officers, Boards and Committees, and approved by either the Board of Selectmen or Town Administrator, furnish a written opinion on any legal question that may be submitted to ~~him~~ Town Counsel in regard to any matter which concerns the Town or them as Town Officers, and ~~he~~ shall at all times furnish legal advice to any office of the Town who may require ~~his~~ an opinion upon any subject with reference to the duties incumbent upon such officer by virtue of his or her office.

§ 64-3. Lawsuits.

The Town Counsel shall, unless otherwise directed by the Selectmen, prosecute all suits ordered to be brought by the Town, or defend suits brought against the Town or its officers in their official capacity. ~~He~~ Town Counsel shall, when requested by the Selectmen, appear before any tribunal, whether in law, referee, commissioners, committee, arbitrators or other tribunal on matters in which the Town may be a party, or in which the Town may be interested. For such service ~~he~~ Town Counsel shall receive suitable compensation as determined by the Board of Selectmen.

~~§ 64-4. Special Town Counsel.~~³⁵

- ~~A. The purpose of this bylaw is to allow the Town from time to time to retain counsel who may also represent Citizens For A Clean Environment ("C-FACE") and/or its members in matters in which the Town of Webster is also a party without violating~~

~~MGL c. 268A, §§ 17(a) and 17(c). Such dual representation allows the Town to pool resources for a common purpose and preserve scarce Town funds.³⁶~~

~~B. Pursuant to this bylaw, the official duties of Special Town Counsel include representing Citizens For A Clean Environment ("C-FACE") and/or its Members in administrative and judicial proceedings in which the Town is also a party, provided the interests of the Town would be advanced by such dual representation and provided that such dual representation would not cause a violation of rules governing attorney conduct. Special Town Counsel shall discharge such duties only when requested to do so as in writing by the Board of Selectmen. Prior to making such a request, the Board of Selectmen shall consult with Town Counsel who shall advise the Board as to whether the interests of the Town would be advanced by such dual representation.³⁷~~

~~C. Town Counsel shall also supervise Special Town Counsel in such instances and from time to time shall render advice to the Town as to whether this dual representation advances the interests of the Town and conforms to law.~~

§ ~~64-5~~ 64.4. Prosecution.

The Town Counsel shall prosecute on behalf of the Town, in the local district court, all cases for the violation of the statutes, the Charter or these bylaws, on behalf of any board or officer of the Town, when requested in writing by the Town Administrator or the Board of Selectmen. Access to the Town Counsel shall only be granted by the Board of Selectmen or by the Town Administrator, should the Board vote to delegate this authority to the Town Administrator. The Town Administrator shall have full authority to use the services of the Town Counsel. For such services the Town Counsel shall receive suitable compensation as determined by the Board of Selectmen subject to Town Meeting appropriations.

§ ~~64-6~~ 64.5. Legal instruments.

The Town Counsel or an appointed special Town Counsel shall draw up all bonds, deeds, leases, obligations, conveyances and other legal instruments or approve the same.

§ ~~64-7~~ 64.6. Legal action notice to Town Clerk.

Pursuant to the requirements of the General Law, all correspondence received which relates to legal action or lawsuits against the Town shall be immediately given to the Town Clerk. All documents, correspondence, etc. shall be stamped with the current date, shall be properly recorded and copies sent to the Board of Selectmen, Town Administrator and to designated Town attorneys. Such designation shall be made by the Board of Selectmen.

*******Chapter 64-Revisions to make gender neutral. Delete Section 64.4. Renumber subsequent Sections.**

Chapter 69. Data Processing Center, Municipal

§ 69-1. Establishment.

There shall be a Town of Webster Data Processing Center for the use of any Town department.

§ 69-2. Supervision.

The Data Processing Center shall be under the Supervision and control of a Coordinator who shall be appointed under the provisions of the Town Charter Article 4, Town Administrator, Section 4-2(b). Nothing in this bylaw shall prohibit the appointment of a Town Department Head to the position of Coordinator.

§ 69-3. Services.

The Data Processing Center shall provide programs or systems and technology for the collection, processing storage and retrieval of information and reports.

§ 69-4. Advisory Committee.

The data processing center shall have an advisory committee of no more than five members appointed under the provision of the Town Charter Article 4, Town Administrator, Section 4-2(b). The Coordinator shall be a member of the advisory committee.

****Delete Chapter 69. It is unnecessary.

Chapter 73. Disposal of Property³⁸

§ 73-1. Disposal of property under ~~five thousand dollars (\$5,000)~~ twenty-five thousand dollars (\$25,000).

- A. The Board of Selectmen may, by vote, order the sale or disposal of Town property deemed surplus, which has a value of under ~~five thousand dollars (\$5,000)~~ twenty-five thousand dollars (\$25,000).
- B. The Board of Selectmen shall have the right to approve trade-ins of similar property when awarding contracts.
- C. The Board of Selectmen may, by vote, require a public auction of surplus property. This right shall not apply to Town owned land, buildings, permanent facilities or other items identified by statute.
- D. With the exception of trade-ins of similar property, a period of 14 days shall expire between the vote and any action on the item(s). This will permit the Board of Selectmen

to hear any comments from the public and allow the Board its right to change their course of action.

- E. Any other sale of surplus property over the amount specified above shall require the approval of the Town Meeting.

§ 73-2. Disposal of property over ~~five thousand dollars (\$5,000)~~ twenty-five thousand dollars (\$25,000).

Town Meeting shall, by majority vote, order the sale or disposal of all Town property which is above ~~five thousand dollars (\$5,000)~~ twenty-five thousand dollars (\$25,000) in estimated value except in transactions involving the trade-in or disposal of property involved in a procurement or acquisition of similar item(s); those items involved in a legally advertised auction or public sale of Town owned surplus property.

******Replace “five thousand dollars (\$5,000) with “twenty-five thousand (\$25,000)” four places.**

Chapter 85. Enforcement; Noncriminal Disposition

******Original text not shown here. Chapter 85 of the Administrative Bylaws will be renumbered as Chapter 260 so that it appears in the Regulatory Bylaws.**

Chapter 91. ~~Ethics, Code of~~ Code of Ethics

§ 91-1. Conflict of interest.

All Municipal employees shall be bound by the conflict of interest provisions of MGL c. 268A and as hereafter amended.

Chapter 103. ~~Fees, Receipt of~~ Receipt of Fees³⁹

Article I. Town Clerk Fees⁴⁰

§ 103-1. Payment into Town treasury.

All fees received by the Town Clerk by virtue of that office shall be paid into the Town treasury.

Article II. Town Officers' Fees⁴¹

§ 103-2. Payment into Town treasury.⁴²

In accordance with MGL c. 40, § 21(13), all Town officers shall pay into the Town Treasury all fees received by them by virtue of their office.

Chapter 110. Finance Committee

§ 110-1. Committee.

There shall be a Finance Committee of ~~15~~ 9 voters, as outlined in Section ~~3-9~~ 3-6 (a); of the Charter.

******Change number of members to 9, change charter reference section from 3-9 to 3-6 (a), and delete comma after section number.**

§ 110-2. Limits on who may serve.

A. No elected or appointed Town officer, (except as listed below) or no Town employee shall be eligible to serve on said Finance Committee. The Finance Committee shall choose its own officers and shall serve without pay, and shall cause to be kept a true record of its proceedings.

B. Members of the Finance Committee may serve on the Capital Planning Advisory Committee.

C. Members of the Finance Committee may serve on the Personnel Advisory Board. The Finance Committee may appoint a non-member or a member to serve on the Personnel Advisory Board.

D. Nothing in these bylaws shall prevent a member of the Finance Committee from being appointed to serve on a committee, board or commission of the Town of Webster as representative of the Finance Committee. [Added 5-11-1998 STM, Art. 22]

§ 110-3. Duty and power.

The Finance Committee shall consider matters relating to the appropriation, the borrowing and the expenditure of money by the Town, its indebtedness; the methods of administration of its various officers and departments; and may make recommendations to the Town, or to any Town board, officer or committee, relative to such matters. In the discharge of its duty, said committee, relative to such matters, said committee shall have free access to all pertinent information in the possession of any Town board, officer or committee. See Charter Section 3-6 (b) for additional duties and powers.

******Add reference to Charter Section 3-6 (b) regarding duties and powers.**

§ 110-4. Budget schedule.⁴³

The various boards, officers and committees charged with the expenditures of Town money shall, before February 28, prepare detailed estimates of the amounts deemed by them necessary for the ensuing fiscal year, with explanatory statements of the reasons for the ensuing fiscal year, with explanatory statements of the reason for any changes from the amounts appropriated for the same purpose during the current year. Said estimates and statements will be submitted to the Town Administrator on or before February 28 of each year and by him/her transmitted forthwith to the Finance Committee.

§ 110-5. Report.

The Finance Committee shall duly consider the estimates and statements submitted to it by the various Town boards, officers and committees, and may confer with them, and hold hearings, if deemed advisable. Public hearings shall be called as outlined in Section 6-5 of the Charter. The Finance Committee shall thereupon approve or disapprove the amount, in whole or in part, of the appropriation so requested, and shall make a report of all matters considered by it, with recommendations or suggestions relative thereto. Said report shall be sent to the Selectmen who shall have it published and distributed seven days before the annual business meeting, (Annual Town Meeting) and shall also contain (a) a statement of the doings of the Board during the year, (b) a statement of the bonded indebtedness of the Town and Town's debt limit imposed by law, (c) the amount of free cash in the excess and deficiency account, and (d) its recommendation or suggestions on those articles in the warrant which shall have been submitted to the Selectmen.

§ 110-6. Special Town Meeting.

The Finance Committee shall duly consider all articles in warrants for Special Town Meetings, and shall make a report of all matters considered by it, with recommendations relative thereto, which shall be given on or before said special meeting.

§ 110-7. Proposed budget.

The Town Administrator's proposed budget may be subject to amendments by the Finance Committee per Section 6-5, of the Charter.

Chapter 146. Insurance, Liability Liability Insurance⁴⁴

§ 146-1. Insure against liability.

- A. The Town Administrator or his or her representative shall be responsible to coordinate and (if necessary) direct all Boards, Committees, Officials, Employees and other legal representatives of the Town to ~~property~~ properly protect, indemnify or insure the Town against liability, harm, damages or other detrimental occurrences. All Town Entities shall notify the Town Administrator of ~~all physical~~ all physical dangers, events, activities, or items that may require indemnity or insurability ~~for, or~~ for or on behalf of the Town.

******Correct “the Town to property protect” to “the Town to properly protect” in first sentence. Delete hyphen between “all” and “physical” in second sentence. Delete comma after “for” in second sentence.**

- B. Such items include, but are not limited to: the absence of, lapse, or cancellation of insurance or indemnification; contracting for services, work to be ~~performed~~ performed on behalf of the Town including volunteer operations and functions; authorizing Town employees, while being paid by the Town, to perform services for outside concerns; to report the determinations of insurance companies or risk managers and to investigate and report on all matters where a potential hazard, danger, liability etc. exists.

******Correct “preformed” to “performed” in first sentence.
Chapter 217 Personnel⁴⁵**

Article I Personnel Advisory Board⁴⁶

§ 217-1. Establishment.

The Personnel Advisory Board, hereinafter called the Board, shall consist of seven members, two appointed by the Board of Selectmen, two appointed by the Finance Committee, and two appointed by the Town Moderator, each will serve a two-year term. The Town Administrator (or his/her representative) shall be the seventh member of the Board. The Board shall be set up per Section 7-9g of the Town Charter.

§ 217-2. Powers and duties.

In addition to the items listed in Section 4-2(c) of the Town Charter, the Personnel Advisory Board shall conduct studies, surveys, and analysis as needed and upon request of the Board of Selectmen or Town Administrator. Any formal matter, action or vote, etc. undertaken by the Personnel Advisory Board shall not bind the Administrator or Board of Selectmen to any action relative to its determination. However, all activities or decisions rendered and approved by a majority vote of the Personnel Advisory Board shall be made available and presented at the request of the Board of Selectmen or Town Administrator. The Personnel Board shall coordinate all personnel rules and requirements for all Town employees, except the school department.

§ ~~217-2.1~~ 217-3. Limits on who may serve.⁴⁷

******Renumber 217-2.1 to 217-3 for format consistency.**

Article II Benefits and Personnel Policies⁴⁸

§ ~~217-3~~ 217-4. Authority of Board of Selectmen.

The Board of Selectmen shall have the sole authority to establish and maintain a written personnel policy, rules, regulations, employment terms and conditions and other items that they deem necessary to manage the personnel affairs of the Town of Webster (excluding schools).

§ ~~217-4~~ 217-5. Authority of Town Administrator.

The Town Administrator shall have the authority to manage and execute the aforementioned policies and procedures, and other regulatory measures established for the management or supervision of all personnel and personnel matters.

******Renumber due to insertion of 217-3**

Chapter 222. Public Works and Engineering

Article I. Town Engineer and Engineering Department⁴⁹

§ 222-1. Town Engineer.

The Town Administrator may appoint an Engineer of suitable qualifications and experience and he shall be designated as the Town Engineer. Said Town Engineer shall perform all necessary engineering work required by the Town.

§ 222-2. Engineering Department.

The Town Engineer and Engineering Department will work the necessary hours to transact the Town business as directed by the Town Administrator. All maps, graphs, plans, drawings and all other matter drawn by the Engineer or his department or filed Clerk is the property of the Town and is kept on file in his office.

§ 222-3. Town Engineer duties.

The Town Engineer shall be the director of public works as per Section 5-4, of the Charter.

Article II. Town Department of Public Works⁵⁰

§ 222-4. Charter reference.⁵¹

There shall be a Department of Public Works as set forth in the Charter Section 5-3.

*****Add "Section 5-3" to be more specific about applicable Charter section.

~~**Article III. Water Department**~~

~~**§ 222-5. Act to create the Water Department.**~~

~~The Board of Selectmen shall perform those duties set forth in Chapter 155, Acts of the Legislature 1893, and as later amended, to create the Water Department.~~

~~**Article IV. Sewer Department**~~

~~**§ 222-6. Act to create the Sewer Department.**~~

~~The Board of Selectmen shall perform those duties set forth in Chapter 345, Acts of the Legislature 1898, and as later amended, to create the Sewer Department.~~

~~****Delete Chapter 222 Article III Water Department, Article IV Sewer Department, and Sections 222-5 and 222-6.~~

Chapter 229. Reports, Annual

§ 229-1. Town report.

All Boards, Officers and standing committees shall annually before the first day of February submit to the Town Clerk an itemized report in writing of their doing for the financial year

preceding, which statement shall include an itemized account of the liabilities incurred by that board, officer or committee which are outstanding on the 31st day of December.

§ 229-2. Records of the Town Meeting.

These reports and the records of Town Meetings and elections held during the preceding year shall be printed annually in the Town Report, together with an index.

§ 229-3. Valuation list.

~~The Selectmen shall every fifth year cause to be printed copies of the valuation list of all real and personal property in the Town as prepared by the Assessors, in a quality sufficient to supply all voters who may request them.~~

******Delete Section 229-3 Valuation List. This information is available online and can be printed upon request.**

Chapter 238 ~~Selectmen, Board of~~ Board of Selectmen ⁵²

GENERAL REFERENCES

Appointments by the Board of Selectmen — See Ch. 14, Art. I.

§ 238-1. General supervision.

The Selectmen shall exercise a general supervision over all matters affecting the interest or welfare of the Town which are not otherwise provided for.

§ 238-2. Lawsuits.

The Selectmen shall have full authority as Agents of the Town to institute and prosecute suits in the name of the Town, to appear and defend suits brought against it, and to appear in its behalf in proceedings before any committed, or tribunal, unless it is otherwise specially ordered by a vote of the Town Meeting or provided by law. The Selectmen may settle any claim or suits against the Town, which in their opinion cannot be defended successfully acting upon the advice of counsel, when the amount to be paid does not exceed twenty-five thousand dollars (\$25,000) except in suits that directly affect the health, welfare or safety of the citizens of the Town. All such lawsuits shall be settled at the discretion of the Board of Selectmen.

§ 238-3. Conveyances.⁵³

All conveyances under seal which may hereinafter be executed by the Town pursuant to a vote of the Town or otherwise shall be sealed with the Town Seal and subscribed by the Selectmen or by a majority of the Selectmen or as designated by Selectmen to the Town Administrator.

Chapter 244. Sewer Charges ⁵⁴

GENERAL REFERENCES

Sewer connections — See Ch. 546.

Chapter 244. Sewer Charges

§ 244-1. Sewerage systems charges.

- A. Annual charges for use of POTW (public operated treatment plant). All charges, assessments or other items related to the operations of the Advanced Waste Water Treatment Facility and for the generation of income or for the make up of sewer rates (charges) shall be done so through an enterprise fund as detailed in MGL c. 44, § 53F, as amended.⁵⁵
- B. The fund shall be established and managed in accordance with the Department of Revenues Guidelines and Documentation for such funds and entitled "Commonwealth of Massachusetts, Department of Revenue, Division of Local Services, Enterprises Funds" as amended.

§ 244-2. Betterment charges.

The Board of Selectmen shall have the authority to assess betterment charges pursuant to MGL c. 80 and c. 83.

Chapter 253. Town Meetings⁵⁶

Reference Article 2 of the Charter for additional information about Town Meeting.

******Add Note referencing Charter Article 2**

§ 253-1. Notice of meeting.⁵⁷

Notice of every Town Meeting shall be given by publishing notice of the warrant in a newspaper of general circulation within the Town at least seven days preceding the meeting in the case of Annual Town Meeting and at least fourteen days preceding the meeting in the case of Special Town Meetings, and posting attested copies of the complete warrant in the Office of the Town Clerk, at the Town Library, and on the Town web site in a legible fashion. [Reference Charter Section 2-5]

******Add reference to Charter 2-5**

§ 253-2. Annual Town Meeting article dates.

All miscellaneous articles or articles from the general public for the inclusion in the spring or fall Annual Town Meeting warrant shall be submitted to the Board of Selectmen ~~30 days before the spring or fall Annual Town Meeting warrant~~ during the period the warrant is open. The warrant shall not close more than 45 days in advance of the Town Meeting. ~~Should the 30th day fall on a weekend or legal holiday, the next working day shall be deemed to be the acceptance date.~~

******Remove “warrant” after “spring or fall Annual Town Meeting”. Delete “30 days before the spring or fall Annual Town Meeting” and replace with “during the period the warrant is open”. Add “The warrant shall not close more than 45 days in advance of the**

Town Meeting.” Delete “Should the 30th day fall on a weekend or legal holiday, the next working day shall be deemed to be the acceptance date.”

§ 253-3. Warrant closing dates.

The Board of Selectmen shall have the right to publish different closing dates for the warrant articles which are closer to the period/dates specified for acceptance of articles prior to any Town Meeting by the Charter. However, in no case shall an article be accepted after the final publication or posting of any warrant. Provisions of General Laws shall prevail should any conflict arise.

§ 253-4. Late warrant articles.

~~A. In cases where warrant articles are received after the legal or specified closing Dates, the Board of Selectmen shall have the authority to include articles on any warrant up until the time of posting or publication by presentation of each article at a posted public meeting and a majority vote of the full board to include the article on a warrant.~~

~~B. If vacancies exist on the Board of Selectmen, a majority vote of the remaining members shall be required.~~

****** 253-4 A. violates Charter Section 2-1(d)(1). 253-4 B is unnecessary.**

§ 253-5. Spring Town Meeting date.

The Spring Annual Town Meeting for the transaction of business shall be ~~H~~held on the second Monday of May at 7:00 p.m. in the Bartlett High School or any other adequate place to be designated by the Board of Selectmen in the Warrant announcing the meeting.

******Correct capitalization of “held”**

§ 253-6. Fall Town Meeting date.

The Fall Annual Town Meeting for the transaction of business shall be held on the Third Monday of October at 7:00 p.m. in the Bartlett High School or any other adequate place to be designated by the Board of Selectmen in the Warrant announcing the meeting.

§ 253-7. Town Election date.⁵⁸

~~The Annual Town Election of Officers shall be held on the first Monday of May in The Town Hall or any other adequate place to be designated by the Board of Selectmen in the Warrant announcing the meeting.~~

******Move 253-7 to 255-1 It deals with town elections and does not belong in the Town Meeting section. Create new Chapter 255. Elections**

§ 253-8. Quorum.

The presence of 61 voters at a Town Meeting for the transaction of business shall constitute a quorum, except for a motion to adjourn for which no quorum shall be required; provided, however, that no lack of the required quorum unless it appears from the records of the Town Clerk of the meeting that before the result of such vote the question of the presence of a quorum was duly raised and that such records show that the required quorum was lacking.

§ 253-9. ~~Protocol matters.~~ Protocol Matters

~~In all protocol matters, the Town Meeting shall follow the latest revised edition of "TOWN MEETING TIME" except as otherwise provided by General Laws, the Charter or this bylaw.~~

In all protocol matters, Town Meeting shall be conducted in accordance with the latest revised edition of "TOWN MEETING TIME" except as otherwise provided by General Laws, the Charter, this bylaw or procedural rules enacted by the Town Moderator. [Reference Charter Section 2-8 (f)]

******Reworded to better align with Charter Section 2-8 (f).**

§ 253-10. Moderator duties.

The Moderator shall preside and regulate the proceedings at all Town Meetings, decide all questions of order and make public declaration of all votes.

~~If a show of hands so declared is immediately questioned, he/she shall verify it by ordering a standing vote and he/she may appoint tellers to make and return the count.~~

Any vote taken at Town Meeting may be taken electronically at the discretion of the Town Moderator. Any electronic devices or systems so used must have been previously approved for use by the Moderator.

*******Added last paragraph to allow for electronic voting. Delete show of hands paragraph because it is covered under Town Meeting Time.**

§ 253-11. Motions.

All motions submitted for consideration of the Town shall be in writing if required by the presiding officer or by a majority of the Town Meeting members present. Every person speaking shall address the Moderator in a standing position.

§ 253-12. ~~Committees and motions.~~

~~Committees shall be nominated by the presiding officer of the meeting, unless otherwise ordered by the meeting. All motions to lie on the table, or to take from the table, to take any article from its regular order, or to change the order of business, shall be decided without debate.~~

******Delete 253-12. Covered in last paragraph of Charter Section 2-2.**

§ 253-13. Reconsideration of motions.⁵⁹

~~No final vote shall be reconsidered unless ordered by a vote of two thirds (2/3) of the voters present.~~

******* Delete existing text of section. Covered in Town Meeting Time. Keep section number and title to allow for new bylaw regarding reconsideration of motion.**

§ 253-14. Action on articles.⁶⁰

~~Articles for Town Meetings.~~ Articles appearing on the Warrant of any Town Meeting that voters have rejected or passed over, may not be resubmitted prior to the next Annual Town Meeting unless the Selectmen have declared the Article to be of an emergency nature or unless by petition of voters in accordance with MGL c. 39, § 10, as amended, or unless passed over for additional information. Articles tabled during the Town Meeting may be resubmitted for the next or any annual or special Town Meeting.

******Delete comma after “passed over” in first sentence. Add “to be” between “Article” and “of an emergency” Delete “Articles for Town Meetings.” at beginning (not needed).**

~~**§ 253-15. Referendum of voters.**~~

~~The vote of the people of Webster under the referendum procedures (Section 2-15) of the Charter shall be considered as action taken by the Town Meeting.~~

******DELETE 253-15 because referendum procedures have been deleted from the Charter.**

Chapter 255. Elections

§ 255-1. Town Election date.⁶¹

The Annual Town Election of Officers shall be held on the first Monday of May in The Town Hall or any other adequate place to be designated by the Board of Selectmen. ~~in the Warrant announcing the meeting.~~

******Chapter 255 created for elections. 255-1 was 253-7. Delete “in the Warrant announcing the meeting.”**

2019 General Bylaw Revisions

Revision History

-
- ¹ Adopted 5-9-1988 ATM, Art. 98, as Sec. 550.0 of the General Bylaws
- ² Amended 5-11-2009 ATM, Art. 26
- ³ Adopted 5-8-1988 ATM Art. 98, as Secs. 1.1, 1.2, 1.3, 1.6 and 200.0 of the General Bylaws
- ⁴ Amended 5-11-2009 ATM, Art. 26
- ⁵ Amended 10-18-1993 FATM, Art. 37
- ⁶ Amended 6-26-1989 ATM, Art. 20
- ⁷ Amended 10-18-1993 FATM, Art. 37
- ⁸ Adopted 5-11-2009 ATM, Arts. 24 and 25.
- ⁹ Adopted by the Town Meeting 5-8-1988 ATM, Art. 98, as Sec. 70.0 of the General Bylaws. Amendments noted where applicable.
- ¹⁰ Adopted by the Town Meeting as indicated in article histories. Amendments noted where applicable.
- ¹¹ Adopted 5-8-1988 ATM, Art. 98, as Sec. 60.0 of the General Bylaws
- ¹² Amended 5-11-2015 ATM, Art. 20
- ¹³ Amended 5-10-2010 ATM, Art. 8
- ¹⁴ Amended 12-8-2014 STM, Art. 13
- ¹⁵ Added 10-16-2006 FATM, Art. 17; amended 5-11-2009 ATM, Art. 26
- ¹⁶ [Amended 6-11-1990 ATM, Art. 22]
- ¹⁷ [Added 6-11-1990 ATM, Art. 22]
- ¹⁸ [Amended 5-11-2009 ATM, Art. 26]
- ¹⁹ Adopted 5-8-1988 ATM, Art. 98, as Sec. 80.0 of the General Bylaws
- ²⁰ Amended 5-11-2009 ATM Art. 26.
- ²¹ Amended 5-11-2009 ATM, Art. 26.
- ²² Added 5-11-2009 ATM Art. 26.
- ²³ Adopted by the Town Meeting as indicated in article histories. Amendments noted where applicable.
- ²⁴ Adopted 5-8-1988 ATM, Art. 98, as Sec. 50.2 of the General Bylaws.
- ²⁵ Adopted by the Town Meeting 5-8-1988 ATM, Art 98, as Sec. 40.3 of the General Bylaws. Amendments noted where applicable.
- ²⁶ Adopted by the Town Meeting 5-8-1988 ATM, Art. 98, as Sec. 50.3 of the General Bylaws. Amendments noted where applicable.
- ²⁷ Adopted by the Town Meeting 5-8-1988 ATM, Art. 98, as Secs. 40.1.1, 40.1.2, 40.2, and 40.5 through 40.7 of the General Bylaws. Amendments noted where applicable.
- ²⁸ Amended 12-3-1990 FATM, Art. 2; 5-11-2009 ATM, Art. 26
- ²⁹ Amended 12-3-1990 FATM, Art. 2]
- ³⁰ Amended 12-3-1990 FATM, Art. 2
- ³¹ Amended 12-3-1990 FATM, Art. 2
- ³² Amended 12-3-1990 FATM, Art. 2

- ³³ Added 5-13-2013 ATM, Art. 7
- ³⁴ Adopted by the Town Meeting 5-8-1988 ATM, Art. 98 as Secs. 90.1 through 90.6 of the General Bylaws. Amendment noted where applicable.
- ³⁵ Added 6-15-1992 ATM, Art. 36
- ³⁶ Amended 5-11-2009 ATM, Art. 26
- ³⁷ Amended 5-11-2009 ATM, Art. 26
- ³⁸ Adopted by the Town Meeting 5-8-2006 ATM, Art. 12. Amendments noted where applicable.
- ³⁹ Adopted by the Town Meeting 5-8-98 ATM, Art. 98 as Sec. 40.4 of the General Bylaws.
- ⁴⁰ Adopted 5-12-1997 ATM, Art. 9 (Sec. 50.4 of the General Bylaws)
- ⁴¹ Adopted 5-12-1997 ATM, Art. 23 (Sec. 50.5 of the General Bylaws)
- ⁴² Amended 10-20-1997 FATM, Art. 6; 5-13-2002 ATM, Art. 19
- ⁴³ Amended 5-10-2010 ATM, Art. 12
- ⁴⁴ Adopted by the Town Meeting 5-8-1988 ATM, Art. 98 as Sec. 40.8 of the General Bylaws.
- ⁴⁵ Adopted by the Town Meeting as indicated in the article histories. Amendments noted where applicable.
- ⁴⁶ Adopted 5-8-1988 ATM, Art. 98, as Sec. 300.0 of the General Bylaws
- ⁴⁷ Added 5-14-2012 ATM, Art. 13.
- ⁴⁸ Adopted 5-8-1988 ATM, Art. 98, as Sec. 320.0 of the General Bylaws
- ⁴⁹ Adopted 5-8-1988 ATM, Art. 98, as Secs. 100.1 through 100.3 of the General Bylaws
- ⁵⁰ Adopted 5-8-1988 ATM, Art. 98, as Sec. 100.4 of the General Bylaws
- ⁵¹ Amended 5-11-2009 ATM, Art. 26
- ⁵² HISTORY: Adopted by the Town Meeting 5-8-1988 ATM, Art. 98, as Secs. 20.1 through 20.3 of the General Bylaws. Amendments noted where applicable.]
- ⁵³ Amended 5-11-2009 ATM, Art. 26
- ⁵⁴ Adopted by the Town Meeting 5-8-1988 ATM, Art. 98, as Secs. 100.6.1 and 100.7 of the General Bylaws. Amendments noted where applicable.
- ⁵⁵ Amended 5-11-2009 ATM, Art. 26
- ⁵⁶ Adopted by the Town Meeting 5-8-1988 ATM, Art. 98, as Sec. 10.0 of the General Bylaws. Amendments noted where applicable.
- ⁵⁷ Amended 10-18-1993 FATM, Art. 37; 5-12-2014 ATM, Art. 10; 6-6-2016 STM, Art. 15
- ⁵⁸ Amended 10-16-1995 FATM, Art. 7; 5-11-1998 ATM, Art. 4
- ⁵⁹ Amended 10-18-1993 FATM, Art. 37
- ⁶⁰ Amended 10-18-1993 FATM, Art. 37
- ⁶¹ Amended 10-16-1995 FATM, Art. 7; 5-11-1998 ATM, Art. 4