

**TOWN OF MARSHFIELD**

**SPECIAL TOWN MEETING**

**MONDAY, MAY 21, 2018 at 7:00 P.M.**

**At**

**MARSHFIELD HIGH SCHOOL AUDITORIUM**



**Please bring this report to Town Meeting.**

**Moderator's Town Meeting Rules**  
**(Revised September 2017)**

1. The conduct of Marshfield's Town Meeting is **governed** by Federal and State law, the Town's Charter and By-Laws, local tradition, and the publication entitled "Town Meeting Time: **A Handbook of Parliamentary Law.**"
2. The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. **(Mass. G.L. c. 39, §15)**
3. There will be no quorum **required** for Marshfield Town Meetings. *(Bylaw Art. 1 §3)*  
*1988ATM.art.15*
4. All Special and Annual Town Meeting articles will be voted by lottery. The exception will be the operating budget articles at the beginning of the Annual Meeting. The Moderator may **also** propose linkage of similar articles. *(Bylaw Art. 1§6) 2006ATM.art.18*
5. The Moderator may call for a voice vote, standing vote, show of hands, roll-call vote or secret ballot. A motion for any of these voting methods may be made at any time during the discussion phase of an article by a recognized voter. A majority of the voters must approve any motion for a roll call vote or a vote by secret ballot.

If the declared results of voice votes or show of hands votes are questioned by seven (7) voters standing immediately after the declared vote, a standing vote will be taken without debate.

6. All matters shall be decided by a majority vote unless a 2/3 or greater vote is required. If more than a majority vote is required, the Moderator shall announce the required percentage for passage before calling for the vote.
7. No reconsideration **of an article or vote** will be permitted unless the Moderator determines that there has been a significant procedural error or that there is new information likely to have affected the previous vote. If a motion to reconsider is accepted by the Moderator, it will require a majority vote for passage. There will be no reconsideration after 10:30 p.m. on the evening of the vote in question.
8. No article may be reconsidered on a subsequent evening unless postponed by motion for that purpose, during the same session at which the article was first voted **upon**. *(Bylaw Art. 1 §4)*
9. To address Town Meeting, a speaker must first be recognized by the Moderator, then give his or her name and address for the record. **All questions and comments by a speaker should be addressed to the Moderator and not to any particular town official or other Town Meeting member.** No speaker will be recognized while another person is speaking. **No person shall address Town Meeting without leave of the Moderator, and all persons shall, at the request of the Moderator, be silent. If a person, after warning from the Moderator, persists in disorderly behavior, the Moderator may order him/her to withdraw from the meeting. If he/she does not withdraw, the Moderator may order a constable or other person to remove him/her.** **(Mass. G.L. c.39, §17)**

The sole exception to the “only one person talking at a time” rule is a “point of order” which is used to question a procedural point the Moderator may have missed. It is also used to question an action that is contrary to proper procedure or that is misleading to the Town Meeting. Points of order are NOT to address the subject matter being discussed. **All points of order are decided by the Moderator alone without debate.**

10. The Moderator may set time limits on all presentations. He or she may also set limits on the number of times a voter can speak on an article and for how long. The Moderator may terminate debate on a motion when he or she deems it appropriate.

Debate on a motion may also be terminated by a recognized voter “moving the question” which, if accepted by the Moderator as not being premature, shall be voted on without discussion or debate. A motion to “move the question” requires a 2/3 vote for passage.

11. Articles in the Warrant give notice of the subjects to be discussed at Town Meeting and establish the parameters of matters that can be debated and acted upon. Amendments, motions, and/or debate determined by the Moderator, with the advice of Town Counsel, to be “beyond the scope” of the article, shall not be permitted.
12. Only two (2) amendments to a motion may be on the floor at any particular time. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. Amendments over ten (10) words must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the entrance of the hall before the start of that particular session.
13. Differing dollar amounts to be appropriated shall be voted on in descending order, with the largest sum first, until an amount gains approval.
14. Non-voters will be seated in a special section unless permission is granted by the Town Meeting to be seated elsewhere. Non-voters may be allowed to address the Town Meeting with permission of the Moderator unless a majority of voters choose to deny such a privilege.
15. A resolution is a non-debatable, non-binding motion on any matter calling for a consensus of the Town Meeting. If a resolution is over ten (10) words, it must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the entrance of the hall to those attending. Resolutions are typically taken up as the last order of business at Town Meeting.

The Board of Selectmen, within 30 days after a Town Meeting, shall discuss in open session any Resolution passed at such meeting. (*Bylaw Art.51) 1980ATM.art.35*)

16. No new business will be taken up after 10:30 p.m. on any evening.
17. When justice or order requires, the Moderator may make exceptions to those rules as he/she, in his/her discretion, deems it appropriate under the circumstances and with the concurrence of a majority of the **Town Meeting members.**

**Reminder – State Law prohibits SMOKING on school property.**

MUNICIPAL FINANCE TERMS

APPROPRIATION – An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

ASSESSED VALUATION – A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

BETTERMENT – A betterment assessment is a charge for the cost of public improvements, which benefit a limited area, against real estate situated in such.

BOND – A loan, typically over a year in maturity.

BOND AUTHORIZATION – The amount of money the Town Meeting approves for borrowing for a specific purpose.

BOND ISSUE – Generally, the sale of a certain number of bonds at one time by a governmental unit.

CAPITAL BUDGET – A plan of proposed capital outlays and the means of financing them for the current fiscal period.

CAPITAL OUTLAY – An expenditure for the purchase of property or equipment and for the construction or renovation of a facility and infrastructure.

CHERRY SHEET – A form showing all state and county charges and reimbursements to the town as certified by the Massachusetts Department of Revenue.

DEBT SERVICE – Payment of interest and repayment of principal to holders of the town's debt instruments.

ENTERPRISE FUND – Financing of services where all or most of the costs are paid for by users.

ENTERPRISE RETAINED EARNINGS – If during a fiscal year an Enterprise fund produces a surplus, such surplus shall be kept in a separate account called "retained earnings". The Department of Revenue then certifies that surplus as an available fund which can be used for:

1. operating costs to offset the need to increase user charges,
2. to fund capital improvements,
3. to reimburse General Fund to the extent the General Fund has funded a particular service in prior years, or
4. to fund Enterprise Fund revenue deficits.

FISCAL YEAR - A 12 month period, commencing on July 1, to which the annual budget applies. (Abbreviated as "FY".)

FREE CASH - The excess of assets over liabilities, minus uncollected taxes of prior years, also referred to as "available cash". The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a town meeting.

GENERAL FUND - The major town owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

GRANT - A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

LEVY LIMIT - The amount of dollars a Town can raise by taxation under Proposition 2 1/2.

LINE-ITEM BUDGET - A format of budgeting which organizes costs by type of expenditure. Such as expenses, equipment, and salaries.

OVERLAY - The overlay is the amount raised by the Assessors to be used for potential abatement of property taxes. The Overlay Surplus is the portion of each year's overlay account no longer required to cover property tax abatements.

PROPERTY TAX LEVY - The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed "per thousand dollars" of assessed valuation.

RESERVE FUND - Money set aside by Town Meeting to be allocated by the Advisory Board for extraordinary and unforeseen expenditures.

REVOLVING FUND (Ch.44, Sec. 53E 1/2) - A Town may annually authorize the use of a revolving fund by accounting for separately the receipts received from a particular service or program and expend from such fund for providing such service or program without appropriation.

STABILIZATION FUND - A special account which is invested until used and can only be utilized by town meeting appropriation.

**SPECIAL TOWN MEETING WARRANT**

**MONDAY, May 21, 2018**

COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT

Special Town Meeting, Monday, May 21, 2018

At 7:00 o'clock in the evening at the Marshfield High School

Plymouth, SS: To either of the constables in the Town of Marshfield in the County of Plymouth.

Greetings: In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town of Marshfield qualified to vote in Town affairs to meet in the Marshfield High School Auditorium on Monday, the 21st day of May, 2018, at seven o'clock in the evening then and there to act on the following articles:

**ARTICLE 1** Will the Town will vote to authorize the Board of Selectmen to petition the General Court for legislation, substantially in the form as set forth below striking the sentences/provisions that are stricken and adding the sentences/provisions that are underlined, relating amending the Marshfield Town Code, Chapter C, Charter (a clean version of the proposed Charter as amended is included in the Appendix); provided, however, that the General Court may make clerical or editorial changes to the form of the bill only, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments that are within the scope of the general public's objectives of this petition, or take any other action relative thereto:

Board of Selectmen and Charter Review Committee

**ARTICLE 1**  
**INCORPORATION: FORM OF GOVERNMENT: POWERS**

**1-TOWN OF MARSHFIELD CHARTER**

Article 1..... Incorporation: Form of Government: Powers Article 2 .....Town Meeting  
Article 3.....Elected Officials

3-1..... General Provisions  
3-2..... Elected Town Boards, Duties, Terms, etc 3-2-1 ... Selectmen  
3-2-2 ... Board of Assessors  
3-2-3....Board of Public Works  
3-2-4....Planning Board  
3-2-5....Board of Health  
3-2-6 .... Trustees of Veterans Memorial  
3-2-7 .... School Committee  
3-2-8 .... Moderator  
3-2-9....Town Clerk  
3-2-10.Housing Authority  
3-3.....Vacancies

Article 4.....Appointed Officials 4-1.....Duties, Terms, etc  
4-1-1 .... Town Administrator 4-1-2 .... Facility Manager 4-1-3....Legal Counsel  
4-1-4 .... Treasurer/Collector 4-2.....Vacancy

Article 5.....Finances and Fiscal Procedures 5-1.....Fiscal Year  
5-2.....Submission of Budget and Budget Message 5-3.....Budget Message  
5-4.....The Budget  
5-5.....Action on the Budget

5-6.....Capital Improvement Program

5-7.....Financial Public Records Article 6.....General Organization

6-1.....General

6-2.....Contracts Article 7.....Procedures

7-1.....Meetings General 7-2.....Agendas 7-3.....Rules and Journal 7-4.....Voting 7-5.....Quorum

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Article 8.....Recall and Removal 8-1.....Recall



8-1-2 .... Recall Petition  
 8-1-3 .... Selectmen's Action on Receiving Petition 8-1-4 .... Nomination of Candidates  
 8-1-5 .... Incumbent Holds Office Until Election 8-2.....Removals and Suspensions  
 8-2-1 .... Applicability  
 8-2-2 .... Temporary Suspension

Article 9.....General Provisions 9-1.....Charter Changes

9-2.....Severability

9-3.....Specific Provisions Shall Prevail 9-4.....Rules and Regulations

Article 10 .....Transition Provision 10-1.....Continuation of Existing Laws 10-2.....Continuation  
 of Government 10-3.....Continuation of Administrative Personnel 10-4.....Transfer of Records  
 and Property 10-5.....Adoption of Certain Acts 10-6.....Effective Date

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ARTICLE 1: INCORPORATION, FORM OF GOVERNMENT, POWERS

- 1.1. Incorporation -- The inhabitants of the Town of Marshfield within the corporate limits established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Marshfield".
- 1.2. ~~1-2~~ Form of Government -- The administration of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch to consist of the Board of Selectmen and a legislative branch to consist of the open Town Meeting.

~~executive branch to consist of the board of selectmen and other elected officers and a legislative branch to consist of the open town meeting.~~

- 1.3. ~~1-3~~ Powers -- Subject only to express limitations on the exercise of any power ~~of~~ function by a town in the constitution or statutes of the commonwealth, it is the intent and purpose of the voters of Marshfield to retain and secure through the adoption of this Charter all of the powers it is possible to secure for the town under the constitution and statutes of the commonwealth.
- 1.4. ~~1-4~~ Construction -- The powers of the town under this Charter are to be construed liberally in favor of the town and the specific mention of particular powers is not intended to limit in any way the general powers of the town as stated in section 1-3.

ARTICLE 2: TOWN MEETING

2.1. ~~2-1~~

Legislative Power -- The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.

Attendance of the town.

2.2. ~~2-2~~

Elected Officials -- At least one member of each elected board shall be present at each session of Town Meeting. Appointed officers and members of any appointed Commission, Committee or Study Group shall attend if so requested by appointing authorities.

2.3. ~~2-3~~

Publication of Warrant -- The Town Meeting Warrant shall either be published in a newspaper with general circulation in the town, or shall be mailed to every household in which a registered voter resides, no later than ~~two~~four weeks prior to the opening of the first session of Town Meeting. In addition, the town meeting warrant shall be made available on the Town of Marshfield website or in any other manner allowed by law no later than four weeks prior to the opening of the first session of Town Meeting.

2.4. Opening/Closing of Warrant

- A. The Warrant for Annual Town Meeting shall open for submission of articles on the first (1) Monday in January and shall close on the last Monday in January. For Special Town Meetings, the Warrant shall open no later than 30 days prior to the opening of the first session and shall remain open for 10 days
- B. ~~(B)~~ The Board of Selectmen shall give notice of the opening and closing of the Town Meeting Warrant at least seven (7) days prior to such opening or closing to all elected boards, appointed committees and department heads, and shall post such

notice in at least ten (10) prominent locations in the Town, including but not limited to the Public Library and Town Hall. Such notice shall be published in a newspaper with general circulation in the Town at least seven (7) days prior to such opening. In addition, notice shall be posted on the Town of Marshfield website at least (7) days prior to such opening.

C. If the Board of Selectmen at a duly called public meeting shall declare that an emergency exists requiring action by the Town at the earliest possible time then the provisions of this paragraph 2-4 shall not apply. An emergency for purposes of this Charter shall mean a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

### ARTICLE 3: ELECTED OFFICIALS

#### 3.1. ~~3-1~~ General Provisions

##### A.

~~(A)~~ Elective offices -- The offices to be filled by ballot of the whole town shall be, 1) a Board of Selectmen, 2) ~~a board of assessors,~~ 3) ~~a board of public works,~~ 4) a Planning Board, 5) ~~a board of health,~~ 6) ~~3)~~ Trustees of the Veterans Memorial, 4) ~~a School Committee,~~ 5) a Moderator, 6) a Housing Authority, and 7) a ~~school committee,~~ 8) ~~a moderator,~~ 9) ~~a town clerk,~~ 10) ~~a housing authority~~ Board of Health.

B. ~~(B)~~ Eligibility -- Any registered voter of the town (with the exception of the Town Manager) shall be eligible to hold any elective town office; but no elected town official shall simultaneously hold any other elected town office. ~~This section (B) shall not apply to any person who has received or receives tenure of office under the provision of c41S19B, C of the General Laws.~~

C. ~~(C)~~ Election -- The regular election for town office shall be held annually on the date fixed by ~~by law~~ by law.

#### 3.2. ~~3-2~~ Elected Town Boards, Duties, Terms, etc.

##### 3.2.1. ~~3-2-1~~ Selectmen

~~(A)~~ Composition, and Term of Office -- ~~There shall be a~~ The Board of Selectmen ~~consisting shall consist~~ of ~~three~~ ~~(3)~~ five (5) members elected ~~for~~ to three-year overlapping terms; so arranged that the term of ~~two members shall expire each year for each of two years and the term of~~ one member shall expire ~~each~~ on the third year.

A. ~~They~~ The Selectmen shall receive for their services such compensation as may ~~annually~~ be provided for that purpose by appropriation.

B. ~~(B)~~ Vacancy in Office - Vacancies in the office of Selectmen shall be filled by a special election in accordance with the provisions of the General Laws and/or this Charter.

C. Powers and Duties in General -- The executive powers of the town shall be vested in the Board of Selectmen, ~~and shall be exercised by them or jointly as~~ provided in subparts (1) through (12) of this section.

(1) Except as otherwise provided in this Charter, the Board of Selectmen shall have all of the executive powers given to a Board of Selectmen or Board

of Public Works by the Constitution and the Massachusetts General Laws, by this Charter, by by-law, and/or by vote of Town Meeting.

(2) The Board of Selectmen shall be responsible for the general direction and management of the property and affairs of the town in all matters not otherwise provided for by law, by by-law, by this Charter or by vote of Town Meeting. The Board of Selectmen shall also be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies and offices. The serving under it, and in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony. The Board of Selectmen are authorized and empowered in accordance with Massachusetts General Laws, by-law, and this Charter, to appoint a Town Manager as provided in Article 4, over whom they will exercise general supervision as far as his/her duties and responsibilities are concerned.

~~(1)~~(3) The Board of Selectmen shall cause this Charter, the by-laws and orders of the town, and the rules and regulations for the government of the town to be enforced, and shall cause a an up-to-date record of all their its official actsactions to be kept.

~~(4) In addition to aforesaid powers and duties, they shall exercise such powers and duties as are and may be provided by the General Laws, this charter, by law and/or vote of the town meeting. The Board of Selectmen shall appoint the Town Manager and Town Counsel and approve the hire of the town audit firm chosen by the Town Manager. The Board of Selectmen is also hereby empowered to appoint all pertinent and necessary ad hoc committees and commissions. The Board of Selectmen also shall have the power to timely reject appointments and/or removals by the Town Manager as provided in Article 4.1.1 G of the Charter.~~

(5) Except as otherwise provided by law, by by-law, by this Charter or by vote of Town Meeting, the Board of Selectmen shall be the licensing board of the town and shall have the power to issue, to suspend, and to revoke licenses, to make all necessary rules and regulations regarding the issuance, suspension, and renovation of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest. The Board of Selectmen shall enforce the laws relating to all businesses for which it issues such licenses. The Board of Selectmen under this act may delegate or reorganize any local licensing authority or process notwithstanding any general laws relating to local governance to the contrary.

(6) The Board of Selectmen shall be responsible for providing timely audits as required by law. The audits shall be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the government of the Town of Marshfield or any of its officers.

~~(2)~~(7) The Planning Board shall be consulted for a written recommendation by the Board of Selectmen prior to any action on the use and siting of any town owned property.

~~(C) Appointments—The selectmen shall appoint, for fixed terms of one year, election officers, director of veterans' affairs, and a town counsel, and for a fixed term, as provided in Art. 4, a~~

~~town administrator for a fixed term as provided in Article 4, a Facilities Manager; and for a three year term, a town accountant. They shall appoint for fixed overlapping terms of three years, so that the term of at least one member expires each year; the members of the board of appeals, library trustees, registrars of voters, advisory board and the following commissions: conservation, recreation, historical,~~

~~development and industrial, council for aging, airport, communications, and the following committees:~~

~~7~~

~~insurance, school building, permanent site and needs, capital budget, beautification and study groups in accordance with Art. 7 hereof.~~

~~(1) Unless otherwise provided by this Charter or by law, they shall have the power to appoint department heads, other appointed board, commission and committee members, and other town officials and employees as authorized or as may be authorized by the General Laws, this charter, by law or Town Meeting and for whom appointment is not otherwise provided.~~

~~(8) (2) In consideration of the unique historical background and~~Except as otherwise provided by law, by by-law, by this Charter or by vote of Town Meeting, the Selectmen may appear, either personally or by counsel or through the Town Manager, before any court, committee of the Massachusetts Legislature or before any federal, state or county board or commission or other tribunal to protect the interests of the town.

~~(9) All deeds conveying land or interests in land executed by the Selectmen, pursuant to due authorization, shall be valid if signed by a majority of the Selectmen and sealed with the town seal.~~

~~(10) Except as otherwise provided by law, by by-law, by this Charter or by vote of Town Meeting, the special historic significance of the town the selectmen~~Selectmen, acting on the advice of counsel, may, with the approval at any time settle any claim, demand or suit against the town which, in the opinion of a majority of the Historical Commission, appoint a town historian for a term not to exceed seven years. The historian shall perform such duties as board, is advisable in the Historical Commission may from time best interest of the town to time designatesettle.

~~(11) Except as otherwise provided by law, by by-law, by this Charter or by vote of Town Meeting, the Selectmen may institute and prosecute any and all actions, suits or legal proceedings which they shall deem necessary or advisable in the interest of the town, and may receive reimbursement for expenses~~appear in and defend any action, suit or legal proceeding brought against or involving the rights or interests of the town, and they may employ counsel to be within the amount so appropriated by the town meeting-  
~~(D) act in the foregoing matters whenever they deem necessary.~~

Investigations ~~—~~ The Board of Selectmen may investigate and may authorize the Town

B.D. ~~administrator~~Manager to investigate the affairs of the town and the conduct of any town department, including all elected boards, offices or agencies, and any doubtful claims against the town and take any action relative thereto. The report of the results of such investigation shall be placed on file in the office of the Board of Selectmen.

~~(E) Building Inspection Department—There shall be a Building Inspection Department administered by the Inspector of Buildings, who shall be appointed by the Selectmen. The Building Inspection Department shall have responsibility for administration of the town building code by law or as amended or superseded by state regulation. The local Building Inspector, Local Inspector for Wires, Local Inspector for Gas, Local Inspector for Plumbing and other inspectors as from time to time are determined necessary and their assistants shall be appointed annually by the Selectmen unless otherwise provided for by the General Laws.~~

### ~~3-2-2~~

#### 3.2.2 Planning Board

A. ~~of Assessors~~

~~(A)~~ Composition, Term of Office -- The ~~board of assessors~~Planning Board shall consist of ~~three (3)~~five (5) members elected to ~~three~~five-year overlapping terms, so arranged that the term of one member shall expire each year.

B. ~~(B)~~ Compensation -- The ~~members of the board of assessors~~Planning Board shall receive for their services such compensation as may annually be provided for that purpose by appropriation.

~~(C) Powers and Duties in General—The Board of Assessors shall have all powers and duties as set forth in the applicable provisions of the General Laws or as may be authorized by this Charter or by law.~~

### ~~3-2-3 Board of Public Works~~

~~(A) Composition, Term of Office—The board of public works shall consist of three (3) members~~

~~elected for three year overlapping terms so arranged that one term expires each year. They shall receive for their services such compensation as may annually be provided for that purpose by appropriation.~~

~~(B) Powers and Duties in General—The board of public works elected under section 3-2-3 shall be responsible for organizing and administering the following functions: construction and maintenance, highways, water and sewer systems, tree care, and parks, including landscaping and ground maintenance of all town buildings and property, and such other public works and related functions as may from time to time be vested in it through the General Laws, this charter, by law or vote of the~~

~~town meeting; and to this end the board shall, following each annual town election: (a)select from its~~

membership a chairman, a vice chairman, and a clerk for the ensuing year; and (b) be administratively organized into the following divisions: highway, water, trees, and cemeteries and parks.

The board of public works, by a majority vote of its full membership, shall appoint a superintendent of public works for an initial term of three years and annually thereafter and shall fix his compensation within limits of an appropriation made for that purpose. The superintendent shall: (a) be especially qualified by education, training, and experience to perform the duties of the office and have such other qualifications as may be determined by law; (b) exercise and perform, under the board's supervision and direction, those public works functions for which the board is responsible; and (c) appoint, subject to approval by the board, such assistants, agents, and other employees as the exercise and performance of his powers, rights, and duties may require. The superintendent shall give the town a surety bond for the faithful performance of his duties in such sum and upon such conditions as the board may require; shall keep the board fully informed as to the public works needs of the town; shall keep a full and complete record of his operations; shall render to the board, as often as it may require, a full report thereon; and annually or more often shall prepare a synopsis of such reports for publication.

(C) Engineering Department —

1 Organization — There shall be an engineering department administered by the Superintendent of

Public Works.

2 Duties Administrative — The engineering department shall provide the town with engineering

services by town employees and by contracting with qualified architectural/engineering firms.

3 Duties General — The Engineering Department shall certify that all subdivision, sewerage and other such plans and specifications required by town by laws conform to such by laws and shall be responsible for maintenance of assessors' and town maps and certification of plans and specifications for public works construction projects. The Engineering Department shall provide onsite inspection to assure proper construction performance in accordance with subdivision plans and site plan approvals made by the Board of Appeals. The Engineering Department shall also provide engineering and other technical assistance to the Planning Board, Board of Health, Conservation Commission,

Facilities Manager or any other town board or commission, reasonably requesting such service.

A) The Engineering Department shall have final approval responsibility for all plans and specifications relating to new construction and/or alterations or modifications of any existing town

owned structure and shall consult with the Facilities Manager on all town-owned buildings.

B) When reasonably requested the department shall supply engineering information to the town

meeting.

~~3-2-4 Planning Board~~

~~(A) Composition, Term of Office—The planning board shall consist of five members elected to~~

~~five year overlapping terms so arranged that the term of one member shall expire each year.~~

~~(B) Compensation—The planning board shall receive for their services such compensation as may~~

C. ~~annually be provided for that purpose by appropriation.~~

~~(C) Powers and Duties -- The Planning Board shall from time to time make careful studies and when necessary prepare plans of the resources, potentials and needs of the town, and upon the completion of any such study, shall submit to the Selectmen and town such part or parts thereof as said board may deem advisable and from time to time may extend or perfect such plan. A master plan for the Town is to be updated or revised in its entirety every 10 years or as the Planning Board or others deem advisable out of funds to be provided by appropriation. In carrying out its tasks the Planning Board may utilize town departments or employ outside consulting firms when special skills are required.~~

~~board may employ the town Engineering Department or outside consulting firms when special skills~~

~~9~~

~~are required.~~

~~1) The Planning Board, by a majority vote of its full membership shall appoint a Town Planner~~

~~(1) and staff as may be provided by appropriation.~~

~~2) The Planning Board shall regulate the subdivision of land within the meaning of the subdivision control law of the General Laws.~~

~~(2)~~

~~3) The Planning Board shall serve in an advisory capacity to any town department as required or requested.~~

~~(D).~~ In addition to all powers and duties set forth herein, the Planning Board shall have all such powers and duties as set forth in applicable provisions of the Constitution and the General Laws or as may be authorized by this Charter or by by-law.

~~3-2-5 Board of Health~~

~~(A) Composition, Term of Office—The board of health shall consist of three (3) members elected~~

~~to three year overlapping terms, so arranged that the term of one member shall expire each year.~~

~~(B) Compensation—The members of the board of health shall receive for their services such~~



~~compensation as may annually be provided for that purpose by appropriation.~~  
~~(C) Powers and Duties in General — The board of health shall have all powers and duties as set forth in the applicable provisions of the General Laws or as may be created by by-law or this charter.~~

### 3.2.3 ~~3-2-6~~ Trustees of Veterans Memorial

There shall be a Board of Trustees of the Veterans Memorial, which shall be elected and have the power and duties as set forth in the pertinent section of the General Laws (c41 S 105).

~~power and duties as set forth in the pertinent section of the General Laws (c41 S 105).~~

### 3.2.4 ~~3-2-7~~ School Committee

A.

~~(A)~~ Composition, Term of Office -- The School Committee shall consist of five members elected to three-year overlapping terms so arranged that the term of two members shall expire each year for each of two years and the term of one member shall expire on the third year.

B. ~~(B)~~ Powers and Duties -- The School Committee shall have all the powers and duties a School Committee may have under the Constitution and General Laws of the Commonwealth, and it shall have such additional power and duties as may be authorized by this Charter or by by-law. The Planning Board shall be consulted for a written recommendation by the School Committee prior to any action on the use or siting of any town owned property.

### ~~3-2-8.5~~ Moderator

A.

~~(A)~~ Term of Office -- A Moderator shall be elected for a 3-year term.

B.

~~(B)~~ Compensation -- The Moderator shall receive for his/her services such compensation as may annually be provided for that purpose by appropriation.

C.

~~(C)~~ Duties -- The Moderator shall preside at all sessions of the town meetings, regulate the proceedings, decide all questions of order, make public declaration of all votes and perform such other duties as may from time to time be assigned to the office through by-law or vote of the town meeting or by this Charter. In addition thereto he/she shall have the duties set forth in ch. 39, Sec. 15 of the General Laws.

D. Temporary Absence -- The Town Meeting may at any session elect a Moderator pro tempore to preside in the Moderator's absence or if and when he/she declines to preside.

~~In addition thereto he/she~~

### ~~3.2.6~~ Housing Authority

There shall be a Housing Authority whose members shall be elected and/or appointed in accordance with The General Laws.

### ~~3.2.7~~ Board of Health

- A. Composition, Term of Office -- The Board of Health shall consist of three (3) members elected to three-year overlapping terms, so arranged that the term of one member shall expire each year.
- B. Compensation -- The members of the Board of Health shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- ~~B-C.~~ Powers and Duties in General -- The Board of Health shall have the all powers and duties as set forth in ch. 39, Sec. 15 the applicable provisions of the Constitution, General Laws, or as may be created by by-law or this Charter.
- E. ~~(D) Temporary Absence -- The Town Meeting may at any session elect a Moderator pro tempore to preside in the Moderator's absence or if and when he/she declines to preside.~~

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### 3-2-9 Town Clerk

(A) Term of Office -- The town clerk. 3 Vacancies

Should a vacancy occur in any elected office, board, commission or committee, such vacancy shall be filled in accordance with the appropriate provisions of the General Laws. No vacancy shall be filled until 14 days after public notice of such vacancy.

elected

## ARTICLE 4: APPOINTED TOWN OFFICIALS, BOARDS, COMMISSIONS AND COMMITTEES

### 4.1 Duties, Terms, etc.

#### 4.1.1 Town Manager

A. (1) Appointment -- There shall be established in the Town of Marshfield the office of Town Manager, who shall be appointed by a majority vote of the full membership of the Board of Selectmen for an initial term of not to exceed three (3) years, as the board may determine, and may be appointed for successive terms of office thereafter which will not exceed three (3) years each.

(2) Qualifications -- The Town Manager shall be a person of demonstrated ability with administrative experience in municipal management and who is qualified by reason of education and experience.

(3) Term of Office -- The Town Manager shall devote full-time to the duties of said office and shall not engage in any other business or occupation during such employment by the town, unless such position is approved in writing by a majority vote of the full membership of the Board of Selectmen. The Town Manager shall hold no elective office in the town while serving as Town Manager, but the Board of Selectmen, by a majority vote of the full membership, may appoint the Town Manager, on an interim basis only, to any non-elective office or position consistent with the responsibilities of the Town Manager. Before entering upon his or her duties, the Town Manager shall be sworn to the faithful and impartial performance thereof by the Town Clerk. The Town Manager shall not have served in an elected office for the Town of Marshfield for at least twelve (12) months prior to his or her appointment.

B. Additional Qualifications -- The Board of Selectmen may, from time to time, establish additional qualifications for the position of Town Manager. To the extent permitted by law, the terms of the Town Manager's employment may be the subject of a written agreement between the parties consistent with this Charter, setting forth the length of service, compensation, annual review, vacation, sick leave, benefits and such other matters, excluding tenure, as are customarily included in an employment contract.

- C. Compensation – The Board of Selectmen shall set the compensation of the Town Manager, not to exceed the amount appropriated by the Town Meeting for that purpose.
- D. Personnel By-Laws – Except as provided herein, the office of Town Manager shall not be subject to any personnel by-law of the Town of Marshfield.
- E. Residence Requirements – The Town Manager need not be a resident of the Town of Marshfield or the Commonwealth of Massachusetts.
- F. Powers and Duties - General – The Town Manager shall be the chief administrative officer of the town. The Town Manager shall be responsible to the Board of Selectmen for the effective management of all town affairs placed in the Town Manager’s charge by this article, by the Board of Selectmen or by vote of the Town Meeting. The Town Manager shall be responsible for the implementation of town policies established by the Board of Selectmen. The functions and duties of the Town Manager shall include, but not be limited to, the functions and duties in subsections F, G, H, I, J, and K herein.
- G. Powers of Appointment
- (1) As provided for in this article, the Town Manager shall appoint and remove all department heads, and approve the appointment and removal of all other employees under his/her direction and control or that of his designee, except employees of the school department. The Town Manager shall consult with the appropriate elected or appointed board, commission, committee or official prior to making such department head appointments or removals. Appointments to or removals of such department head positions shall become effective on the fourteenth day following the day notice of appointment or removal is filed with the appropriate board, commission or committee and with the Board of Selectmen, unless the Board of Selectmen shall, within that 14-day period, by at least a majority vote of its full membership, vote to reject said appointment or removal.
- (2) Department heads shall, subject to the consent and approval of the Town Manager, appoint or remove assistant department heads, officers, subordinates and employees, including employees serving under elected and appointed boards, commissions, committees and officials for whom no other method of selection is provided in this article, except employees of the school department; provided, however, that the department head shall consult with the appropriate elected or appointed board, commission, committee or official prior to making such appointments or removals. The Town Manager may transfer personnel between departments as needed, except for employees of the school department.
- (3) All appointments under this section shall be based on merit and competency.
- H. Powers and Duties – Specific – Administrative – The Town Manager shall:
- (1) be responsible for the day-to-day supervision of all town departments and for the direction of the operations of the town; provided, however, that this section shall not apply to employees of the School Department;
- (2) be responsible for the efficient administration of all town departments, including department heads, under the direction and supervision of the Town Manager, with the exception of the school department, and of all functions for which the Town Manager is given responsibility, authority or control by this act, by-law, Town Meeting vote, or vote of the majority of the full membership of the Board of Selectmen;

- (3) reorganize, consolidate, establish or abolish any department or position under the Town Manager's direction or supervision with the approval of a majority of the full membership of the Board of Selectmen. With the approval of both the Board of Selectmen and the Advisory Board, the Town Manager may transfer all or part of any unexpended appropriation of a reorganized, consolidated or abolished department, board, committee or office to any other town department, board or office, except as prohibited by the general laws of the Commonwealth;
- (4) administer, either directly or through a person that the Town Manager appoints, all provisions of general and special laws applicable to the town including federal and Massachusetts emergency management agencies' requirements, by-laws, votes of the town within the scope of the Town Manager's duty, and all policy rules and regulations made by the Board of Selectmen;
- (5) establish control and data systems appropriate to monitoring expenditures by town boards and departments to enable the Town Manager to make periodic reports to the Board of Selectmen and the Advisory Board on the status of the town's finances;
- (6) administer a personnel system, including, but not limited to, determination of rates of pay, fixing amounts and elements of compensation, the development and implementation of an ongoing training program, evaluation process, personnel hiring, termination, and disciplinary policies, practices, and regulations of town employees;
- (7) attend and participate in all regular and special Board of Selectmen meetings and Town Meetings, unless excused therefrom by the Board of Selectmen;
- (8) cause full and complete records of meetings of the Board of Selectmen to be taken and maintained, and compile reports of the meetings as requested by the Board of Selectmen;
- (9) as directed or requested by a vote of the majority of the full membership of the Board of Selectmen act as the liaison with, and the representative of the Board of Selectmen before state, federal, regional, and other governmental authorities;
- (10) subject to policies established by the Board of Selectmen, approve all warrants or vouchers, including payroll warrants, for payment of town funds submitted by the town accountant;
- (11) be responsible for approving all grants submitted on behalf of the town; and
- (12) perform any other duties consistent with the office of the Town Manager as may be required by by-law or vote of the town or by vote of the Board of Selectmen.

I. Powers and Duties – Specific – Financial

(1) Budget

- (a) Within the time period specified in Article 5, the Town Manager shall prepare and submit at a public meeting to the Board of Selectmen and Advisory Board a written proposed balanced budget for town government, including the school department, for the ensuing fiscal year.
- (b) The town may, by by-law, establish additional financial reports to be provided by the Town Manager;
- (c) To assist said Town Manager in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the town, including the School Committee shall, within the time frame requested by the Town Manager, furnish all relevant information in their possession and submit to

the Town Manager, in writing and in such form as the Town Manager shall establish, a detailed estimate of the appropriations required and available funds.

J. Powers and Duties – Specific – Collective Bargaining

(1) The Town Manager shall negotiate collective bargaining contracts on behalf of the Board of Selectmen, which contracts shall be subject to approval, ratification and execution by the board. At its discretion, the Board of Selectmen may appoint or authorize use of additional counsel, as requested by the Town Manager to assist the Town Manager in the negotiations.

(2) The Town Manager shall administer and enforce collective bargaining agreements, personnel rules and regulations, and by-laws adopted by the town, except those pertaining to the School Department.

K. Powers and Duties – Specific – Procurement

(a) The Town Manager shall act as the chief procurement officer for the town, and be responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department.

L. Permanent Vacancy

The Board of Selectmen shall fill any permanent vacancy in the office of the Town Manager as soon as possible. Pending the appointment of a Town Manager or filling of a vacancy, the Board of Selectmen shall, within a reasonable period of time, not to exceed 14 days, appoint some other qualified person to temporarily perform the duties of the Town Manager until a permanent replacement is appointed.

M. Temporary Absence or Disability –

(1) The Town Manager may designate by letter filed with the Town Clerk and Board of Selectmen a qualified officer of the town to perform the duties of Town Manager during a temporary absence or disability.

(2) If the absence or disability exceeds fourteen (14) days, any designation by the town manger shall be subject to the approval of the Board of Selectmen. If the Town Manager fails to make such a designation, or if the person so designated is unable to serve, the Board of Selectmen, by a vote of the majority of its full membership, may designate some other qualified person to perform the duties of Town Manager.

(3) Powers and Duties – The powers and duties of the Acting Town Manager shall be limited to matters not permitting of delay and shall include authority to make temporary, emergency appointments or designations to town offices or employment, but not to make permanent appointments or designations unless authorized by the Board of Selectmen.

N. Removal and Suspension

The Board of Selectmen, by a vote of the majority of its full membership, may terminate and remove or temporarily suspend the Town Manager or acting Town Manager. Prior to any termination or removal, or a suspension exceeding five (5) days, notice shall be given and reasons for the proposed action shall be provided in writing to the Town Manager or acting Town Manager and an opportunity shall be provided for the Town Manager or acting Town Manager to meet with the Board of Selectmen and respond to those reasons. After such meeting, if any, the Board of Selectmen may act by majority vote of the entire Board of Selectmen to terminate, remove or suspend the Town Manager or Acting Town Manager. In the event that the removal, termination or suspension provisions of this section shall conflict with those found in Article 8 - 2, the provisions of this section shall govern the removal, termination or suspension of the Town Manager or acting Town Manager.

#### 4.1.2 Board of Assessors

- A. Composition, Term of Office -- The Board of Assessors shall consist of three (3) members appointed by the Board of Selectmen to three-year overlapping terms, so arranged that the term of one member shall expire each year.
- B. Compensation -- The members of the Board of Assessors shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- C. Powers and Duties in General -- The Board of Assessors shall have all powers and duties as set forth in the applicable provisions of the General Laws or as may be authorized by this Charter or by-law.

#### 4.1.3 Town Clerk

- A. Term of Office -- The Town Clerk shall be appointed by the Town Manager for a term of three years. He/she shall receive for his/her service such compensation as may annually be provided for that purpose by appropriations.
- B. Powers and Duties -- The Town Clerk shall have the power and duties as set forth in the applicable provisions of the General Laws and such additional power and duties as may be authorized by this Charter or by-law.
- C. By-Laws -- All town by-laws shall be filed with the Town Clerk. The Town Clerk shall publish, and make available, at reasonable cost, copies of the by-laws and this Charter to all persons requesting them.

#### ~~3-2-10 Housing Authority~~

~~There shall be a Housing Authority, four members of which shall be elected and one member appointed by the Governor of the Commonwealth which shall have the power and duties as set forth in the pertinent sections of the General Laws, as may be accepted by the town meeting.~~

#### ~~3-3 Vacancies~~

~~Should a vacancy occur in any elected office, board, commission or committee, such vacancy shall be filled in accordance with the appropriate provisions of the General Laws (Selectmen c41 S10; Moderator c39 S14; Town Clerk 41 S14; all other boards and commissions c41 S11).~~

~~No vacancy shall be filled until 14 days after public notice of such vacancy.~~

#### ~~ARTICLE 4~~

#### ~~APPOINTED TOWN OFFICIALS, BOARDS, COMMISSIONS AND COMMITTEES~~

#### ~~4-1 Duties, Terms, etc. 4-1-1 Town Administrator~~

~~(A) Qualifications -- The qualifications of Town Administrator shall be established by personnel By-Law.~~

~~(B) Term -- The Board of Selectmen, by a majority vote of its full membership, shall appoint a Town Administrator for an initial term of three years and at its discretion for successive terms~~

thereafter which will not exceed three years each and shall fix his/her compensation within limits of an appropriation made for that purpose.

(C) Personnel By Laws—Except as provided herein, the office shall not be subject to any personnel by law of the Town.

(D) Residential Requirements—The Town Administrator need not be a resident of the town or Commonwealth.

(E) Other Offices—He/she shall devote full time to the office and shall not hold any other public office, elective or appointive except as provided herein. He/she shall not engage in any other business or occupation during his term, unless such action is approved in writing by the board of selectmen.

(F) Powers and Duties General—Except as otherwise authorized, the town administrator will report to the selectmen's office every business day, and will be engaged in such varied activities as the following: preparing the agenda for each weekly meeting of the board; handling all

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correspondence for the selectmen; receiving and carrying out decisions and instructions from them; coordinating the work of the several departments under the jurisdiction of the selectmen with other town departments and with state, county, or private agencies; providing the board with factual information upon which they make decisions and formulate policies; and receiving and adjusting complaints or making referrals to the proper governmental or private agency. The town administrator shall attend all town meetings.

(G) Powers and Duties—Specific

The Town Administrator duties shall include but not be limited to:

1) Administer the personnel by law as voted by the town and as may be determined by collective

bargaining agreements.

2) Maintain a full and complete inventory of the town's property both real and personal.

3) Supervise and maintain a central purchasing department.

4) Shall be an ex-officio non-voting member of all elected and appointed boards and commissions

and committees.

5) Shall keep informed and report to the selectmen on developments in municipal administration,

grants etc. at both the state and federal level.

(H) Vacancy—Shall be filled as soon as reasonably possible. Temporary appointment for a

period of no longer than four months may be made by selectmen in the absence of a fully qualified individual.

~~(I) Removal As provided in Section 8-2 of this charter.~~

#### 4-1-2 Facilities Manager

~~(A) The Board of Selectmen, by a majority vote of its full membership, in consultation with the Superintendent of Schools and Town Administrator, shall appoint a Facilities Manager for an initial term of three years and at its discretion for successive terms thereafter each of which shall not exceed three (3) years and shall fix compensation within limits of an appropriation made for that purpose.~~

~~(B) The Facilities Manager will be accountable to the Superintendent of Schools for school operated buildings and to the Town Administrator for all other Town-owned buildings, in consultation with the Engineering Department as required, excluding the waste treatment building(s) and water department infrastructure buildings and shall have a budget appropriate to his/her responsibilities and duties.~~

~~(C) Duties—The Facilities Manager shall prepare an inventory of all town-owned buildings and facilities, assess their conditions and needs, and prepare a long-term plan for the preventive maintenance and improvement of town buildings within the purview of this position.~~

~~1) The Facilities Manager shall implement and manage all programs that ensure the proper operation and maintenance of town buildings and systems therein and oversee other work that may be required. He/she shall arrange for annual contracts related to maintenance of town facilities and be a procurement coordinator for supplies necessary to the performance of the position.~~

~~2) In addition, the Facilities Manager shall be involved ex-officio on all capital building projects and shall consult with the Engineering Department and Building Department as needed.~~

#### 4.1.4 ~~4-1-3~~ Legal Counsel

~~(A) Term of Office - The Town Counsel shall be appointed by the Board of Selectmen for a~~

~~12~~

A. term of one year, said term to commence on July 1 of each year, except where a vacancy exists, in which case the appointee shall complete the remainder of the current term. "Town Counsel" as used in this Charter, may refer to an individual or a law firm hired by the Selectmen to provide legal services to the Town. Town Counsel may serve on either a full time or part time basis, in the discretion of the appointing authority, subject to the amount of compensation appropriated for that purpose by the Town.

B. ~~(B)~~ Duties – The Town Counsel shall:

1) ~~Be the legal counsel for the Town in its corporate capacity~~ Be the legal counsel for the Town in its corporate capacity.

a. ~~2)~~ Provide legal consultation and advice to all boards, officers and employees of the Town, as may be authorized by the Board of Selectmen or its designee.



- b. ~~3)~~ Review all Town Meeting Warrant Articles prior to each Town Meeting and advise the Board of Selectmen and relevant town boards, officers and employees regarding the legality of such articles.
- c. ~~4)~~ Attend all Annual and Special Town Meetings, and provide such legal consultation and advice as may be requested by Town Meeting.
- d. ~~5)~~ Conduct or oversee all litigation, including administrative proceedings, in which the Town, its boards or officers are involved in their official capacity, to the extent such legal services are not provided by the town's insurance carriers.
- e. ~~6)~~ Review and approve as to form all contracts to which the Town is a party.

~~4-1-4~~

~~There shall be a Treasurer/Collector appointed by the Board of Selectmen for a term of three (3) years.~~

4-2

4.1.5 Advisory Board

- A. Composition: There shall be an Advisory Board consisting of nine (9) members with three (3) members appointed each year for a term of three (3) years. Members shall hold no other elected or appointed office in town government nor be an employee of the Town of Marshfield while on the Advisory Board, unless otherwise provided by this Charter, town by-laws or by vote of Town Meeting and shall serve without pay. Members of the board shall choose from among its membership a chair, a vice chair and a clerk.
- B. Nomination Process for Advisory Board: Members of the Advisory Board shall be appointed by a majority vote of a nominating committee consisting of three (3) members; each duly authorized to represent their respective board or office. i) The Town Moderator, who shall serve as chair; ii) One (1) member of the Board of Selectmen; and iii) one (1) member of the Advisory Board, except that no member of the Advisory Board shall serve on a nominating committee if that member seeks re-appointment to the Advisory Board and the re-appointment would be the subject of that nominating committee. The nominating committee shall consider only education, skills and experience of individual candidates as they relate to the function of the Advisory Board.
- C. Responsibilities of the Advisory Board: The Advisory Board shall investigate and consider all articles in the warrant to be brought before the Town and shall report and advise on such articles at Town meeting. The Advisory Board shall consider short and long-range financial impacts, including both revenue and expenses to ensure financial stability.

4.1.6 Finance Director

There shall be a Finance Director who is responsible for oversight and coordination of the Town's financial activities. The Finance Director shall be appointed by, and report to, the Town Manager with approval of the Board of Selectmen. The Finance Director shall supervise the Town Accountant, Treasurer/Collector, and Town Assessor, and may serve simultaneously in one of these positions. The Finance Director shall also appoint, train, and evaluate any other finance officers as deemed necessary and financially prudent.

Vacancy

Should a vacancy occur in any appointed office, board or commission, such vacancy shall be filled ~~in~~

4.2 ~~by the appointing authority in~~ accordance with the ~~appropriate~~ provisions of ~~the General Laws. Vacancies on Committees or Study Groups may be filled by the appointing authority.~~ this Charter. No vacancy shall be filled until 14 days after public notice of vacancy.

ARTICLE 5: FINANCES AND FISCAL PROCEDURES

5.1 ~~5-1~~ Fiscal Year ~~--~~ The fiscal year of the town shall be as required by the General Laws.

5.2 ~~5-2~~ Submission of Budget and Budget Message ~~--~~ On or before the last Monday of January, the Selectmen assisted by the Town ~~Administrator~~ Manager shall file with the Advisory Board a proposed operating and capital budget for the ensuing fiscal year with an accompanying budget message and supporting documents.

~~5-3~~ Budget Message ~~--~~ The message of the Selectmen shall explain the budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget including capital expenditures, indicate any major

~~13~~

~~Treasurer/Collector~~

5.3 treasurer/collector variations from the current year in financial policies, expenditures and revenues together with reasons for such changes, summarize the town's debt position and include other material as the Selectmen may require.

5.4 ~~5-4~~ The Budget ~~--~~ The budget shall provide a complete financial plan of all town funds and activities, including Enterprise Accounts and the budget adopted by the School Committee for the ensuing fiscal year. Except for the school budget or as may otherwise be required by statute or by this Charter, it shall be in the form, which the Selectmen may require. In their presentation of the budget the Selectmen shall utilize modern concepts of fiscal presentation, so as to furnish maximum information and provide the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

A. separate sections:

~~(A)~~ Proposed expenditures for current operations during the ensuing fiscal year, detailed by agency and position in terms of work programs, and the method of financing such expenditures;

B.

~~(B)~~ Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and

C.

~~(C)~~ Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

5.5 ~~5-5~~ Action on the budget

~~(A)~~ The Board of Selectmen and the Advisory Board shall jointly hold one or more public hearings on the proposed budget not less than fourteen (14) days prior to the town meeting at which it is to be submitted for adoption. The purpose of the public hearing shall include a review and discussion of proposed warrant articles to identify potential obstacles and missing information requiring action prior to Town Meeting.

5.6 ~~5-6~~ Capital Improvement Program

Town officers, board and committees shall, by the third Friday in November of each year, submit to the Capital Budget Committee all requests for capital projects and all information concerning such projects proposed to be undertaken in the next fiscal year. In addition, no later than the third Friday in November of each year, all town officers, boards and committees shall submit to the Capital Budget Committee a capital budget plan listing all capital projects then in effect and anticipated in the following five (5) fiscal years. Capital projects for consideration at a Special Town Meeting should be of an emergency nature only and shall be submitted to the Capital Budget Committee ~~sixty (60) days~~ as promptly as the emergency circumstances allow prior to the date of a Special Town Meeting. The Capital Budget Committee will review all current project requests and five year capital budget plans and:

A. ~~(A)~~ Develop a capital budget article to be presented to the next Annual Town Meeting or Special Town Meeting with recommendations; and

B.

~~(B)~~ Incorporate all capital budget plans into an overall town capital budget program. The capital improvement program is to be developed and administered in accordance with the capital budget bylaws.

5.7 ~~5-7~~ Financial Public Records

A summary of the budget and capital improvements program and related warrant articles as

~~14~~

adopted by the town meeting shall be prepared by the Town ~~Administrator~~ Manager under the direction of the Selectmen and made available at the offices of both the Town Clerk and Selectmen for examination by the public not more than thirty (30) days after their adoption. These provisions shall not affect the availability of the annual town report, the town warrant or the report of the Advisory Board.

ARTICLE 6: GENERAL ORGANIZATION

6.1 ~~6-1~~ General

A.

~~(A)~~ Subject to the Massachusetts General Laws and the provisions of this Charter, the town meeting may by by-law create, establish, organize, reorganize, consolidate or abolish any town board, commission, committee, department, office or agency in whole or in part as they deem necessary or advisable and shall prescribe the function of all such entities.

- B. ~~(B)~~  
All appointments and promotion of town officers and employees shall be made solely on the  
the basis of merit and fitness demonstrated by examination or other evidence of  
 competence and suitability.
- C. ~~(C)~~ No board, commission, committee or study group shall be appointed until the  
 appointing authority clearly sets forth the objectives, duties, authority and term of such  
 body, unless such information is contained in the legislation establishing such body. The  
 foregoing shall not apply to such bodies existing at the adoption of this Charter, but the  
 appointing authority shall give such guidance and direction as any such existing body  
 may reasonable request.

6.2 ~~6-2~~ Contracts

All contracts involving the Town, whether or not requiring expenditure of funds, shall be  
 reviewed by Town Counsel for form and content.

~~by Town Counsel for form and content.~~

ARTICLE 7: PROCEDURES

7.1 ~~7-1~~ Meetings General -- All multiple member boards, commissions or committees of the  
 town whether elected or appointed or otherwise constituted, shall meet within 30 days  
 of appointment and regularly at such times and places within the town as they may  
 prescribe. Special meetings of any board, commission, or committee shall be held on the  
 call of the respective chairman or by ~~one third of the members thereof by suitable~~  
~~written notice delivered to the residence or place of business of each member at least~~  
~~twenty four hours in advance of the time set. A copy of the said notice shall also be~~  
~~posted on the town bulletin board(s); a majority of the members in accordance with the~~  
Massachusetts Open Meeting Law (M.G.L. ch 30A, ss 18-25). Special meetings of any  
 board, commission, or committee shall also be called within two (2) weeks after the  
 date of the filing with the Town Clerk of a petition signed by at least twenty-five (25)  
 registered voters and which states the purpose or purposes for which the meeting is to  
 be called. ~~All meetings of all boards, commissions and committees shall be open and~~  
~~public, provided, however, that the committee, commission or board may recess for the~~  
~~purpose of discussing in a closed or executive session limited to its own membership,~~  
~~any matter which would tend to defame or prejudice the character or reputation of any~~  
~~person, which would affect the public security, or which might have a direct fiscal effect~~  
~~on the town provided that the general subject matter for consideration~~

~~is expressed in the motion calling~~ Meeting Agendas -- All meeting agendas for such session and  
~~that final action on the matter is not taken until~~

~~15~~

~~the board, commission~~ multiple member boards, commissions or committee comes back into  
 formal session, except as provided in Sec. 23A, ch. 39 ~~committees~~ of the General Laws.

## 7-2 Agendas

~~At least twenty four hours before any meeting of a board, commission town whether elected or committee is to be held~~

- 7.2 ~~an agenda containing all items which are scheduled to come before the board, commission appointed or committee at the meeting otherwise constituted~~ shall be posted ~~on the town bulletin board (in accordance with the Massachusetts Open Meeting Law (M.G.L. ch 30A, s). No action taken on a matter not included in the posted agenda shall be effective unless the board, commission or committee first adopts by a separate vote a resolution declaring that a reasonable cause exists and stating such cause. 20).~~
- 7.3 ~~7-3~~ Rules and Journal -- Each board, commission or committee shall determine their own rules and order of business unless otherwise provided by this Charter or by-law and shall provide for keeping a journal of their proceedings. Those rules and journals shall be a public record kept available in a place convenient to the public at all times and certified copies shall be kept available in the office of the Town Clerk.

## 7-4 Voting

~~Except on procedural matters, votes of all boards, commissions, committees shall be taken by a call~~

~~of the ayes and nays shall be recorded in the journal, provided however, that if the vote is unanimous only that fact need be recorded.~~

- 7.4 ~~7-5~~ Quorum -- ~~Unless otherwise required by law,~~ a majority of the members of the board, commission or committee shall constitute a quorum, but a lesser number may adjourn from time to time ~~and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the board, committee or commission; no other action of the board, commission or committee shall be valid or binding unless ratified by the affirmative vote of the majority of the full board, commission or committee.~~

## ARTICLE 8: RECALL AND REMOVAL

### 8.1 ~~8-1~~ Recall

~~8-1-1~~ Who can be recalled -- Any holder of an elective office, as defined in Article 3, may be recalled therefrom by the registered voters of the town as herein provided.

#### 8.1.2 ~~8-1-2~~ Recall Petition

Any one hundred (100) registered voters of the town may file with the Town Clerk an affidavit on documents issued by the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. Anyone obtaining the affidavit documents from the Town Clerk, must return the affidavit documents to the Town Clerk within 14 days with the signatures of the one hundred (100) registered voters, which shall then be certified by the registrars. The Town Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which shall be kept available. The blanks shall be issued by the Town Clerk with his/her signature and official seal attached thereto. 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 of recall as stated in

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the affidavit, and shall demand the election of a successor in said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within twenty-one (21) days after the filing of the affidavit, and shall have been signed by at least fifteen (15) per cent of the registered voters of each precinct, 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 within fourteen (14) days certify thereon the number of signatures, which are names of registered voters of the town.

8.1.3 ~~8-1-3~~ Selectmen's Action on Receiving Petition

If the petition shall be found and certified by the Town Clerk to be sufficient he/she shall submit the same with the 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 ~~sixty (60)~~ seventy (70) nor more than ~~seventy (70)~~ eighty (80) days after the date of the Town Clerk's certificate that a sufficient petition has been filed. Provided however, that if any other town election is to occur within ninety (90) days after 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 the election.

8.1.4 ~~8-1-4~~ Nomination of Candidates

Any officer sought to be removed may be a candidate to succeed himself/herself, and unless he/she requests otherwise in writing, the Town Clerk shall place his/her name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal 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.

8.1.5 ~~8-1-5~~ Incumbent Holds Office until election

The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he/she shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

8.2 ~~8-2~~ Removals and Suspensions

8.2.1

~~8-2-1~~ Applicability -- Any appointed officer, including a member of any appointed board, commission, committee, or any appointed salaried employee of the town, not subject to the provisions of the state civil service law, and whose position is not subject to any collective bargaining agreement between the town and its

employees, whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term cause shall include, but not be limited to the following: Incapacity other than temporary illness, inefficiency, absenteeism, insubordination and conduct unbecoming the office.

~~8-2-2~~ Temporary Suspension -- Any appointed officer or salaried employee of the town may be

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8.2.2 suspended from office by the appointing authority if such action is deemed by them to be necessary to protect the interests of the town. However, no suspension shall be for more than thirty (30) days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

8.2.3 ~~8-2-3~~ The appointing authority when removing any such officer or employee shall act in accordance with the following procedure:

- A. ~~(A)~~ The employee shall be served with a written notice to show cause why the employee should not be removed and a statement of the cause or causes therefore shall be delivered by registered or certified mail to the last known address of the person sought to be removed.
- B. ~~(B)~~ Within five (5) days of delivery of such notice the officer or employee may request a public hearing at which he/she may be represented by counsel, shall be entitled to present evidence, call witness and to question any witness appearing at the hearing, which hearing shall be held within 15 days of receipt of such notice.
- C. ~~(C)~~ Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing between six (6) and fifteen (15) days after delivery of the notice of intent to remove the appointing authority shall take final action, whether removing the officer or employee or notifying him/her that the notice is rescinded.

8.2.4 ~~8-2-4~~ Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed to a fixed term is not reappointed when his/her original term expires.

#### ARTICLE 9: GENERAL PROVISIONS

9.1 ~~9-1~~ Charter Changes -- This Charter may be replaced, revised or amended in accordance with the procedures made available by article 89 of the amendments to the state constitution and any legislation enacted to implement the said amendment.

9.2 ~~9-2~~ Severability - The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

9.3 ~~9-3~~ Specific Provisions Shall Prevail -- To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

~~in general terms, the specific provisions shall prevail.~~

9.4 ~~9-4~~ Rules and Regulations -- A copy of all rules and regulations adopted by an officer, board, commission, committee, department or agency of the town shall be filed in the office of the Town Clerk and made available for review by any person who requests such information.

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9.5 Number and Gender -- Words importing the singular number may extend and be applied to several people or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

9.6 Periodic Charter Review -- At least once in every 10-year period after the effective date of this Charter, or sooner if approved at Annual Town Meeting, a special committee shall, by an affirmative vote of the majority of the full Board of Selectmen, be established for the purpose of reviewing this Charter and reporting its recommendations at Annual Town Meeting concerning any proposed amendments that the committee may determine to be necessary or desirable. In addition, a warrant article to amend this Charter could be presented to the voters at Town Meeting by the Board of Selectmen or by citizen petition at any time.

#### ARTICLE 10: TRANSITION PROVISION

~~9-5~~9.7 ~~10-1~~ Continuation of Existing Laws -- All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when this Charter takes effect and which are not specifically repealed or amended or rescinded by due course of law or expire by their own limitation.

~~9-6~~9.8 ~~10-2~~ Continuation of Government -- All committees, commissions, boards, departments, officers and other agencies of the town shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

9.8.1 ~~10-3~~ At the annual election, following the acceptance of this Charter amendment by the voters of the town of Marshfield, two additional Selectmen shall be elected. The candidates that receive the highest number of votes shall be elected for a three-year term and the candidate that receives the next highest number of votes shall be elected for a two-year term. Upon the expiration of the initial terms, each term of each Selectmen thereafter elected shall be a three-year term.

~~9-7~~9.9 Continuation of Administrative Personnel -- Any person holding an office or position in the administrative services of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with this



Charter for the performance of the said duties by another person or agency; provided however, that no person in the permanent full time service or employment of the town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

~~9-89.10~~ ~~10-4~~ Transfer of Records and Property -- All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties and assigned.

~~9-99.11~~ ~~10-5~~ Adoption of Certain Acts -- The provisions of Chapter 41 Section 103 of the General Laws are hereby adopted. Said section establishes a purchasing department authorized to purchase all supplies for the town and for every department thereof.

9.12 10-6 This Charter amendment shall be submitted for acceptance to the voters of the town of Marshfield at an annual town election held following its approval in the form of the following question, which shall be placed on the official ballot to be used at the election: Shall an act entitled "AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF MARSHFIELD" be accepted? A summary prepared by the town counsel noting in summary form the major changes proposed in the Charter by this act shall appear on the ballot. If a majority of the votes cast in answer to the question is in the affirmative, this act shall take affect, but not otherwise.

~~9-109.13~~ Effective Date -- This charter ~~shall become~~ became effective on July 1, 1976. Amendments thereto will go into effect upon their passage.

Respectfully submitted,

~~Robert V. Cauchon, Chairman Richard A. Hall, Vice Chairman John Bangs, Clerk  
James A. McLaughlin~~

~~John Clifford Carolyn Jarvis Dorothy McCann~~

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~~Thomas Sheehan Lawrence Callahan~~

~~Modified May 3, 2003  
2001 Charter Review Committee~~

~~Douglas Heald, Chairman Kathleen Ramsey, Secretary Otis Carney  
Jean Christensen~~

~~Roberta Daniele  
Dana Harvey  
Kevin Jones  
Charles Kearney  
Ted LeClair~~

Richard Levin

Martine Anderson

James Robinson (Ex-Officio Member) Robert Marzelli (Ex-Officio Member)

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**ARTICLE 2** Will the Town vote to appropriate the following unexpended amounts of money, or any other unexpended amounts, that were initially borrowed or transferred to finance capital projects that are now complete, and for which no further liability remains, to pay debt service on bonds or notes, or take any other action relative thereto:

<u>Department</u>	<u>Account</u>	<u>Original Purpose</u>	<u>Amount</u>
POLICE	302106915800	Police AED's	\$ <b>1,860.00</b>
POLICE	302106265850	Communication Project	<b>19,257.71</b>
POLICE	302106895850	Replace Tasers & Training	<b>12.31</b>
POLICE	302106925800	Replace K9 Vehicle	<b>132.75</b>
FIRE	302203365800	Fire Station Construction	<b>8,350.03</b>
FIRE	022202165800	Central Fire Station Paving	<b>2,436.72</b>
FIRE	302200665850	Fire Station Upgrades	<b>115.00</b>
SCHOOL	330061785850	School Textbooks	<b>16.03</b>
SCHOOL	023303305850	21st Century Technology	<b>0.39</b>
SCHOOL	330003125850	Boiler Replacement	<b>5,178.07</b>
LIBRARY	026106115802	Remediate Library Exterior Walls	<b>21,234.00</b>
DPW	300411956868	Replace Floor Drains-H,F&P	<b>6,823.89</b>
DPW	300421046009	Sidewalk Plow and Sweeper	<b>1,566.87</b>
DPW	300411056024	Rt 139 Project Design	<b>1,277.81</b>
DPW	<u>024913655840</u>	<u>Mini Excavator</u>	<b><u>3,297.61</u></b>
<b>Total</b>			<b>\$71,559.19</b>

Treasurer/Collector and Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 2 Explanation: The purpose of this article is to close out completed capital projects and re allocate the remaining balance to pay down Debt Service Line items in FY 18.*

**ARTICLE3** Will the Town vote to authorize the borrowing of \$1,000,000.00 (one million dollars) to pay costs of repairing and/or replacing the seawall along Ocean Street southerly from approximately properties known as and numbered 328 Ocean Street to 17 Bryants Lane, and further allow any unexpended funds from the work described above to be used for additional seawall work at other location(s) as determined by the Board of Public Works, and further authorize and direct the Board of Public Works and/or Board of Selectmen to apply

for , seek and/or accept any grants, matching or otherwise, , gifts or reimbursements as may be available from any state or federal officials, agencies or departments in connection with the construction, reconstruction, maintenance or repair of any seawalls or related coastal protection infrastructure, or to take any other action related thereto.

Treasurer/Collector

**Recommendation: At Town Meeting.**

*Article 3 Explanation: This article is offered to obtain approval to additionally borrow and seek and accept grant monies for repair and/or replacement of seawalls and related coastal infrastructure that occurred after the close of the Annual and Special Town Meeting Warrants for April, 2018. The Town is continuing its efforts to repair and replace the damaged seawalls to protect the surrounding areas.*

**ARTICLE 4** Will the Town vote to transfer raise and appropriate, transfer from available funds, or borrow a sum of money to fund collective bargaining agreements or other employee contracts with any one or more of the following organizations with respect to the fiscal year beginning July 1, 2016, or take any other action relative thereto.

- The Association of Marshfield Police
- American Federation of State County and Municipal Employees AFL-CIO State Council 93 Local 1700 (Clerical Employees Unit)
- American Federation of State County and Municipal Employees AFL-CIO State Council 93 Local 1700 (Supervisory Employees)

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 4 Explanation: Contract negotiations with above noted collective bargaining units is currently on-going. The purpose of this article it to fund any or all of the above-noted collective bargaining agreements, if a settlement occurs by Town Meeting, funding is required under Mass. Gen. L. c. 150E for the first year of the contractual settlement.*

**ARTICLE 5** Will the Town vote transfer from free cash a sum of money to a contract line item under the Selectman’s Budget to settle future contracts in FY 19, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 5 Explanation: This would allow the Town to set aside funds for future contract settlements should there be a balance remaining in free cash.*

**ARTICLE 6** Will the Town vote to reallocate the following unexpended amounts of money, or any other unexpended amounts, that were initially borrowed or transferred to finance projects previously completed and for which no further liability remains, re appropriate those amounts, or take any other action relative thereto:

**Library Plaza Renovations to be transferred to Library Renovations in an amount of 101,500.95**

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 6 Explanation: This article allows the Town to transfer completed project proceeds to new projects.*

**ARTICLE 7** Will the Town vote to appropriate the sum of \$59,705.70 from premium funds received from the Fiscal 2017 Sale of bonds and bans to pay for Capital items as listed below:

School Security: \$29,855.20  
Town Building Repairs: \$15,522.26  
Waste Water UV Project: \$14,328.24  
Total: 59,705.70,

or take any other action relative thereto.

Treasurer/Collector

**Recommendation: At Town Meeting.**

*Article 7 Explanation: To further improve our School security systems, Town building repairs, and to cover capital cost associated with the UV projects.*

You are directed to serve this warrant by posting attested copies thereof at ten public places in different parts of the Town not less than fourteen days before the holding of said meeting. Hereof fail not to make the due return of this Warrant with our doings thereon to the Town Clerk at the time and place of the meeting aforesaid:

Given under our hands this 20<sup>th</sup> day of April, 2018.

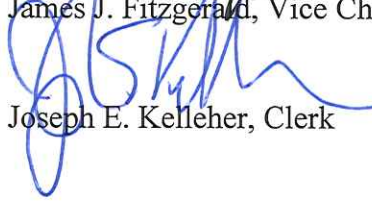
MARSHFIELD BOARD OF SELECTMEN



Michael G. Bradley, Chairman



James J. Fitzgerald, Vice Chair



Joseph E. Kelleher, Clerk

A true copy, ATTEST:  
Constable

## **APPENDIX**

VERSION 16: February 8, 2018

## TOWN OF MARSHFIELD CHARTER

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## ARTICLE 1: INCORPORATION, FORM OF GOVERNMENT, POWERS

- 1.1. Incorporation -- The inhabitants of the Town of Marshfield within the corporate limits established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Marshfield".
- 1.2. Form of Government -- The administration of the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch to consist of the Board of Selectmen and a legislative branch to consist of the open Town Meeting.
- 1.3. Powers -- Subject only to express limitations on the exercise of any power or function by a town in the constitution or statutes of the commonwealth, it is the intent and purpose of the voters of Marshfield to retain and secure through the adoption of this Charter all of the powers it is possible to secure for the town under the constitution and statutes of the commonwealth.
- 1.4. Construction -- The powers of the town under this Charter are to be construed liberally in favor of the town and the specific mention of particular powers is not intended to limit in any way the general powers of the town as stated in section 1-3.

## ARTICLE 2: TOWN MEETING

- 2.1. Legislative Power -- The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the town.
- 2.2. Attendance of Elected Officials -- At least one member of each elected board shall be present at each session of Town Meeting. Appointed officers and members of any appointed Commission, Committee or Study Group shall attend if so requested by appointing authorities.
- 2.3. Publication of Warrant -- The Town Meeting Warrant shall either be published in a newspaper with general circulation in the town, or shall be mailed to every household in which a registered voter resides, no later than four weeks prior to the opening of the first session of Town Meeting. In addition, the town meeting warrant shall be made available on the Town of Marshfield website or in any other manner allowed by law no later than four weeks prior to the opening of the first session of Town Meeting.
- 2.4. Opening/Closing of Warrant
  - A. The Warrant for Annual Town Meeting shall open for submission of articles on the first (1) Monday in January and shall close on the last Monday in January. For Special Town Meetings, the Warrant shall open no later than 30 days prior to the opening of the first session and shall remain open for 10 days.
  - B. The Board of Selectmen shall give notice of the opening and closing of the Town Meeting Warrant at least seven (7) days prior to such opening or closing to all elected boards, appointed committees and department heads, and shall post such notice in at least ten (10) prominent locations in the Town, including but not limited to the Public Library and Town Hall. Such notice shall be published in a newspaper with general circulation in the Town at least seven (7) days prior to such opening. In addition, notice shall be posted on the Town of Marshfield website at least (7) days prior to such opening.
  - C. If the Board of Selectmen at a duly called public meeting shall declare that an emergency exists requiring action by the Town at the earliest possible time then the provisions of this paragraph 2-4 shall not apply. An emergency for purposes of

this Charter shall mean a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

### ARTICLE 3: ELECTED OFFICIALS

#### 3.1. General Provisions

- A. Elective offices -- The offices to be filled by ballot of the whole town shall be, 1) a Board of Selectmen, 2) a Planning Board, 3) Trustees of the Veterans Memorial, 4) a School Committee, 5) a Moderator, 6) a Housing Authority, and 7) a Board of Health.
- B. Eligibility -- Any registered voter of the town (with the exception of the Town Manager) 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 election for town office shall be held annually on the date fixed by bylaw.

#### 3.2. Elected Town Boards, Duties, Terms, etc.

##### 3.2.1. Selectmen

- A. Composition and Term of Office - The Board of Selectmen shall consist of five (5) members elected to three-year overlapping terms so arranged that the term of two members shall expire each year for each of two years and the term of one member shall expire on the third year. The Selectmen shall receive for their services such compensation as may be provided for that purpose by appropriation.
- B. Vacancy in Office - Vacancies in the office of Selectmen shall be filled by a special election in accordance with the provisions of the General Laws and/or this Charter.
- C. Powers and Duties in General - The executive powers of the town shall be vested in the Board of Selectmen as provided in subparts (1) through (12) of this section.
  - (1) Except as otherwise provided in this Charter, the Board of Selectmen shall have all of the executive powers given to a Board of Selectmen or Board of Public Works by the Constitution and the Massachusetts General Laws, by this Charter, by by-law, and/or by vote of Town Meeting.
  - (2) The Board of Selectmen shall be responsible for the general direction and management of the property and affairs of the town in all matters not otherwise provided for by law, by by-law, by this Charter or by vote of Town Meeting. The Board of Selectmen shall also be responsible 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 policy guidelines designed to bring the operation of all town agencies into harmony. The Board of Selectmen are authorized and empowered in accordance with Massachusetts General Laws, by-law, and this Charter, to appoint a Town Manager as provided in Article 4, over whom they will exercise general supervision as far as his/her duties and responsibilities are concerned.
  - (3) The Board of Selectmen shall cause this Charter, the by-laws of the town, and the rules and regulations for the government of the town to be

enforced and shall cause an up-to-date record of all its official actions to be kept.

(4) The Board of Selectmen shall appoint the Town Manager and Town Counsel and approve the hire of the town audit firm chosen by the Town Manager. The Board of Selectmen is also hereby empowered to appoint all pertinent and necessary ad hoc committees and commissions. The Board of Selectmen also shall have the power to timely reject appointments and/or removals by the Town Manager as provided in Article 4.1.1 G of the Charter.

(5) Except as otherwise provided by law, by by-law, by this Charter or by vote of Town Meeting, the Board of Selectmen shall be the licensing board of the town and shall have the power to issue, to suspend, and to revoke licenses, to make all necessary rules and regulations regarding the issuance, suspension, and renovation of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest. The Board of Selectmen shall enforce the laws relating to all businesses for which it issues such licenses. The Board of Selectmen under this act may delegate or reorganize any local licensing authority or process notwithstanding any general laws relating to local governance to the contrary.

(6) The Board of Selectmen shall be responsible for providing timely audits as required by law. The audits shall be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the government of the Town of Marshfield or any of its officers.

(7) The Planning Board shall be consulted for a written recommendation by the Board of Selectmen prior to any action on the use and siting of any town owned property.

(8) Except as otherwise provided by law, by by-law, by this Charter or by vote of Town Meeting, the Selectmen may appear, either personally or by counsel or through the Town Manager, before any court, committee of the Massachusetts Legislature or before any federal, state or county board or commission or other tribunal to protect the interests of the town.

(9) All deeds conveying land or interests in land executed by the Selectmen, pursuant to due authorization, shall be valid if signed by a majority of the Selectmen and sealed with the town seal.

(10) Except as otherwise provided by law, by by-law, by this Charter or by vote of Town Meeting, the Selectmen, acting on the advice of counsel, may at any time settle any claim, demand or suit against the town which, in the opinion of a majority of the board, is advisable in the best interest of the town to settle.

(11) Except as otherwise provided by law, by by-law, by this Charter or by vote of Town Meeting, the Selectmen may institute and prosecute any and all actions, suits or legal proceedings which they shall deem necessary or advisable in the interest of the town, and may appear in and defend any action, suit or legal proceeding brought against or involving the rights or interests of the town, and they may employ counsel to act in the foregoing matters whenever they deem necessary.

D. Investigations – The Board of Selectmen may investigate and may authorize the Town Manager to investigate the affairs of the town and the conduct of any town

department, including all elected boards, offices or agencies, and any doubtful claims against the town and take any action relative thereto. The report of the results of such investigation shall be placed on file in the office of the Board of Selectmen.

### 3.2.2 Planning Board

- A. Composition, Term of Office -- The Planning Board shall consist of five (5) members elected to five-year overlapping terms so arranged that the term of one member shall expire each year.
- B. Compensation -- The Planning Board shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- C. Powers and Duties -- The Planning Board shall from time to time make careful studies and when necessary prepare plans of the resources, potentials and needs of the town, and upon the completion of any such study, shall submit to the Selectmen and town such part or parts thereof as said board may deem advisable and from time to time may extend or perfect such plan. A master plan for the Town is to be updated or revised in its entirety every 10 years or as the Planning Board or others deem advisable out of funds to be provided by appropriation. In carrying out its tasks the Planning Board may utilize town departments or employ outside consulting firms when special skills are required.
  - (1) The Planning Board shall regulate the subdivision of land within the meaning of the subdivision control law of the General Laws.
  - (2) The Planning Board shall serve in an advisory capacity to any town department as required or requested.
- D. In addition to all powers and duties set forth herein, the Planning Board shall have all such powers and duties as set forth in applicable provisions of the Constitution and the General Laws or as may be authorized by this Charter or by by-law.

### 3.2.3 Trustees of Veterans Memorial

There shall be a Board of Trustees of the Veterans Memorial, which shall be elected and have the power and duties as set forth in the pertinent section of the General Laws (c41 S 105).

### 3.2.4 School Committee

- A. Composition, Term of Office -- The School Committee shall consist of five members elected to three-year overlapping terms so arranged that the term of two members shall expire each year for each of two years and the term of one member shall expire on the third year.
- B. Powers and Duties -- The School Committee shall have all the powers and duties a School Committee may have under the Constitution and General Laws of the Commonwealth, and it shall have such additional power and duties as may be authorized by this Charter or by by-law. The Planning Board shall be consulted for a written recommendation by the School Committee prior to any action on the use or siting of any town owned property.

### 3.2.5 Moderator

- A. Term of Office -- A Moderator shall be elected for a 3-year term.

- B. Compensation -- The Moderator shall receive for his/her services such compensation as may annually be provided for that purpose by appropriation.
- C. Duties -- The Moderator shall preside at all sessions of the town meetings, regulate the proceedings, decide all questions of order, make public declaration of all votes and perform such other duties as may from time to time be assigned to the office through by-law or vote of the town meeting or by this Charter. In addition thereto he/she shall have the duties set forth in ch. 39, Sec. 15 of the General Laws.
- D. Temporary Absence -- The Town Meeting may at any session elect a Moderator pro tempore to preside in the Moderator's absence or if and when he/she declines to preside.

### 3.2.6 Housing Authority

There shall be a Housing Authority whose members shall be elected and/or appointed in accordance with The General Laws.

### 3.2.7 Board of Health

- A. Composition, Term of Office -- The Board of Health shall consist of three (3) members elected to three-year overlapping terms, so arranged that the term of one member shall expire each year.
- B. Compensation -- The members of the Board of Health shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- C. Powers and Duties in General -- The Board of Health shall have all powers and duties as set forth in the applicable provisions of the Constitution, General Laws, or as may be created by by-law or this Charter.

### 3.3 Vacancies

Should a vacancy occur in any elected office, board, commission or committee, such vacancy shall be filled in accordance with the appropriate provisions of the General Laws. No vacancy shall be filled until 14 days after public notice of such vacancy.

## ARTICLE 4: APPOINTED TOWN OFFICIALS, BOARDS, COMMISSIONS AND COMMITTEES

### 4.1 Duties, Terms, etc.

#### 4.1.1 Town Manager

- A. (1) Appointment -- There shall be established in the Town of Marshfield the office of Town Manager, who shall be appointed by a majority vote of the full membership of the Board of Selectmen for an initial term not to exceed three (3) years, as the board may determine, and may be appointed for successive terms of office thereafter which will not exceed three (3) years each.
- (2) Qualifications -- The Town Manager shall be a person of demonstrated ability with administrative experience in municipal management and who is qualified by reason of education and experience.
- (3) Term of Office -- The Town Manager shall devote full-time to the duties of said office and shall not engage in any other business or occupation during such employment by the town, unless such position is approved in writing by a majority vote of the full membership of the Board of Selectmen. The Town Manager shall hold no elective office in the town while serving as Town Manager, but the Board of Selectmen, by a majority vote of the full membership, may appoint the Town

Manager, on an interim basis only, to any non-elective office or position consistent with the responsibilities of the Town Manager. Before entering upon his or her duties, the Town Manager shall be sworn to the faithful and impartial performance thereof by the Town Clerk. The Town Manager shall not have served in an elected office for the Town of Marshfield for at least twelve (12) months prior to his or her appointment.

- B. Additional Qualifications – The Board of Selectmen may, from time to time, establish additional qualifications for the position of Town Manager. To the extent permitted by law, the terms of the Town Manager’s employment may be the subject of a written agreement between the parties consistent with this Charter, setting forth the length of service, compensation, annual review, vacation, sick leave, benefits and such other matters, excluding tenure, as are customarily included in an employment contract.
- C. Compensation – The Board of Selectmen shall set the compensation of the Town Manager, not to exceed the amount appropriated by the Town Meeting for that purpose.
- D. Personnel By-Laws – Except as provided herein, the office of Town Manager shall not be subject to any personnel by-law of the Town of Marshfield.
- E. Residence Requirements – The Town Manager need not be a resident of the Town of Marshfield or the Commonwealth of Massachusetts.
- F. Powers and Duties - General – The Town Manager shall be the chief administrative officer of the town. The Town Manager shall be responsible to the Board of Selectmen for the effective management of all town affairs placed in the Town Manager’s charge by this article, by the Board of Selectmen or by vote of the Town Meeting. The Town Manager shall be responsible for the implementation of town policies established by the Board of Selectmen. The functions and duties of the Town Manager shall include, but not be limited to, the functions and duties in subsections F, G, H, I, J, and K herein.
- G. Powers of Appointment
  - (1) As provided for in this article, the Town Manager shall appoint and remove all department heads, and approve the appointment and removal of all other employees under his/her direction and control or that of his designee, except employees of the school department. The Town Manager shall consult with the appropriate elected or appointed board, commission, committee or official prior to making such department head appointments or removals. Appointments to or removals of such department head positions shall become effective on the fourteenth day following the day notice of appointment or removal is filed with the appropriate board, commission or committee and with the Board of Selectmen, unless the Board of Selectmen shall, within that 14-day period, by at least a majority vote of its full membership, vote to reject said appointment or removal.
  - (2) Department heads shall, subject to the consent and approval of the Town Manager, appoint or remove assistant department heads, officers, subordinates and employees, including employees serving under elected and appointed boards, commissions, committees and officials for whom no other method of selection is provided in this article, except employees of the school department; provided, however, that the department head shall consult with the appropriate elected or appointed board, commission, committee or official prior to making such appointments or removals. The Town Manager may transfer personnel between departments as needed, except for employees of the school department.

- (3) All appointments under this section shall be based on merit and competency.
- H. Powers and Duties – Specific – Administrative – The Town Manager shall:
- (1) be responsible for the day-to-day supervision of all town departments and for the direction of the operations of the town; provided, however, that this section shall not apply to employees of the School Department;
  - (2) be responsible for the efficient administration of all town departments, including department heads, under the direction and supervision of the Town Manager, with the exception of the school department, and of all functions for which the Town Manager is given responsibility, authority or control by this act, by-law, Town Meeting vote, or vote of the majority of the full membership of the Board of Selectmen;
  - (3) reorganize, consolidate, establish or abolish any department or position under the Town Manager's direction or supervision with the approval of a majority of the full membership of the Board of Selectmen. With the approval of both the Board of Selectmen and the Advisory Board, the Town Manager may transfer all or part of any unexpended appropriation of a reorganized, consolidated or abolished department, board, committee or office to any other town department, board or office, except as prohibited by the general laws of the Commonwealth;
  - (4) administer, either directly or through a person that the Town Manager appoints, all provisions of general and special laws applicable to the town including federal and Massachusetts emergency management agencies' requirements, by-laws, votes of the town within the scope of the Town Manager's duty, and all policy rules and regulations made by the Board of Selectmen;
  - (5) establish control and data systems appropriate to monitoring expenditures by town boards and departments to enable the Town Manager to make periodic reports to the Board of Selectmen and the Advisory Board on the status of the town's finances;
  - (6) administer a personnel system, including, but not limited to, determination of rates of pay, fixing amounts and elements of compensation, the development and implementation of an ongoing training program, evaluation process, personnel hiring, termination, and disciplinary policies, practices, and regulations of town employees;
  - (7) attend and participate in all regular and special Board of Selectmen meetings and Town Meetings, unless excused therefrom by the Board of Selectmen;
  - (8) cause full and complete records of meetings of the Board of Selectmen to be taken and maintained, and compile reports of the meetings as requested by the Board of Selectmen;
  - (9) as directed or requested by a vote of the majority of the full membership of the Board of Selectmen act as the liaison with, and the representative of the Board of Selectmen before state, federal, regional, and other governmental authorities;
  - (10) subject to policies established by the Board of Selectmen, approve all warrants or vouchers, including payroll warrants, for payment of town funds submitted by the town accountant;
  - (11) be responsible for approving all grants submitted on behalf of the town; and
  - (12) perform any other duties consistent with the office of the Town Manager as may be required by by-law or vote of the town or by vote of the Board of Selectmen.
- I. Powers and Duties – Specific – Financial

(1) Budget

(a) Within the time period specified in Article 5, the Town Manager shall prepare and submit at a public meeting to the Board of Selectmen and Advisory Board a written proposed balanced budget for town government, including the school department, for the ensuing fiscal year.

(b) The town may, by by-law, establish additional financial reports to be provided by the Town Manager;

(c) To assist said Town Manager in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the town, including the School Committee shall, within the time frame requested by the Town Manager, furnish all relevant information in their possession and submit to the Town Manager, in writing and in such form as the Town Manager shall establish, a detailed estimate of the appropriations required and available funds.

J. Powers and Duties – Specific – Collective Bargaining

(1) The Town Manager shall negotiate collective bargaining contracts on behalf of the Board of Selectmen, which contracts shall be subject to approval, ratification and execution by the board. At its discretion, the Board of Selectmen may appoint or authorize use of additional counsel, as requested by the Town Manager to assist the Town Manager in the negotiations.

(2) The Town Manager shall administer and enforce collective bargaining agreements, personnel rules and regulations, and by-laws adopted by the town, except those pertaining to the School Department.

K. Powers and Duties – Specific – Procurement

(a) The Town Manager shall act as the chief procurement officer for the town, and be responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department.

L. Permanent Vacancy

The Board of Selectmen shall fill any permanent vacancy in the office of the Town Manager as soon as possible. Pending the appointment of a Town Manager or filling of a vacancy, the Board of Selectmen shall, within a reasonable period of time, not to exceed 14 days, appoint some other qualified person to temporarily perform the duties of the Town Manager until a permanent replacement is appointed.

M. Temporary Absence or Disability –

(1) The Town Manager may designate by letter filed with the Town Clerk and Board of Selectmen a qualified officer of the town to perform the duties of Town Manager during a temporary absence or disability.

(2) If the absence or disability exceeds fourteen (14) days, any designation by the town manger shall be subject to the approval of the Board of Selectmen. If the Town Manager fails to make such a designation, or if the person so designated is unable to serve, the Board of Selectmen, by a vote of the majority of its full membership, may designate some other qualified person to perform the duties of Town Manager.

(3) Powers and Duties – The powers and duties of the Acting Town Manager shall be limited to matters not permitting of delay and shall include authority to make temporary, emergency appointments or designations to town offices or employment, but not to make permanent appointments or designations unless authorized by the Board of Selectmen.

N. Removal and Suspension



The Board of Selectmen, by a vote of the majority of its full membership, may terminate and remove or temporarily suspend the Town Manager or acting Town Manager. Prior to any termination or removal, or a suspension exceeding five (5) days, notice shall be given and reasons for the proposed action shall be provided in writing to the Town Manager or acting Town Manager and an opportunity shall be provided for the Town Manager or acting Town Manager to meet with the Board of Selectmen and respond to those reasons. After such meeting, if any, the Board of Selectmen may act by majority vote of the entire Board of Selectmen to terminate, remove or suspend the Town Manager or Acting Town Manager. In the event that the removal, termination or suspension provisions of this section shall conflict with those found in Article 8 - 2, the provisions of this section shall govern the removal, termination or suspension of the Town Manager or acting Town Manager.

#### 4.1.2 Board of Assessors

- A. Composition, Term of Office -- The Board of Assessors shall consist of three (3) members appointed by the Board of Selectmen to three-year overlapping terms, so arranged that the term of one member shall expire each year.
- B. Compensation -- The members of the Board of Assessors shall receive for their services such compensation as may annually be provided for that purpose by appropriation.
- C. Powers and Duties in General -- The Board of Assessors shall have all powers and duties as set forth in the applicable provisions of the General Laws or as may be authorized by this Charter or by-law.

#### 4.1.3 Town Clerk

- A. Term of Office -- The Town Clerk shall be appointed by the Town Manager for a term of three years. He/she shall receive for his/her service such compensation as may annually be provided for that purpose by appropriations.
- B. Powers and Duties -- The Town Clerk shall have the power and duties as set forth in the applicable provisions of the General Laws and such additional power and duties as may be authorized by this Charter or by by-law.
- C. By-Laws -- All town by-laws shall be filed with the Town Clerk. The Town Clerk shall publish, and make available, at reasonable cost, copies of the by-laws and this Charter to all persons requesting them.

#### 4.1.4 Legal Counsel

- A. Term of Office - The Town Counsel shall be appointed by the Board of Selectmen for a term of one year, said term to commence on July 1 of each year, except where a vacancy exists, in which case the appointee shall complete the remainder of the current term. "Town Counsel" as used in this Charter, may refer to an individual or a law firm hired by the Selectmen to provide legal services to the Town. Town Counsel may serve on either a full time or part time basis, in the discretion of the appointing authority, subject to the amount of compensation appropriated for that purpose by the Town.
- B. Duties -- The Town Counsel shall:
  - 1) Be the legal counsel for the Town in its corporate capacity.
    - a. Provide legal consultation and advice to all boards, officers and employees of the Town, as may be authorized by the Board of Selectmen or its designee.

- b. Review all Town Meeting Warrant Articles prior to each Town Meeting and advise the Board of Selectmen and relevant town boards, officers and employees regarding the legality of such articles.
- c. Attend all Annual and Special Town Meetings, and provide such legal consultation and advice as may be requested by Town Meeting.
- d. Conduct or oversee all litigation, including administrative proceedings, in which the Town, its boards or officers are involved in their official capacity, to the extent such legal services are not provided by the town's insurance carriers.
- e. Review and approve as to form all contracts to which the Town is a party.

#### 4.1.5 Advisory Board

- A. **Composition:** There shall be an Advisory Board consisting of nine (9) members with three (3) members appointed each year for a term of three (3) years. Members shall hold no other elected or appointed office in town government nor be an employee of the Town of Marshfield while on the Advisory Board, unless otherwise provided by this Charter, town by-laws or by vote of Town Meeting and shall serve without pay. Members of the board shall choose from among its membership a chair, a vice chair and a clerk.
- B. **Nomination Process for Advisory Board:** Members of the Advisory Board shall be appointed by a majority vote of a nominating committee consisting of three (3) members; each duly authorized to represent their respective board or office. i) The Town Moderator, who shall serve as chair; ii) One (1) member of the Board of Selectmen; and iii) one (1) member of the Advisory Board, except that no member of the Advisory Board shall serve on a nominating committee if that member seeks re-appointment to the Advisory Board and the re-appointment would be the subject of that nominating committee. The nominating committee shall consider only education, skills and experience of individual candidates as they relate to the function of the Advisory Board.
- C. **Responsibilities of the Advisory Board:** The Advisory Board shall investigate and consider all articles in the warrant to be brought before the Town and shall report and advise on such articles at Town meeting. The Advisory Board shall consider short and long-range financial impacts, including both revenue and expenses to ensure financial stability.

#### 4.1.6 Finance Director

There shall be a Finance Director who is responsible for oversight and coordination of the Town's financial activities. The Finance Director shall be appointed by, and report to, the Town Manager with approval of the Board of Selectmen. The Finance Director shall supervise the Town Accountant, Treasurer/Collector, and Town Assessor, and may serve simultaneously in one of these positions. The Finance Director shall also appoint, train, and evaluate any other finance officers as deemed necessary and financially prudent.

#### 4.2 Vacancy

Should a vacancy occur in any appointed office, board or commission, such vacancy shall be filled by the appointing authority in accordance with the provisions of this Charter. No vacancy shall be filled until 14 days after public notice of vacancy.

## ARTICLE 5: FINANCES AND FISCAL PROCEDURES

- 5.1 Fiscal Year -- The fiscal year of the town shall be as required by the General Laws.
- 5.2 Submission of Budget and Budget Message -- On or before the last Monday of January, the Selectmen assisted by the Town Manager shall file with the Advisory Board a proposed operating and capital budget for the ensuing fiscal year with an accompanying budget message and supporting documents.
- 5.3 Budget Message -- The message of the Selectmen shall explain the budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget including capital expenditures, indicate any major treasurer/collector variations from the current year in financial policies, expenditures and revenues together with reasons for such changes, summarize the town's debt position and include other material as the Selectmen may require.
- 5.4 The Budget -- The budget shall provide a complete financial plan of all town funds and activities, including Enterprise Accounts and the budget adopted by the School Committee for the ensuing fiscal year. Except for the school budget or as may otherwise be required by statute or by this Charter, it shall be in the form, which the Selectmen may require. In their presentation of the budget the Selectmen shall utilize modern concepts of fiscal presentation, so as to furnish maximum information and provide the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:
- A. Proposed expenditures for current operations during the ensuing fiscal year, detailed by agency and position in terms of work programs, and the method of financing such expenditures;
  - B. Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and
  - C. Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- 5.5 Action on the budget  
The Board of Selectmen and the Advisory Board shall jointly hold one or more public hearings on the proposed budget not less than fourteen (14) days prior to the town meeting at which it is to be submitted for adoption. The purpose of the public hearing shall include a review and discussion of proposed warrant articles to identify potential obstacles and missing information requiring action prior to Town Meeting.
- 5.6 Capital Improvement Program  
Town officers, board and committees shall, by the third Friday in November of each year, submit to the Capital Budget Committee all requests for capital projects and all information concerning such projects proposed to be undertaken in the next fiscal year. In addition, no later than the third Friday in November of each year, all town officers, boards and committees shall submit to the Capital Budget Committee a capital budget plan listing all capital projects then in effect and anticipated in the following five (5) fiscal years. Capital projects for consideration at a Special Town Meeting should be of an emergency nature only and shall be submitted to the Capital Budget Committee as promptly as the emergency circumstances allow prior to the date of a Special Town Meeting. The Capital Budget Committee will review all current project requests and five year capital budget plans and:

- A. Develop a capital budget article to be presented to the next Annual Town Meeting or Special Town Meeting with recommendations; and
- B. Incorporate all capital budget plans into an overall town capital budget program. The capital improvement program is to be developed and administered in accordance with the capital budget bylaws.

#### 5.7 Financial Public Records

A summary of the budget and capital improvements program and related warrant articles as adopted by the town meeting shall be prepared by the Town Manager under the direction of the Selectmen and made available at the offices of both the Town Clerk and Selectmen for examination by the public not more than thirty (30) days after their adoption. These provisions shall not affect the availability of the annual town report, the town warrant or the report of the Advisory Board.

### ARTICLE 6: GENERAL ORGANIZATION

#### 6.1 General

- A. Subject to the Massachusetts General Laws and the provisions of this Charter, the town meeting may by by-law create, establish, organize, reorganize, consolidate or abolish any town board, commission, committee, department, office or agency in whole or in part as they deem necessary or advisable and shall prescribe the function of all such entities.
- B. All appointments and promotion of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.
- C. No board, commission, committee or study group shall be appointed until the appointing authority clearly sets forth the objectives, duties, authority and term of such body, unless such information is contained in the legislation establishing such body. The foregoing shall not apply to such bodies existing at the adoption of this Charter, but the appointing authority shall give such guidance and direction as any such existing body may reasonable request.

#### 6.2 Contracts

All contracts involving the Town, whether or not requiring expenditure of funds, shall be reviewed by Town Counsel for form and content.

### ARTICLE 7: PROCEDURES

- 7.1 Meetings General -- All multiple member boards, commissions or committees of the town whether elected or appointed or otherwise constituted, shall meet within 30 days of appointment and regularly at such times and places within the town as they may prescribe. Special meetings of any board, commission, or committee shall be held on the call of the respective chairman or by a majority of the members in accordance with the Massachusetts Open Meeting Law (M.G.L. ch 30A, ss 18-25). Special meetings of any board, commission, or committee shall also be called within two (2) weeks after the date of the filing with the Town Clerk of a petition signed by at least twenty-five (25) registered voters and which states the purpose or purposes for which the meeting is to be called.

- 7.2 Meeting Agendas -- All meeting agendas for multiple member boards, commissions or committees of the town whether elected or appointed or otherwise constituted shall be posted in accordance with the Massachusetts Open Meeting Law (M.G.L. ch 30A, s 20).
- 7.3 Rules and Journal -- Each board, commission or committee shall determine their own rules and order of business unless otherwise provided by this Charter or by-law and shall provide for keeping a journal of their proceedings. Those rules and journals shall be a public record kept available in a place convenient to the public at all times and certified copies shall be kept available in the office of the Town Clerk.
- 7.4 Quorum -- Unless otherwise required by law, a majority of the members of the board, commission or committee shall constitute a quorum, but a lesser number may adjourn from time to time.

## ARTICLE 8: RECALL AND REMOVAL

### 8.1 Recall

8.1.1 Who can be recalled -- Any holder of an elective office, as defined in Article 3, may be recalled therefrom by the registered voters of the town as herein provided.

#### 8.1.2 Recall Petition

Any one hundred (100) registered voters of the town may file with the Town Clerk an affidavit on documents issued by the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. Anyone obtaining the affidavit documents from the Town Clerk must return the affidavit documents to the Town Clerk within 14 days with the signatures of the one hundred (100) registered voters, which shall then be certified by the registrars. The Town Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which shall be kept available. The blanks shall be issued by the Town Clerk with his/her signature and official seal attached thereto. 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 of recall as stated in the affidavit, and shall demand the election of a successor in said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within twenty-one (21) days after the filing of the affidavit, and shall have been signed by at least fifteen (15) per cent of the registered voters of each precinct, 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 within fourteen (14) days certify thereon the number of signatures, which are names of registered voters of the town.

#### 8.1.3 Selectmen's Action on Receiving Petition

If the petition shall be found and certified by the Town Clerk to be sufficient he/she shall submit the same with the 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 seventy (70) nor more than eighty (80) days after the date of the Town Clerk's certificate that a sufficient petition has been filed. Provided however, that if any other town election is to occur within ninety (90) days after 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 the election.

8.1.4 Nomination of Candidates

Any officer sought to be removed may be a candidate to succeed himself/herself, and unless he/she requests otherwise in writing, the Town Clerk shall place his/her name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal 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.

8.1.5 Incumbent Holds Office until election

The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he/she shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this section. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

8.2 Removals and Suspensions

8.2.1 Applicability -- Any appointed officer, including a member of any appointed board, commission, committee, or any appointed salaried employee of the town, not subject to the provisions of the state civil service law, and whose position is not subject to any collective bargaining agreement between the town and its employees, whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term cause shall include, but not be limited to the following: Incapacity other than temporary illness, inefficiency, absenteeism, insubordination and conduct unbecoming the office.

8.2.2 Temporary Suspension -- Any appointed officer or salaried employee of the town may be suspended from office by the appointing authority if such action is deemed by them to be necessary to protect the interests of the town. However, no suspension shall be for more than thirty (30) days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

8.2.3 The appointing authority when removing any such officer or employee shall act in accordance with the following procedure:

- A. The employee shall be served with a written notice to show cause why the employee should not be removed and a statement of the cause or causes therefore shall be delivered by registered or certified mail to the last known address of the person sought to be removed.
- B. Within five (5) days of delivery of such notice the officer or employee may request a public hearing at which he/she may be represented by counsel, shall be entitled to present evidence, call witness and to question any witness appearing at the hearing, which hearing shall be held within 15 days of receipt of such notice.
- C. Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing between six (6) and fifteen (15) days after delivery of the notice of intent to remove the appointing

- authority shall take final action, whether removing the officer or employee or notifying him/her that the notice is rescinded.
- 8.2.4 Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed to a fixed term is not reappointed when his/her original term expires.

#### ARTICLE 9: GENERAL PROVISIONS

- 9.1 Charter Changes -- This Charter may be replaced, revised or amended in accordance with the procedures made available by article 89 of the amendments to the state constitution and any legislation enacted to implement the said amendment.
- 9.2 Severability - The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.
- 9.3 Specific Provisions Shall Prevail -- To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.
- 9.4 Rules and Regulations -- A copy of all rules and regulations adopted by an officer, board, commission, committee, department or agency of the town shall be filed in the office of the Town Clerk and made available for review by any person who requests such information.
- 9.5 Number and Gender -- Words importing the singular number may extend and be applied to several people or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.
- 9.6 Periodic Charter Review -- At least once in every 10-year period after the effective date of this Charter, or sooner if approved at Annual Town Meeting, a special committee shall, by an affirmative vote of the majority of the full Board of Selectmen, be established for the purpose of reviewing this Charter and reporting its recommendations at Annual Town Meeting concerning any proposed amendments that the committee may determine to be necessary or desirable. In addition, a warrant article to amend this Charter could be presented to the voters at Town Meeting by the Board of Selectmen or by citizen petition at any time.

#### 10 ARTICLE 10: TRANSITION PROVISION

- 10.1 Continuation of Existing Laws -- All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when this Charter takes effect and which are not specifically repealed or amended or rescinded by due course of law or expire by their own limitation.
- 10.2 Continuation of Government -- All committees, commissions, boards, departments, officers and other agencies of the town shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred.

- 10.2.1 At the annual election, following the acceptance of this Charter amendment by the voters of the town of Marshfield, two additional Selectmen shall be elected. The candidates that receive the highest number of votes shall be elected for a three-year term and the candidate that receives the next highest number of votes shall be elected for a two-year term. Upon the expiration of the initial terms, each term of each Selectmen thereafter elected shall be a three-year term.
- 10.3 Continuation of Administrative Personnel -- Any person holding an office or position in the administrative services of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with this Charter for the performance of the said duties by another person or agency; provided however, that no person in the permanent full time service or employment of the town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.
- 10.4 Transfer of Records and Property -- All records, property and equipment whatsoever of any office, department, or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties and assigned.
- 10.5 Adoption of Certain Acts -- The provisions of Chapter 41 Section 103 of the General Laws are hereby adopted. Said section establishes a purchasing department authorized to purchase all supplies for the town and for every department thereof.
- 10.6 This Charter amendment shall be submitted for acceptance to the voters of the town of Marshfield at an annual town election held following its approval in the form of the following question, which shall be placed on the official ballot to be used at the election: Shall an act entitled "AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF MARSHFIELD" be accepted? A summary prepared by the town counsel noting in summary form the major changes proposed in the Charter by this act shall appear on the ballot. If a majority of the votes cast in answer to the question is in the affirmative, this act shall take affect, but not otherwise.
- 10.7 Effective Date -- This charter became effective on July 1, 1976. Amendments thereto will go into effect upon their passage.